

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019

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

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

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

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

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

PART A

Sec. A-1. Appropriations and allocations. In order to provide for the necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 2018 and June 30, 2019, the following sums as designated in the following tabulations are appropriated or allocated out of money not otherwise appropriated or allocated.

PART B

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

PART C

Sec. C-1. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2017-18 is 8.29.

Sec. C-2. Total cost of funding public education from kindergarten to grade 12. The total cost of funding public education from kindergarten to grade 12 for fiscal year 2017-18 is as follows:

2017-18 TOTAL**Total Operating Allocation**

Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A \$1,867,858,809

Total Debt Service Allocation

Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A \$86,952,263

Total Adjustment to the State Share of the Total Allocation

Total adjustments to the State share of the total allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15689 \$6,304,555

Enhancing Student Performance and Opportunity

\$1,450,000

Total Targeted Education Funds

Total targeted education funds pursuant to the Maine Revised Statutes, Title 20-A, section 15689-A \$69,037,965

Total Normal Cost of Teacher Retirement

\$45,274,070

Total Cost of Funding Public Education from Kindergarten to Grade 12

Total cost of funding public education from kindergarten to grade 12 for fiscal year 2017-18 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B \$2,076,877,662

Total cost of the state contribution to teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2017-18 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423 excluding the normal cost of teacher retirement \$172,880,735

Total cost of the state contribution at postsecondary institutions of courses for credit at postsecondary institutions pursuant to Maine Revised Statutes, Title 20-A, section 15689-A, subsection 11 \$2,000,000

Adjustment pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subsection 2 \$40,968,826

Total cost of funding public education from kindergarten to grade 12 \$2,292,727,223

Sec. C-3. Local and state contributions to total cost of funding public education from kindergarten to grade 12. The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2017 and ending June 30, 2018 is calculated as follows:

	2017-18 LOCAL	2017-18 STATE
Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12		
Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subject to statewide distributions required by law	\$1,085,516,112	\$991,361,550
State contribution to the total cost of teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2017-18 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423		\$172,880,735
State contribution to the total cost of the state contribution at postsecondary institutions of courses for credit at postsecondary institutions for fiscal year 2017-18 pursuant to Maine Revised Statutes, Title 20-A, section 15689-A, subsection 11		\$2,000,000
State contribution to the total cost of funding public education from kindergarten to grade 12		\$1,166,242,285

Sec. C-4. Authorization of payments. If the State's continued obligation for any individual component contained in those sections of this Part that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose exceeds the level of funding provided for that component, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual component. Any unexpended balances from this Part may not lapse but must be carried forward for the same purpose.

Sec. C-5. Limit of State's obligation. Those sections of this Part that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose may not be construed to require the State to provide payments that exceed the appropriation of funds for general purpose aid for local schools for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

Sec. C-6. 20-A MRSA §15671, sub-§1-A, as amended by PL 2015, c. 389, Pt. C, §2, is further amended to read:

1-A. State funding for kindergarten to grade 12 public education. Beginning in fiscal year ~~2017-18~~2018-19 and in each fiscal year thereafter until the state share percentage of the total cost of funding public education from kindergarten to grade 12 reaches 55% pursuant to subsection 7, paragraph B, the State shall increase the state share percentage of the funding for the cost of essential programs and services by at least one percentage point per year over the percentage of the previous year and the department, in allocating funds, shall make this increase in funding a priority. For those fiscal years that the funding appropriated or allocated for the cost of essential programs and services is not sufficient to increase the state share percentage of the total cost of funding public education from kindergarten to grade 12 by at least one percentage point, no new programs or initiatives may be established for kindergarten to grade 12 public education within the department that would divert funds that would otherwise be distributed as general purpose aid for local schools pursuant to subsection 5.

Sec. C-7. 20-A MRSA §15671, sub-§7, ¶B, as amended by PL 2015, c. 481, Pt. D, §1, is repealed.

Sec. C-8. 20-A MRSA §15671, sub-§7, ¶C, as amended by PL 2015, c. 481, Pt. D, §2, is repealed.

Sec. C-9. 20-A MRSA §15671, sub-§7, ¶D is enacted to read:

D. Beginning in fiscal year 2017-18, the annual targets for the state share percentage of the total cost of funding public education from kindergarten to grade 12 including the cost of the components of essential programs and services plus the state contributions to teacher retirement, retired teachers' health insurance, retired teachers' life insurance, plus the eligible institutions' share of the postsecondary enrollment program pursuant to chapter 208-A and section 15689-A, sub-section 11 and less any adjustment to the total allocation for student counts under section 15674, sub-section 1, paragraph C, sub-paragraph 2 are as follows.

(1) For fiscal year 2017-18, the target is 50.87%.

(2) For fiscal year 2018-19, the target is 52.00%

(3) For fiscal year 2019-20 and succeeding years, the target is 55%.

Sec. C-10. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2015, c. 481, Pt. D, §3, is further amended to read:

B. For property tax years beginning on or after April 1, 2005, the commissioner shall calculate the full-value education mill rate that is required to raise the statewide total local share. The full-value education mill rate is calculated for each fiscal year by dividing the applicable statewide total local share by the applicable statewide valuation. The full-value education mill rate must decline over the period from fiscal year 2005-06 to fiscal year 2008-09 and may not exceed 9.0 mills in fiscal year 2005-06 and may not exceed 8.0 mills in fiscal year 2008-09. The full-value

education mill rate must be applied according to section 15688, subsection 3-A, paragraph A to determine a municipality's local cost share expectation. Full-value education mill rates must be derived according to the following schedule.

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

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

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

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

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

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

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

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

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

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

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

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

(10) For the 2017 property tax year ~~and subsequent tax years~~, the full-value education

mill rate is the amount necessary to result in a ~~45%~~ 52.27% statewide total local share in fiscal year 2017-18 ~~and after~~.

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

Sec. C-11. 8 MRSA §1036, sub-§2-A, ¶A, as enacted by IB 2009, c. 2, §45, is amended to read:

A. Twenty-five percent of the net slot machine income must be forwarded directly by the board to the Treasurer of State, who shall credit the money to the Department of Education, to be used ~~to supplement and not to supplant funding~~ for essential programs and services for kindergarten to grade 12 under Title 20-A, chapter 606-B;

Sec. C-12. 8 MRSA §1036, sub-§2-B, ¶A, as enacted by IB 2009, c. 2, §46, is amended to read:

A. Ten percent of the net table game income must be forwarded directly by the board to the Treasurer of State, who shall credit the money to the Department of Education, to be used ~~to supplement and not to supplant funding~~ for essential programs and services for kindergarten to grade 12 under Title 20-A, chapter 606-B;

Sec. C-13. 20-A MRSA §15671, sub-§5-A, as amended by PL 2015, c. 267, Pt. C, §5, is further amended to read:

5-A. Funds from casino slot machines or table games. Revenues received by the department from casino slot machines or casino table games pursuant to Title 8, section 1036, subsection 2-A, paragraph A or Title 8, section 1036, subsection 2-B, paragraph A must be distributed ~~until the end of fiscal year 2014-15~~ as general purpose aid for local schools, ~~and each school administrative unit shall make its own determination as to how to allocate these resources.~~ ~~Beginning in fiscal year 2017-18, \$4,000,000 in revenues must be distributed by the department to provide start-up funds for approved public preschool programs for children 4 years of age in accordance with chapter 203, subchapter 3.~~ Neither the Governor nor the Legislature may divert the revenues payable to the department to any other fund or for any other use. Any proposal to enact or amend a law to allow distribution of the revenues paid to the department from casino slot machines or casino table games for another purpose must be submitted to the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over education matters at least 30 days prior to any vote or public hearing on the proposal.

Sec. C-14. 20-A MRSA §15671, sub-§7, ¶A, as amended by PL 2013, c. 368, Pt. C, §6, is repealed and the following is enacted in its place:

A. Beginning July 1, 2017, the base total calculated pursuant to section 15683, subsection 2 is subject to the following annual targets.

(1) For fiscal year 2017-18, the target is 97%.

(2) For fiscal year 2018-19, the target is 98%.

(3) For fiscal year 2019-20, the target is 99%.

(4) For fiscal year 2020-21 and succeeding years, the target is 100%.

Sec. C-15. 20-A MRSA §15683-B, sub-§3, as enacted by PL 2015, c. 54, §6, is amended to read:

3. Operating allocation. The commissioner shall determine a public charter school's operating allocation for each year as the sum of:

A. The base allocation, which is the pupil count pursuant to subsection 2, paragraph A multiplied by the public charter school's EPS per-pupil rates calculated pursuant to subsection 1;

B. The economically disadvantaged student allocation, which is the pupil count determined pursuant to subsection 2, paragraph B multiplied by the additional weight for each economically disadvantaged student pursuant to section 15675, subsection 2;

C. The limited English proficiency student allocation, which is the pupil count pursuant to subsection 2, paragraph C multiplied by the additional weight for each limited English proficiency student pursuant to section 15675, subsection 1;

D. The targeted funds for standards-based system allocation, which is based on the per-pupil amount pursuant to section 15683, subsection 1, paragraph C multiplied by the pupil count pursuant to subsection 2, paragraph A;

E. The targeted funds for technology resource allocation, which is based on the per-pupil amount pursuant to section 15683, subsection 1, paragraph D multiplied by the pupil count in subsection 2, paragraph A; and

F. The targeted funds for ~~public preschool~~ kindergarten to grade 2 student allocation, which is based on the ~~preschool~~ kindergarten to grade 2 pupil count pursuant to subsection 2, paragraph A multiplied by the additional weight for each public preschool to grade 2 student pursuant to section 15675, subsection 3 and then multiplied by the public charter school's elementary EPS per-pupil rates in subsection 1.

~~The operating allocation calculated pursuant to this subsection must be adjusted by multiplying it by the appropriate transition percentage in accordance with section 15671, subsection 7.~~

Sec. C-16. 20-A MRSA §15674, sub-§1, ¶C, as amended by PL 2007, c. 667, §15, is repealed and the following is enacted in its place:

C. Beginning July 1, 2017, the average of the 2 pupil counts for April 1st and October 1st of the most recent calendar year prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made in accordance with section 5104-A.

Sec. C-17. 20-A MRSA §15676, sub-§1, as amended by RR 2011, c. 2, §19, is repealed and the following is enacted in its place:

1. Teaching staff costs. Beginning July 1, 2017, the salary and benefit costs for school level teaching staff that are necessary to carry out this Act, calculated in accordance with section 15678, adjusted by the regional adjustment under section 15682;

Sec. C-18. 20-A MRSA §15676, sub-§2, as amended by RR 2011, c. 2, §19, is repealed and the following is enacted in its place:

2. Other staff costs. Beginning July 1, 2017, the salary and benefit costs for school-level staff who are not teachers, but including substitute teachers, that are necessary to carry out this Act, calculated in accordance with section 15679, adjusted by the regional adjustment under section 15682; and

Sec. C-19. 20-A MRSA §15678, sub-§2, as enacted by PL 2003, c. 504, Pt. A §6, is repealed and the following is enacted in its place:

2. Ratios. Beginning July 1, 2017, in calculating the salary and benefit costs pursuant to this section, the commissioner shall utilize the following student-to-teacher ratios.

A. For the elementary school level, the student-to-teacher ratio is 17:1.

B. For the middle school level, the student-to-teacher ratio is 17:1.

C. For the high school level, the student-to-teacher ratio is 16:1.

Sec. C-20. 20-A MRSA §15679, sub-§2, ¶A, sub-¶1, as enacted by PL 2003, c. 504, Pt. A, §6, is repealed and the following is enacted in its place:

(1) Beginning July 1, 2017, the student-to-education technician ratio is 114:1 for the elementary school level and 312:1 for the middle school level;

Sec. C-21. 20-A MRSA §15679, sub-§2, ¶B, sub-¶1, as enacted by PL 2003, c. 504, Pt. A, §6, is repealed and the following is enacted in its place:

(1) Beginning July 1, 2017, the student-to-education technician ratio is 316:1;

Sec. C-22. 20-A MRSA §15680, sub-§1, ¶A, as amended by PL 2007, c. 240, Part XXXX, §25, is repealed.

Sec. C-23. 20-A MRSA §1051, sub-§6, ¶D, is enacted as follows:

D. A group of school administrative units that have an interlocal agreement pursuant Title 30-A, chapter 115 in order to establish a regional education service agency to jointly purchase the services of a superintendent, may elect the superintendent in the manner prescribed in their interlocal agreement.

Sec. C-24. 20-A MRSA §15675, sub-§3, as amended by PL 2013, c. 581, §8, is repealed and the following is enacted in its place:

3. Kindergarten to grade 2 students. Beginning July 1, 2017, if a school administrative unit is eligible to receive targeted funds for its public preschool to grade 2 program under section 15681, then for each kindergarten to grade 2 student the unit receives an additional weight of .15. Beginning in 2018-19, this shall be expanded to include grade 3.

Sec. C-25. 20-A MRSA §15681, sub-§4, as amended by PL 2007, c. 141, §17, is repealed and the following is enacted in its place:

4. Kindergarten to grade 2 funds. Beginning July 1, 2017, for targeted kindergarten to grade 2 funds, the commissioner shall calculate the amount that equals the EPS per pupil rate calculated pursuant to section 15676 or 15676-A multiplied by the additional weight calculated pursuant to section 15675, subsection 3. School administrative units may only use these funds for programs and services to improve student achievement. Those programs and services include extended day programs, extended year programs, tutoring, instructional coaches, professional development, substitute teachers for the purpose of providing teachers with time for planning, collaboration, professional development and additional transportation services that occur as a result of implementing extended day and extended year programs and other programs and services that have received prior approval by the commissioner. For eligibility to receive these funds, school administrative units shall annually provide an assurance that these funds will be expended in accordance with this section and shall annually report expenditures for these programs and services, number of students served and a summary of the programs and services activities, results, goals and the extent to which these have been achieved.

Sec. C-26. 20-A MRSA §6051, sub-§1, as amended by PL 2013, c. 167, Pt. A, §§3-5 is further amended to read:

1. Audit. A school board shall provide for an annual audit of the school administrative unit. The audit shall include the following:

A. Accountability of all revenues and expenditures;

B. A determination of whether or not proper budgetary controls are in place;

- C. A determination of whether or not the annual financial data submitted to the department is correct;
- D. An audit of all federal programs in accordance with applicable federal law including a written determination that the audit has been conducted in accordance with applicable federal laws relating to financial and compliance audits as indicated in federal Office of Management and Budget circulars;
- E. A determination as to whether the school administrative unit has complied with applicable provisions of the Essential Programs and Services Funding Act;
- F. Any other information that the commissioner may require;
- G. A determination of whether the school administrative unit has complied with transfer limitations between budget cost centers pursuant to section 1485, subsection 4;
- H. A determination of whether the school administrative unit has complied with budget content requirements pursuant to section 15693, subsection 1 and cost center summary budget format requirements pursuant to sections 1305-C, 1485, 1701-C and 2307;
- I. A determination of whether the school administrative unit has exceeded its authority to expend funds, as provided by the total budget summary article;
- J. A determination of whether the school administrative unit has complied with the applicable provisions of the unexpended balances requirements established under section 15004; ~~and~~
- K. A schedule of expenditures of federal awards; and
- L. Beginning July 1, 2017, a determination of whether the school administrative unit has complied with section 15681, subsection 4.

Sec. C-27. 20-A MRSA §15686-A, as amended by PL 2015, c. 489, §8, is further amended to read:

1. Components to be reviewed beginning in fiscal year ~~2006-07~~2017-18. Beginning in fiscal year ~~2006-07~~2017-18, and at least every 3 years thereafter, the commissioner, using information provided by a statewide education policy research institute, shall review the essential programs and services student-to-staff ratios, salary and benefits matrices, ~~transportation~~, small schools adjustments, labor markets and gifted and talented components and components related to implementation of proficiency-based reporting and graduation requirements under this chapter and shall submit to the joint standing committee of the Legislature having jurisdiction over education matters any recommended changes for legislative action.

2. Components to be reviewed beginning in fiscal year ~~2007-08~~2018-19. Beginning in fiscal year ~~2007-08~~2018-19, and at least every 3 years thereafter, the commissioner, using information provided by a statewide education policy research institute, shall review the essential programs and services career and technical education, special education, specialized student populations, system administration and operations and maintenance components under this chapter and shall submit to the joint standing committee of the Legislature having jurisdiction over education matters any recommended changes for legislative action.

3. Components to be reviewed beginning in fiscal year ~~2008-09~~ and ~~2016-17~~2019-20.

Beginning in fiscal year ~~2008-09~~2019-20, and at least every 3 years thereafter, the commissioner, using information provided by a statewide education policy research institute, shall review the essential programs and services professional development, student assessment, technology, transportation, leadership support, cocurricular and extra-curricular activities and supplies and equipment components under this chapter and shall submit to the joint standing committee of the Legislature having jurisdiction over education matters any recommended changes for legislative action.

~~**4. Components to be reviewed beginning in fiscal year 2017-18.** Beginning in fiscal year 2017-18, and at least every 3 years thereafter, the commissioner, using information provided by a statewide education policy research institute, shall review the essential programs and services components under this chapter related to implementation of proficiency-based reporting and graduation requirements and shall submit to the joint standing committee of the Legislature having jurisdiction over education matters any recommended legislative changes.~~

The commissioner may adjust the schedule by replacing one component in one year with another component in another year if information on a specific component is needed in an earlier timeframe. This replacement may not result in a component being reviewed beyond a four year period. The commissioner may include a review of one or more of the components from sections 15688-A, 15689 and 15689-A to the schedule in addition to the components listed in this section.

Sec. C-28. 20-A M RSA §15688-A, sub-§3, as amended by PL 2015, c. 489, §9, is repealed.

Sec. C-29. 20-A M RSA §4722-A, sub-§4, as amended by PL 2015, c. 489, §2, is repealed.

Sec. C-30. 20-A M RSA §15688-A, sub-§5, as enacted by PL 2015, c. 267, Pt. C, §11, is repealed.

Sec. C-31. 20-A M RSA §15688-A, sub-§7, as enacted by PL 2015, c. 267, Pt. C, §11, is repealed.

Sec. C-32. 20-A M RSA §15681, sub-§6, as enacted by PL 2011, c. 635, Pt. A, §5, is repealed.

Sec. C-33. 20-A M RSA §15689, sub-§1, ¶B, as amended by PL 2015, c. 389, Pt. C, §7, is repealed and the following is enacted in its place:

B. Beginning July 1, 2017, the school administrative unit's special education costs as calculated pursuant to section 15681-A, subsection 2 multiplied by thirty-three percent:

Sec. C-34. 20-A MRSA §15689, sub-§9, as enacted by PL 2015, c. 240, Pt. D, §6, is amended to read:

9. Regionalization, consolidation and efficiency assistance adjustment. The commissioner may expend and disburse funds limited to the amount appropriated by the Legislature to carry out the purposes of promoting regionalization, consolidation and efficiency. These funds ~~must~~ may be an adjustment to the qualifying school administrative unit's state allocation. The commissioner may also expend and disburse these funds as follows:

A. For direct contractual agreements to provide legal services, facilitation services and other services to assist school administrative unit with planning and implementing regionalization, consolidation and efficiencies; and

B. For direct support to education service agencies established pursuant to section 1051, subsection 6.

Sec. C-35. 20-A MRSA §15689, sub-§13, ¶A, as amended by RR 2011, c. 2, §20, is further amended to read:

A. Approval of bus refurbishing must be based on eligibility requirements established by the commissioner, including, but not limited to, the age, mileage and expected useful life of the bus. Bus refurbishing may include safety upgrades and technology capability.

Sec. C-36. 20-A MRSA §15689-A, as enacted by PL 2005, c. 2, Pt. D, §61, is amended to read:

§15689-A. Authorization of Payment of ~~Miscellaneous Costs~~ Targeted Education Funds

Sec. C-37. 20-A MRSA §15689-A, sub-§1, as enacted by PL 2005, c. 12, Pt. WW, §18, is amended to read:

1. Payment of state agency client costs. State agency client costs are payable pursuant to this subsection. As used in this subsection, "state agency client" has the same meaning as defined in section 1, subsection 34-A.

A. The commissioner shall approve special education costs and supportive services, including transportation, for all state agency clients placed in residential placements by an authorized agent of a state agency.

B. Special education costs authorized by this subsection for state agency clients must be paid by the department in the allocation year at 100% of actual costs.

C. The commissioner shall pay only approved special education costs and supportive services, including transportation, authorized by this subsection for state agency clients and may not allocate for those special education costs and supportive services, including transportation, incurred by the school administrative unit for state agency clients in the base years starting July 1, 1985, and every base year thereafter.

D. Transportation costs for state agency clients, when provided in accordance with rules established by the commissioner under section 7204, must be paid by the department in the allocation year at 100% of actual costs.

E. The commissioner may pay tuition to school administrative units or private schools for education institutional residents within the limits of the allocation made under this section.

F. The commissioner may deduct from these funds and pay on behalf of the state agency clients allowable school-based costs that represent the State's portion of MaineCare payments. A transfer of payment by the department to the Department of Health and Human Services must be made pursuant to a schedule agreed upon by the Department of Health and Human Services and the department and in a manner that remains in compliance with federal intergovernmental transfer requirements.

Sec. C-38. 20-A MRSA §15689-A, sub-§2, as enacted by PL 2005, c. 2, Pt. D, §60, is repealed.

Sec. C-39. 20-A MRSA §15689-A, sub-§4, as enacted by PL 2005, c. 2, Pt. D, §61, is repealed.

Sec. C-40. 20-A MRSA §15689-A, sub-§8, as enacted by PL 2005, c. 12, Pt. D, §3, is repealed.

Sec. C-41. 20-A MRSA §15689-A, sub-§12, as amended by PL 2011, c. 702, §3, is repealed.

Sec. C-42. 20-A MRSA §13007, sub-§2, ¶D, as amended by PL 2015, c. 395, §5, is repealed.

Sec. C-43. 20-A MRSA §13013-A, as amended by PL 2011, c. 702, §2, is further amended to read:

§13013-A. Salary Supplements Scholarship Fund for National Board-Certified Teachers

~~**1. Department of Education salary supplement.** Notwithstanding any other provision of law, the Department of Education shall provide a public school teacher or a teacher in a publicly supported secondary school who has attained certification from the National Board for Professional Teaching Standards, or its successor organization, with an annual national board certification salary supplement for the life of the certificate. The salary supplement must be added to the teacher's base salary and must be considered in the calculation for contributions to the Maine Public Employees Retirement System. If a nationally certified teacher is no longer employed as a teacher, the supplement ceases. The amount of the salary supplement is:~~

- ~~A. For fiscal year 2012-13, \$2,500;~~
- ~~B. For fiscal year 2013-14, \$2,750; and~~
- ~~C. For fiscal year 2014-15 and succeeding years, \$3,000.~~

~~**1-A. Funding revenue.** The National Board Certification Salary Supplement Fund is established as a nonlapsing dedicated fund within the Department of Education beginning in fiscal year 2012-13. The salary supplement under subsection 1 must be funded from fees collected by the department pursuant to section 13007, subsection 1.~~

~~**2. Local filing; certification.** On or before October 15th annually, the superintendent of schools of a school administrative unit or the chief administrative officer of a publicly supported secondary school or a career and technical education region shall file with the commissioner a certified list of national board certified teachers eligible to receive the salary supplement pursuant to subsection 1.~~

~~**3. Payment.** The department shall provide the salary supplement to school administrative units and publicly supported secondary schools for eligible teachers no later than February 15th of each year.~~

~~**4. Expend funds.** A school administrative unit or a publicly supported secondary school may expend funds received through the salary supplement under subsection 1 without calling for a special meeting of the local legislative body.~~

~~**5. Scholarship fund.** The National Board Certification Scholarship Fund is established as a nonlapsing dedicated fund, referred to in this subsection as "the scholarship fund," within the Department of Education to encourage teachers to apply to and enroll in the certification program offered by the National Board for Professional Teaching Standards or its successor organization, referred to in this subsection and subsection 6 as "the certification program." A school administrative unit or a publicly supported secondary school may request scholarship funds on behalf of its teachers who meet the requirements set forth in subsection 6. The department shall award funds according to this subsection.~~

- ~~A. In fiscal year 2012-13, the department shall allocate \$50,000 from fees collected by the department pursuant to section 13007, subsection 1 to the scholarship fund. The department shall award an amount equal to the cost of the certification program less any other funds received by the applicant on a first-come first-served basis for the first 20 teachers accepted into the certification program annually.~~

B. Beginning in fiscal year 2013-14, the department shall allocate \$75,000 from fees collected by the department pursuant to section 13007, subsection 1 each fiscal year to the scholarship fund. The department shall award an amount equal to the cost of enrollment in the certification program less any other funds received by the applicant ~~to not more than 30 teachers accepted into the program annually.~~

6. Eligibility requirements. In order to receive scholarship funds according to subsection 5 on behalf of a teacher, the school administrative unit or a publicly supported secondary school must certify to the department that the teacher:

- A. Is currently employed by a school administrative unit or a publicly supported secondary school;
- B. Has completed at least 3 years of teaching in the State;
- C. Has agreed to mentor at least one other teacher employed in the State through the national board certification process to apply to and enroll in the certification program;
- D. Has provided documentation of acceptance into the certification program; and
- E. Has disclosed any other funds received to cover the cost of the certification program.

7. Nonlapsing funds. Any unencumbered balance of the National Board Certification Scholarship Fund under subsection 5 remaining at the end of a fiscal year may not lapse but must be carried forward to be used for the same purpose.

Sec. C-44. 20-A MRSA §15689-A, sub-§12-A, as amended by PL 2011, c. 354, §2, is further amended to read:

12-A. Learning through technology. The commissioner may pay costs attributed to professional and administrative staff support ~~consisting of one Education Team and Policy Director position, 2 Education Specialist III positions, one Planning and Research Associate I position, one Director of Special Projects position and 2 Education Specialist II positions,~~ professional development and training in the use of open educational resources and open-source textbooks and system maintenance for a program that promotes learning through technology. A transfer of All Other funds from the General Purpose Aid for Local Schools account to the All Other line category in the Learning Through Technology General Fund nonlapsing account sufficient to support the All Other costs and the agreement that provides one-to-one wireless computers for 7th grade, 8th grade and high school students and educators may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. C-45. 20-A MRSA §15689-A, sub-§16, as amended by PL 2009, c. 213, Pt. C, §12, is further amended to read:

16. Transportation administration. The commissioner may pay costs attributed to professional and administrative staff support ~~one Education Specialist III position~~ and system

maintenance necessary to implement the transportation requirements of this chapter and chapter 215.

Sec. C-46. 20-A MRSA §15689-A, sub-§17, as enacted by PL 2007, c. 539, Pt. W, §3, is amended to read:

17. Special education and coordination of services for juvenile offenders. The commissioner may pay certain costs attributed to staff support and associated operating costs for providing special education and providing coordination of education, treatment and other services to juvenile offenders at youth development centers in Charleston and South Portland. A transfer of All Other funds from the General Purpose Aid for Local Schools account to the Personal Services and All Other line categories in the Long Creek Youth Development Center General Fund account within the Department of Corrections, sufficient to support 2 Teacher positions, one Education Specialist II position and one Office Associate II position ~~and to the Mountain View Youth Development Center General Fund account within the Department of Corrections, sufficient to support one Teacher position~~, may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. C-47. 20-A MRSA §15689-A, sub-§18, as amended by PL 2015, c. 267, Pt. C, §13, is repealed.

Sec. C-48. 20-A MRSA §15689-A, sub-§20, as enacted by PL 2011, c. 380, Pt. C, §6, is repealed.

Sec. C-49. 20-A MRSA chapter 227, as enacted by PL 2009, c. 296, §1, is repealed.

Sec. C-50. 20-A MRSA §15689-A, sub-§22, as amended by PL 2015, c. 63, §1, is repealed.

Sec. C-51. 20-A MRSA §15689, sub-§14, is enacted to read:

14. MaineCare seed for school administrative units. The commissioner may deduct from a school administrative unit's state subsidy and pay on behalf of the school administrative unit allowable school-based costs that represent the school administrative unit's portion of MaineCare payments. A transfer of payment by the department to the Department of Health and Human Services must be made pursuant to a schedule agreed upon by the Department of Health and Human Services and the department and in a manner that remains in compliance with federal intergovernmental transfer requirements. No later than 90 days after the incurrence of allowable school-based payments to schools, the Department of Health and Human Services shall provide the detailed payment information to the department. The department shall make this information

available and apply the adjustment to the appropriate school administrative units within 30 days of receipt of the detailed payment information from the Department of Health and Human Services.

Sec. C-52. 20-A MRSA §15689-A, sub-§24, as amended by PL 2015, c. 267, Pt. C, §14, is repealed.

Sec. C-53. 20-A MRSA §15689-A, sub-§25, as enacted by PL 2015, c. 363, §5, is repealed.

Sec. C-54. 20-A MRSA §15689-A, sub-§27, is enacted to read:

27. Exploratory programs to benefit STEM students. The commissioner may expend and disburse funds through a competitive grant process to establish pilot programs that would benefit students in public schools in the fields of science, computer science, technology, engineering and mathematics. The grants to pilot programs must include requirements for annual financial reporting and include annual evaluation processes to determine the effectiveness of the program and improvement of the student's achievement.

Sec. C-55. 20-A MRSA §15689-A, sub-§28, is enacted to read:

28. Maine Autism Institute for Education and Research. The commissioner may expend and disburse funds to provide training for identification and intervention services for children with autism.

Sec. C-56. 20-A MRSA §15681-A, sub-§2, as enacted by PL 2005, c. 2, Pt. D, §44, is repealed and the following is enacted in its place:

2. Special education costs. A school administrative unit receives an additional weight of 1.50 for each special education student identified on the annual December 1st child count as required by the federal Individuals with Disabilities Education Act for the most recent year, up to a maximum of 15% of the school administrative unit's resident pupils as determined under section 15674, subsection 1, paragraph C, subparagraph (1). For those school administrative units in which the annual December 1st child count for the most recent year is less than 15% of the school administrative unit's resident pupils as determined under section 15674, subsection 1, paragraph C, subparagraph (1), the special education child count percentage may not increase more than 0.5% in any given year, up to a maximum of 1.0% in any given 3-year period. For each special education student above the 15% maximum, the unit receives an additional weight of .38. In addition, each school administrative unit must receive additional allocations:

A. For lower staff-student ratios and expenditures for related services for school administrative units with fewer than 20 special education students identified on the

annual December 1st child count as required by the federal Individuals with Disabilities Education Act for the most recent year;

B. For high-cost in-district special education placements. Additional funds must be allocated for each student estimated to cost 3 times the statewide special education EPS per-pupil rate. The additional funds for each student must equal the amount by which that student's estimated costs exceed 3 times the statewide special education EPS per-pupil rate;

C. A separate allocation shall be determined for high-cost out-of-district special education placements. Additional funds must be allocated for each student estimated to cost 4 times the statewide special education EPS per-pupil rate. The additional funds for each student must equal the amount by which that student's estimated costs exceed 4 times the statewide special education EPS per-pupil rate.

The commissioner shall develop an appeals procedure for calculated special education costs for school administrative units.

Sec. C-57. 20-A MRSA §15681-A, sub-§2-A, as enacted by PL 2007, c. 240, Pt. XXXX, §27, is repealed.

Sec. C-58. 20-A MRSA §15689, sub-§15, is enacted to read:

15. Special education budgetary hardship adjustment. Beginning in 2018-19 fiscal year, the following provisions apply to adjustments for special education budgetary hardships.

A. If a school administrative unit determined eligible pursuant to paragraph B petitions the commissioner and demonstrates that the unexpected education costs of placement of a student in a special education program will cause a budgetary hardship, the commissioner may provide to the unit an amount not to exceed the allowable costs of the placement less 3 times the statewide special education EPS per-pupil rate for in-district placements or less 4 times the statewide special education EPS per-pupil rate for out-of-district placements. The allowable costs are those special education costs described in section 15672, subsection 30-A, paragraphs A and B.

B. The commissioner shall determine that a school administrative unit is eligible for an adjustment under paragraph A if:

(1) The student's placement is a result of an appeal approved by the commissioner pursuant to section 5205, subsection 6 or the student became the fiscal responsibility of the school administrative unit after the passage of that unit's budget for the current fiscal year; and

(2) The school administrative unit's unexpected allowable costs result in a 5% or more increase in the percentage of the unit's special education budget category to the unit's total budget excluding the debt service budget category.

C. The funds for adjustments under paragraph A are limited to the amount appropriated by the Legislature for that purpose and any unexpended balance from another program's appropriated amounts under this chapter may be applied by the commissioner toward the adjustments.

D. A school administrative unit may expend the funds from the adjustment under paragraph A without seeking approval by the unit's legislative body.

Sec. C-59. 20-A MRSA §15681-A, sub-§4, as amended by PL 2015, c. 267, Pt. C, §9, is further amended to read:

4. Career and technical education costs. Career and technical education costs in the base year adjusted to the year prior to the allocation year. This subsection does not apply to the ~~2017-18~~ 2018-19 funding year and thereafter; and

Sec. C-60. 20-A MRSA §15688-A, sub-§1, as amended by PL 2015, c. 267, Pt. C, §10, is further amended to read:

1. Career and technical education costs. Beginning in fiscal year ~~2017-18~~2018-19, the allocation for career and technical education must be based upon a program-driven model that considers components for direct instruction, central administration, supplies, operation and maintenance of plant, other student and staff support and equipment. Monthly payments must be made directly to school administrative units with career and technical education centers and directly to career and technical education regions. If a school administrative unit with a career and technical education center or a career and technical education region has any unexpended funds at the end of the fiscal year, these funds must be carried forward for the purposes of career and technical education.

Sec. C-61. 20-A MRSA §2410, sub-§3, is enacted to read:

3. Maine School for Marine Science, Technology, Transportation and Engineering.
The Maine Charter School Commission shall be responsible for the oversight of the Maine School for Marine Science, Technology, Transportation and Engineering in accordance with section 8235-A. The Maine School for Marine Science, Technology, Transportation and Engineering shall not be included in the number of public charter schools in accordance with section 2405, sub-section 9.

Sec. C-62. 20-A MRSA §8232, sub-§2, as enacted by PL 2015, c. 363, §4, is amended to read:

2. Tuition; room and board; funding. Students from this State may attend the school free of tuition charges. Additional funding for students from this State may be provided within amounts appropriated for that purpose as follows.

~~A. The amount must be paid in 4 equal quarterly payments during the year of attendance. The first payment must be made by July 31st. The amount of tuition and other costs paid for all students is limited to the amount appropriated for this purpose. State funding for the Maine School for Marine Science, Technology, Transportation and Engineering shall be the same method established for public charter schools authorized by the Maine Charter School Commission, in accordance with the funding provisions established in section 2413-A and section 15683-B. To be eligible for state funding under this paragraph, a student must have resided in Maine with a parent, other relative or guardian for at least 6 months immediately preceding application to the school.~~

~~B. Except as otherwise provided in this paragraph, effective July 1, 2018, the student or the student's parent or guardian shall pay to the school the cost of room and board for the school year. In the case of financial need, the State shall pay to the school the difference between the cost of room and board and the student's or the student's family's ability to pay that cost. The board of trustees shall establish rules governing the determination of financial need and the cost and schedule of payment of room and board under this paragraph. The determination of financial need must be based on a nationally recognized public or private school financial needs assessment system. A student may use scholarship funds in place of payment for all or part of the cost of room and board and any other fees or expenses incurred as a result of that student's enrollment at the school.~~

Sec. C-63. 20-A MRS §8235-A, is enacted to read:

§8235-A. Oversight by the Maine Charter School Commission

The Maine Charter School Commission shall provide oversight of the Maine School for Marine Science, Technology, Transportation and Engineering and this oversight must include the following.

1. Data collection; monitoring. For the Maine School for Marine Science, Technology, Transportation and Engineering, the Maine Charter School Commission is responsible for collecting, analyzing and reporting all data from state assessments in accordance with the performance framework developed under section 2409, subsection 1. The Maine Charter School Commission shall monitor the performance and legal compliance of the Maine School for Marine Science, Technology, Transportation and Engineering, including collecting and analyzing all data to support ongoing evaluation of this school. The Maine School for Marine Science, Technology, Transportation and Engineering shall provide the Maine Charter School Commission with information that the Commission requests to carry out the purposes of this section in the specified format with the specific content and within the time schedules established by the Commission.

2. Notification of unsatisfactory performance or compliance. In the event that the Maine School for Marine Science, Technology, Transportation and Engineering's performance or legal compliance appears unsatisfactory, the Maine Charter School Commission shall promptly provide written notice to the school of perceived problems and provide reasonable opportunity for the school to remedy the problems. The Maine Charter School Commission shall

provide the Commissioner of Education with a copy of the written notice and a report of the plan the school has to remedy the problem.

Sec. C-64. School Finance Act of 2017. The commissioner shall develop a plan for the funding of public education from kindergarten through grade 12 by using the local and state contributions. The plan for a new school funding formula must be based on providing direct instruction and support for student learning, include a statewide teacher contract and the implementation of a system to measure and ensure that school administrative units are held accountable for the intended use of the State funds. The new funding formula must ensure that direct instructional programs and services are available to all students and be available in all schools on an equitable basis. The new school funding formula must be implemented no later than the 2019-20 school year.

Sec. C-65. Effective date. The following sections of this Part have the following effective dates:

1. Sections 15 and 43 are amended effective beginning on July 1, 2017.
2. Sections 22, 28, 29, 30, 31, 32, 39 and 41 are repealed effective beginning on July 1, 2017.
3. Section 64 is enacted effective beginning on July 1, 2017.
4. Section 56 is repealed and replaced effective beginning on July 1, 2018.
5. Sections 48 and 49 are repealed effective beginning on July 1, 2019.
6. Section 53 is repealed effective beginning on July 1, 2021.
7. All other sections in this Part are effective beginning on the same date that this Act becomes effective unless otherwise specified within each respective section.

PART C SUMMARY

This Part does the following:

1. Sections 1 through 13 of this Part establishes the Total Cost of Education from Kindergarten to Grade 12 for fiscal year 2017-18, the state contribution and the annual target state share percentage.
2. Sections 14 through 55 of this Part provides statutory changes to the essential programs and services funding act chapter 606-B for implementation in the 2017-18 school year.
3. Sections 56 through 60 of this Part provides statutory changes to the essential programs and services funding act chapter 606-B for implementation in the 2018-19 school year.
4. Sections 61 through 63 provide statutory changes for the funding and oversight of the Maine School for Marine Science, Technology, Transportation and Engineering.
5. Section 64 directs the Commissioner of the Department of Education to develop a plan for funding public education from kindergarten through grade twelve. The plan must be based on providing direct instruction and support for student learning and include the establishment of a system to measure and ensure accountability for the use of the State

funds. The new school funding formula must be implemented by the 2019-20 school year.

6. Section 65 sets the effective dates for all sections of this Part.

PART D

Sec. D-1. 20-A MRSA §15697, sub-§2, as enacted by IB 2015, c. 4, § 1, is amended to read:

2. Revenue; 30-day review before changing use of fund. ~~The Treasurer of State shall deposit all revenue collected pursuant to Title 36, section 5111, subsection 6 from the income tax surcharge to advance public kindergarten to grade 12 education into the fund according to the schedule in Title 36, section 5111, subsection 6. Any private or public funds appropriated, allocated or dedicated to the fund must be deposited into the fund as well as income from any other source directed to the fund. All interest earned by the fund becomes part of the fund. Legislation that proposes to enact or amend a law that would change the distribution of the revenue directed to the fund by this subsection or by Title 36, section 5111, subsection 6 must be submitted to the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over education matters at least 30 days prior to any vote or public hearing on that legislation.~~

Sec. D-2. 36 MRSA §5111, first ¶, as amended by PL 1999, c. 731, Pt. T, §1, is further amended to read:

A tax is imposed for each taxable year ~~beginning on or after January 1, 2000~~, on the Maine taxable income of every resident individual of this State. The amount of the tax is determined as provided in this section.

Sec. D-3. 36 MRSA §5111, sub-§1-F, as enacted by PL 2015, c. 267, Pt. DD, §3, is amended to read:

1-F. Single individuals and married persons filing separate returns; tax years beginning 2017. For tax years beginning ~~on or after January 1, in~~ 2017, for single individuals and married persons filing separate returns:

If Maine taxable income is:	The tax is:
Less than \$21,050	5.8% of the Maine taxable income
At least \$21,050 but less than \$50,000	\$1,221 plus 6.75% of the excess over \$21,050
\$50,000 or more	\$3,175 plus 7.15% of the excess over \$50,000

Sec. D-4. 36 MRSA § 5111, sub-§1-G, is enacted to read:

1-G. Single individuals and married persons filing separate returns; tax years beginning 2018 and 2019. For tax years beginning in 2018 and 2019, for single individuals and married persons filing separate returns:

<u>If Maine taxable income is:</u>	<u>The tax is:</u>
<u>Less than \$21,050</u>	<u>2.75% of the Maine taxable income</u>
<u>\$21,050 or more</u>	<u>\$579 plus 3.15% of the excess over \$21,050</u>

Sec. D-5. 36 MRSA § 5111, sub-§1-H is enacted to read:

1-H. Tax years beginning after 2019. For tax years beginning on or after January 1, 2020, the tax is 2.75% of the Maine taxable income.

Sec. D-6. 36 MRSA §5111, sub-§2-F, as enacted by PL 2015, c. 267, Pt. DD, §5 is amended to read:

2-F. Heads of households; tax years beginning 2017. For tax years beginning ~~on or after January 1, in~~ 2017, for unmarried individuals or legally separated individuals who qualify as heads of households:

If Maine taxable income is:	The tax is:
Less than \$31,550	5.8% of the Maine taxable income
At least \$31,550 but less than \$75,000	\$1,830 plus 6.75% of the excess over \$31,550
\$75,000 or more	\$4,763 plus 7.15% of the excess over \$75,000

Sec. D-7. 36 MRSA § 5111, sub-§2-G, is enacted to read:

2-G. Heads of households; tax years beginning 2018 and 2019. For tax years beginning in 2018 and 2019, for unmarried individuals or legally separated individuals who qualify as heads of households:

<u>If Maine taxable income is:</u>	<u>The tax is:</u>
<u>Less than \$31,550</u>	<u>2.75% of the Maine taxable income</u>
<u>\$31,550 or more</u>	<u>\$868 plus 3.15% of the excess over \$31,550</u>

Sec. D-8. 36 MRSA §5111, sub-§3-F, as enacted by PL 2015, c. 267, Pt. DD, §7 is amended to read:

3-F. Individuals filing married joint returns or surviving spouses; tax years beginning 2017. For tax years beginning ~~on or after January 1, in~~ 2017, for individuals filing married joint

returns or surviving spouses permitted to file a joint return:

If Maine taxable income is:	The tax is:
Less than \$42,100	5.8% of the Maine taxable income
At least \$42,100 but less than \$100,000	\$2,442 plus 6.75% of the excess over \$42,100
\$100,000 or more	\$6,350 plus 7.15% of the excess over \$100,000

Sec. D-9. 36 MRSA §5111, sub-§3-G, is enacted to read:

3-G. Individuals filing married joint returns or surviving spouses; tax years beginning 2018 and 2019. For tax years beginning in 2018 and 2019, for individuals filing married joint returns or surviving spouses permitted to file a joint return:

<u>If Maine taxable income is:</u>	<u>The tax is:</u>
<u>Less than \$42,100</u>	<u>2.75% of the Maine taxable income</u>
<u>\$42,100 or more</u>	<u>\$1,158 plus 3.15% of the excess over \$42,100</u>

Sec. D-10. 36 MRSA §5111, sub-§6 as enacted by IB 2015, c. 4, § 2, is repealed and replaced with the following:

6. Income tax surcharge. For tax years beginning on or after January 1, 2018, in addition to any other tax imposed by this chapter, a tax surcharge at the rate of 3% is imposed on the taxpayer's Maine taxable income.

Sec. D-11. 36 MRSA §5122, sub-§ 2, ¶ M-2, as amended by PL 2015, c. 390, § 8, is further amended to read:

M-2. For tax years beginning on or after January 1, 2016:

(1) For each individual who is a primary recipient of retirement plan benefits, the reduction is the sum of:

(a) Excluding military retirement plan benefits, an amount that is the lesser of:

(i) The aggregate of retirement plan benefits under employee retirement plans or individual retirement accounts included in the individual's federal adjusted gross income; and

(ii) The pension deduction amount reduced by the total amount of the individual's social security benefits and railroad retirement benefits paid by the United States, but not less than \$0; and

(b) An amount equal to the aggregate of retirement benefits under military retirement plans included in the individual's federal adjusted gross income; and

(2) For purposes of this paragraph, the following terms have the following meanings.

(a) "Employee retirement plan" means a state, federal or military retirement plan or any other retirement benefit plan established and maintained by an employer for the benefit of its employees under the Code, Section 401(a), Section 403 or Section 457(b), except that distributions made pursuant to a Section 457(b) plan are not eligible for the deduction provided by this paragraph if they are made prior to age 55 and are not part of a series of substantially equal periodic payments made for the life of the primary recipient or the joint lives of the primary recipient and that recipient's designated beneficiary.

(b) "Individual retirement account" means an individual retirement account under Section 408 of the Code, a Roth IRA under Section 408A of the Code, a simplified employee pension under Section 408(k) of the Code or a simple retirement account for employees under Section 408(p) of the Code.

(c) "Military retirement plan" means retirement plan benefits received as a result of service in the active or reserve components of the Army, Navy, Air Force, Marines or Coast Guard.

(d) "Pension deduction amount" means \$10,000, except that for tax years beginning on or after January 1, 2017, but before January 1, 2022, pension deduction amount means the pension deduction amount applicable to the preceding tax year increased by \$5,000. For tax years beginning on or after January 1, 2022, pension deduction amount means \$35,000.

(e) "Primary recipient" means the individual upon whose earnings or contributions the retirement plan benefits are based or the surviving spouse of that individual.

(f) "Retirement plan benefits" means employee retirement plan benefits, except pick-up contributions for which a subtraction is allowed under paragraph E, reported as pension or annuity income for federal income tax purposes and individual retirement account benefits reported as individual retirement account distributions for federal income tax purposes. "Retirement plan benefits" does not include distributions that are subject to the tax imposed by the Code, Section 72(t);

Sec. D-12. 36 MRSA §5160, as amended by PL 2003, c. 390, §35 is further amended to read:

§5160. Imposition of tax

For tax years beginning prior to January 1, 2018, the ~~The~~ tax is imposed, at the rates provided by section 5111 for single individuals, upon the Maine taxable income of estates and

trusts. For tax years beginning in 2018 or 2019, the tax is imposed, at the rates provided by section 5111 for single individuals and the income tax surcharge provided by section 5111, subsection 6, upon the Maine taxable income of estates and trusts. For tax years beginning on or after January 1, 2020, the tax is imposed, at the rate provided by section 5111, subsection 1-I and the income tax surcharge provided by section 5111, subsection 6, upon the Maine taxable income of estates and trusts. The tax must be paid by the fiduciary.

Sec. D-13. 36 MRSA, § 5200, sub-§ 1, as amended by PL 2005, c. 618, § 6, and affected by PL 2005, c. 618, § 22, is further amended to read:

1. Imposition and rate of tax prior to 2018. For tax years beginning prior to January 1, 2018, a ~~A~~ tax is imposed for each taxable year at the following rates on each taxable corporation and on each group of corporations that derives income from a unitary business carried on by 2 or more members of an affiliated group:

If the income is:	The tax is:
Not over \$25,000	3.5% of the income
\$25,000 but not over \$75,000	\$875 plus 7.93% of the excess over \$25,000
\$75,000 but not over \$250,000	\$4,840 plus 8.33% of the excess over \$75,000
\$250,000 or more	\$19,418 plus 8.93% of the excess over \$250,000

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable only by Maine, the rates provided in this subsection are applied only to the first \$250,000 of the Maine net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the Maine net income of the entire group is taxed at 8.93%.

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable both within and without this State, the rates provided in this subsection are applied only to the first \$250,000 of the net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the net income of the entire group is taxed at 8.93%.

Sec. D-14. 36 MRSA, §5200, sub-§ 1-A is enacted to read:

1-A. Imposition and rate of tax beginning 2018. For tax years beginning on or after January 1, 2018, a tax is imposed for each taxable year at the following rates on each taxable corporation and on each group of corporations that derives income from a unitary business carried on by 2 or more members of an affiliated group:

<u>If the income is:</u>	<u>The tax is:</u>
<u>Not over \$25,000</u>	<u>3.5% of the income</u>
<u>\$25,000 but not over \$75,000</u>	<u>\$875 plus 7.93% of the excess over \$25,000</u>

\$75,000 or more
\$75,000

\$4,840 plus 8.33% of the excess over

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable only by Maine, the rates provided in this subsection are applied only to the first \$75,000 of the Maine net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the Maine net income of the entire group is taxed at 8.33%.

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable both within and without this State, the rates provided in this subsection are applied only to the first \$75,000 of the net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the net income of the entire group is taxed at 8.33%.

Sec. D-15. 36 MRSA, § 5203-C, sub-§ 2, ¶ C, as amended by PL 2011, c. 380, Pt. N. §§ 12 and 13 and affected by PL 2011, c. 380, Pt. N, § 19, is further amended to read:

C. Taxable corporations required to file an income tax return under this Part, excluding financial institutions subject to the tax imposed by chapter 819 and persons not subject to the federal alternative minimum tax under the Code, Section 55(e). The tax imposed by this subsection does not apply to taxable corporations for tax years beginning on or after January 1, 2017.

Sec. D-16. 36 MRSA § 5213-A, sub-§1, ¶B, as amended by PL 2015, c. 328, §4 is further amended to read:

B. "Income" means federal adjusted gross income increased by the following amounts:

~~(1) Trade or business losses; capital losses; any net loss resulting from combining the income or loss from rental real estate and royalties, the income or loss from partnerships and S corporations, the income or loss from estates and trusts, the income or loss from real estate mortgage investment conduits and the net farm rental income or loss; any loss associated with the sale of business property; and farm losses included in federal adjusted gross income;~~

(2) Interest received to the extent not included in federal adjusted gross income;

(3) Payments received under the federal Social Security Act and railroad retirement benefits to the extent not included in federal adjusted gross income; and

(4) The following amounts deducted in arriving at federal adjusted gross income:

(a) Educator expenses pursuant to the Code, Section 62(a)(2)(D);

- (b) Certain business expenses of performing artists pursuant to the Code, Section 62(a)(2)(B);
- (c) Certain business expenses of government officials pursuant to the Code, Section 62(a)(2)(C);
- (d) Certain business expenses of reservists pursuant to the Code, Section 62(a)(2)(E);
- (e) Health savings account deductions pursuant to the Code, Section 62(a)(16) and Section 62(a)(19);
- (f) Moving expenses pursuant to the Code, Section 62(a)(15);
- (g) The deductible part of self-employment tax pursuant to the Code, Section 164(f);
- (h) The deduction for self-employed SEP, SIMPLE and qualified plans pursuant to the Code, Section 62(a)(6);
- (i) The self-employed health insurance deduction pursuant to the Code, Section 162(1);
- (j) The penalty for early withdrawal of savings pursuant to the Code, Section 62(a)(9);
- (k) Alimony paid pursuant to the Code, Section 62(a)(10);
- (l) The IRA deduction pursuant to the Code, Section 62(a)(7);
- (m) The student loan interest deduction pursuant to the Code, Section 62(a)(17);
- (n) The tuition and fees deduction pursuant to the Code, Section 62(a)(18); and
- (o) The domestic production activities deduction pursuant to the Code, Section 199.

Sec. D-17. 36 MRSA § 5218, as amended by PL 2015, c. 267, Part DD, § 24 and affected by §34, is further amended to read:

§5218. Income tax credit for child care expenses

1. Resident taxpayer. ~~A~~ For tax years beginning before January 1, 2018, a resident individual is allowed a credit against the tax otherwise due under this Part in the amount of 25% of the federal tax credit allowable for child and dependent care expenses in the same tax year;

except that for tax years beginning in 2003, 2004 and 2005, the applicable percentage is 21.5% instead of 25%.

For tax years beginning on or after January 1, 2018, a resident individual is allowed a credit against the tax otherwise due under this Part in the amount of 50% of the federal tax credit allowable for child and dependent care expenses in the same tax year.

2. Nonresident taxpayer. ~~A~~For tax years beginning before January 1, 2018, a nonresident individual is allowed a credit against the tax otherwise due under this Part in the amount of 25% of the federal tax credit allowable for child and dependent care expenses multiplied by the ratio of the individual's Maine adjusted gross income, as defined in section 5102, subsection 1-C, paragraph B, to the individual's entire federal adjusted gross income, as modified by section 5122, except that for tax years beginning in 2003, 2004 and 2005, the applicable percentage is 21.5% instead of 25%.

For tax years beginning on or after January 1, 2018, a nonresident individual is allowed a credit against the tax otherwise due under this Part in the amount of 50% of the federal tax credit allowable for child and dependent care expenses multiplied by the ratio of the individual's Maine adjusted gross income, as defined in section 5102, subsection 1-C, paragraph B, to the individual's entire federal adjusted gross income, as modified by section 5122.

2-A. Part-year resident taxpayer. ~~An~~For tax years beginning before January 1, 2018, an individual who files a return as a part-year resident in accordance with section 5224-A is allowed a credit against the tax otherwise due under this Part in the amount of 25%, except that for tax years beginning in 2003, 2004 and 2005 the applicable percentage is 21.5%, instead of 25%, of the federal tax credit allowable for child and dependent care expenses multiplied by a ratio, the numerator of which is the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph A for that portion of the taxable year during which the individual was a resident plus the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph B for that portion of the taxable year during which the individual was a nonresident and the denominator of which is the individual's entire federal adjusted gross income, as modified by section 5122.

For tax years beginning on or after January 1, 2018, an individual who files a return as a part-year resident in accordance with section 5224-A is allowed a credit against the tax otherwise due under this Part in the amount of 50% of the federal tax credit allowable for child and dependent care expenses multiplied by a ratio, the numerator of which is the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph A for that portion of the taxable year during which the individual was a resident plus the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph B for that portion of the taxable year during which the individual was a nonresident and the denominator of which is the individual's entire federal adjusted gross income, as modified by section 5122.

3. Quality child care services. For tax years beginning before January 1, 2018, the credit provided by subsections 1, 2 and 2-A doubles in amount if the child care expenses were incurred through the use of quality child care services as defined in section 5219-Q, subsection 1.

4. Refund. The credit allowed by this section may result in a refund of up to \$500 except, in the case of a nonresident individual, the credit may not reduce the Maine income tax to less than zero. In the case of an individual who files a return as a part-year resident in accordance with section 5224-A, the refundable portion of the credit may not exceed \$500 multiplied by a ratio, the numerator of which is the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph A for that portion of the taxable year during which the individual was a resident plus the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph B for that portion of the taxable year during which the individual was a nonresident and the denominator of which is the individual's entire federal adjusted gross income, as modified by section 5122.

Sec. D-18. 36 MRSA § 5219-KK, first ¶, as enacted by PL 2013, c. 551, § 3, is amended to read:

For tax years beginning on or after January 1, 2014 and before January 1, 2018, a Maine resident individual is allowed a property tax fairness credit as computed under this section against the taxes imposed under this Part.

Sec. D-19. 36 MRSA § 5219-OO is enacted to read:

§5219-OO. Property tax fairness credit for tax years beginning on or after January 1, 2018

For tax years beginning on or after January 1, 2018, a Maine resident individual is allowed a property tax fairness credit as computed under this section against the taxes imposed under this Part.

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

A. "Benefit base" means property taxes paid by a resident individual during the tax year on the resident individual's homestead in this State or rent constituting property taxes paid by the resident individual during the tax year on a homestead in the State, up to \$2,000 for persons claiming 1 personal exemption and \$2,700 for persons claiming 2 or more personal exemptions.

B. "Dwelling" means an individual house or apartment, duplex unit, cooperative unit, condominium unit, mobile home or mobile home pad.

C. "Homestead" means the dwelling owned or rented by a taxpayer or held in a revocable living trust for the benefit of the taxpayer and occupied by the taxpayer and the taxpayer's dependents as a home and may consist of a part of a multidwelling or multipurpose building and a part of the land, up to 10 acres, upon which it is built. For purposes of this paragraph, "owned" includes a vendee in possession under a land contract, one or more joint tenants or tenants in common and possession under a legally binding agreement that allows the owner

of the dwelling to transfer the property but continue to occupy the dwelling as a home until some future event stated in the agreement.

D. "Income" means federal adjusted gross income increased by the following amounts:

(1) Interest received to the extent not included in federal adjusted gross income;

(2) Payments received under the federal Social Security Act and railroad retirement benefits to the extent not included in federal adjusted gross income; and

(3) The following amounts deducted in arriving at federal adjusted gross income:

(a) Educator expenses pursuant to the Code, Section 62(a)(2)(D);

(b) Certain business expenses of performing artists pursuant to the Code, Section 62(a)(2)(B);

(c) Certain business expenses of government officials pursuant to the Code, Section 62(a)(2)(C);

(d) Certain business expenses of reservists pursuant to the Code, Section 62(a)(2)(E);

(e) Health savings account deductions pursuant to the Code, Section 62(a)(16) and Section 62(a)(19);

(f) Moving expenses pursuant to the Code, Section 62(a)(15);

(g) The deductible part of self-employment tax pursuant to the Code, Section 164(f);

(h) The deduction for self-employed SEP, SIMPLE and qualified plans pursuant to the Code, Section 62(a)(6);

(i) The self-employed health insurance deduction pursuant to the Code, Section 162(l);

(j) The penalty for early withdrawal of savings pursuant to the Code, Section 62(a)(9);

(k) Alimony paid pursuant to the Code, Section 62(a)(10);

(l) The IRA deduction pursuant to the Code, Section 62(a)(7);

(m) The student loan interest deduction pursuant to the Code, Section 62(a)(17);

(n) The tuition and fees deduction pursuant to the Code, Section 62(a)(18); and

(o) The domestic production activities deduction pursuant to the Code, Section 199.

E. "Rent constituting property taxes" means 15% of the gross rent actually paid in cash or its equivalent during the tax year for the individual's homestead in the State. For the purposes of this paragraph, "gross rent" means rent paid at arm's length. If the landlord and tenant have not dealt with each other at arm's length, and the assessor is satisfied that the gross rent charged was excessive, the assessor may adjust the gross rent to a reasonable amount for purposes of this section.

2. Credit. A resident individual is allowed a credit against the taxes imposed under this Part in an amount equal to the greater of:

A. 100% of the amount by which the benefit base for the resident individual exceeds 5% of the resident individual's income. The credit may not exceed \$750 for resident individuals under 65 years of age as of the last day of the taxable year or \$1,000 for resident individuals 65 years of age and older as of the last day of the taxable year. In the case of married individuals filing a joint return, only one spouse is required to be 65 years of age or older to qualify for the \$1,000 credit limitation; or

B. 100% of the benefit base, up to \$400, for resident individuals who are 65 years of age and older as of the last day of the taxable year and whose income does not exceed \$20,000. In the case of married individuals filing a joint return, only one spouse is required to be 65 years of age or older to qualify for the \$400 credit limitation.

3. Refundability of credit. The tax credit under this section is refundable.

4. Limitation. The following individuals do not qualify for the credit under this section:

A. Married taxpayers filing separate returns; or

B. Individuals who do not qualify as resident individuals:

(1) for the entire tax year; or

(2) because they do not meet the requirements of section 5102, subsection 5, paragraph A.

Sec. D-20. 36 MRSA § 5403, sub-§ 1, ¶A as enacted by PL 2015, c. 267, Pt. DD, §33, is amended to read:

A. ~~Beginning in~~ ~~In~~ 2016 and each year thereafter, by the lowest dollar amounts of the tax rate tables specified in section 5111, subsections 1-F, 2-F and 3-F, except that for the purposes of this paragraph, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2015; and

Sec. D-21. 36 MRSA § 5403, sub-§ 1, ¶A-1 is enacted to read:

A-1. In 2017 and 2018, by the dollar amounts of the tax rate tables specified in section 5111, subsections 1-G, 2-G and 3-G, except that for the purposes of this paragraph, notwithstanding section 5402, subsection 1-B, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2015;

Sec. D-22. 36 MRSA § 5403, sub-§ 1, ¶B as enacted by PL 2015, c. 267, Pt. DD, § 33, is repealed.

Sec. D-23. 36 MRSA § 5403, sub-§ 6, as enacted by PL 2015, c. 267, Pt. DD, § 33, is repealed and the following enacted in its place:

6. Property tax fairness credit. Beginning in 2018 and each year thereafter, the maximum benefit base amounts in section 5219-OO, subsection 1, paragraph A.

Sec. D-24. 36 MRSA § 5403, sub-§ 7, is enacted to read:

7. Pension deduction. Beginning in 2021 and each year thereafter, by the pension deduction amount defined in section 5122, subsection 2, paragraph M-2, subparagraph (2), division (d) with respect to tax years beginning on or after January 1, 2022;

Sec. D-25. Immediate action. Notwithstanding 20-A MRSA §15697, sub-§2, as enacted by IB 2015, c. 4, those sections of this Part that repeal and replace the Maine Revised Statutes, Title 36, § 5111, sub-§6 and amend the Maine Revised Statutes, Title 20-A, §15697, sub-§2 may be immediately acted upon in any manner by the Legislature.

Sec. D-26. Retroactivity. Those sections of this Part that repeal and replace the Maine Revised Statutes, Title 36, § 5111, sub-§6 and amend the Maine Revised Statutes, Title 20-A, § 15697, sub-§2 apply retroactively to January 1, 2017.

Sec. D-27. Application. That section of this Part that amends the Maine Revised Statutes, Title 36, section 5213-A, subsection 1, paragraph B applies to tax years beginning on or after January 1, 2018.

PART D SUMMARY

This Part makes the following changes to the individual and corporate income taxes:

Section 1 removes the provisions directing the Treasurer of State to deposit surcharge revenue in the Fund to Advance Public Kindergarten to Grade 12 Education and removes the references to Title 36, section 5111, subsection 6 from Sec. 1 of IB 2015. c. 4, An Act to Establish the Fund to Advance Public Kindergarten to Grade 12 Education.

Sections 2 through 9 reduce the individual income tax rates over three years. The current rate structure consists of 5.8%, 6.75%, and 7.15% taxable income brackets. The proposed taxable income brackets for tax years beginning in 2018 and 2019 are 2.75% and 3.15% of Maine taxable income. The proposed income tax rate for tax years beginning on or after January 1, 2020 is 2.75% of Maine taxable income.

Sections 10 and 12 amend the income tax surcharge enacted by the citizens of Maine as part of IB 2015. c. 4, An Act to Establish the Fund to Advance Public Kindergarten to Grade 12 Education. The changes delay the tax years to which the surcharge applies from tax years beginning on or after January 1, 2017 to tax years beginning on or after January 1, 2018. It removes the provisions related to the transfer of surcharge revenue to the Fund to Advance Public Kindergarten to Grade 12 Education. The proposal also applies the surcharge to all individual income tax taxpayers, including fiduciary income tax taxpayers, regardless of taxable income amount. It further provides that notwithstanding 20-A MRSA §15697, sub-§2, the changes may be immediately acted upon in any manner by the Legislature. In addition, it repeals the provision that indicates that the surcharge must be imposed and collected regardless of whether the income tax brackets in this section are changed, replaced or eliminated by an act of the Legislature or by a measure approved by voters pursuant to the Constitution of Maine.

Section 11 increases the maximum Maine pension income deduction for non-military retirement plan benefits from \$10,000 to \$35,000 over a 5-year period beginning with the 2017 tax year. The \$35,000 deduction amount that applies to tax years beginning after 2021 is subject to an annual inflation adjustment.

Sections 13 and 14 reduce the corporate income tax rates for tax years beginning on or after January 1, 2018. The current rate structure for taxable corporations consists of 3.5%, 7.93%, 8.33% and 8.93% taxable income brackets; the proposed rate structure for tax years beginning on or after January 1, 2018 consists of 3.5%, 7.93% and 8.33% tax rate brackets.

Section 15 eliminates the corporate alternative minimum tax for tax years beginning after December 31, 2016.

Section 16 removes, for tax years beginning after 2017, the add-back of trade, capital and business losses included in federal gross income for the purposes of calculating income for the sales tax fairness credit.

Section 17 amends the income tax credit for child care expenses so that the credit for all child care expenses (whether or not quality child care expenses) is 50% of the federal child care credit for the taxable year. Under current law, the Maine credit is 25% of the federal child care credit unless the related child care expenses are considered quality child care expenses, in which case the Maine credit is 50% of the federal child care credit. As in current law, the credit is refundable up to \$500. The change applies to tax years beginning after December 31, 2017.

Sections 18 and 19 make the following changes to the property tax fairness credit for tax years beginning on or after January 1, 2018:

1. Removes the add-back of trade, capital and businesses losses to income.
2. Changes the benefit base (the maximum property tax paid or rent constituting maximum property tax paid that may be claimed for the credit) to \$2,000 for taxpayers claiming one personal exemption and \$2,700 for taxpayers claiming more than one personal exemption. The amounts are subject to an annual inflation adjustment. Currently, the benefit base is limited to \$2,000 for taxpayers filing single, \$2,600 for taxpayers filing married joint or heads of households claiming no more than 2 personal exemptions, and \$3,200 for taxpayers filing married joint or heads of households claiming 3 or more personal exemptions.
3. Increases the credit amount from 50% of the benefit base that exceeds 6% of income to 100% of the benefit base that exceeds 5% of income.
4. Increases the maximum credit to \$750 for individuals younger than 65 and \$1,000 for individuals 65 or older. The maximum credit is currently \$600 and \$900, respectively. Additionally, otherwise qualified individual who are 65 or older and whose income does not exceed \$20,000 will qualify for a minimum refund equal to the benefit base up to \$400.
5. Restricts married individuals filing separate returns from claiming the property tax fairness credit.
6. Limits the credit to individuals who were Maine residents for the entire tax year.
7. Eliminates the rent reduction for taxpayers whose rent includes heat, utilities, snowplowing and other similar items.

PART E

Sec. E-1. 5 MRSA §13090-K, sub-§2, as amended by PL 2015, c. 267, Pt. OOOO, § 1 and affected by § 7, is repealed the following is enacted in its place:

2. Source of fund. Beginning October 1, 2013 and every October 1st thereafter until, and including, October 1, 2017, the State Controller shall transfer to the Tourism Marketing

Promotion Fund an amount, as certified by the State Tax Assessor, that is equivalent to 5% of the 8% tax imposed on tangible personal property and taxable services pursuant to Title 36, section 1811, for the last 6 months of the prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5.

Beginning July 1, 2014 and every July 1st thereafter until, and including, July 1, 2017, the State Controller shall transfer to the Tourism Marketing Promotion Fund an amount, as certified by the State Tax Assessor, that is equivalent to 5% of the 8% tax imposed on tangible personal property and taxable services pursuant to Title 36, section 1811, for the first 6 months of the prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5.

On July 1, 2018, the State Controller shall transfer to the Tourism Marketing Promotion Fund an amount, as certified by the State Tax Assessor, that is equivalent to 5% of the 8% tax imposed on prepared food for the first 6 months of the prior fiscal year plus 5% of the 9% tax imposed on the rental of living quarters between July 1, 2017 and September 30, 2017 and 5% of the 10% tax imposed on the rental of living quarters between October 1, 2017 and December 31, 2017 pursuant to Title 36, section 1811 after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5.

Beginning October 1, 2018 and every October 1st thereafter, the State Controller shall transfer to the Tourism Marketing Promotion Fund an amount, as certified by the State Tax Assessor, that is equivalent to 5% of the 8% tax imposed on prepared food and 5% of the 10% tax imposed on the rental of living quarters pursuant to Title 36, section 1811, for the last 6 months of the prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5.

Beginning July 1, 2019 and every July 1st thereafter, the State Controller shall transfer to the Tourism Marketing Promotion Fund an amount, as certified by the State Tax Assessor, that is equivalent to 5% of the 8% tax imposed on prepared food and 5% of the 10% tax imposed on the rental of living quarters pursuant to Title 36, section 1811, for the first six months of the prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5.

The tax amount must be based on actual sales for that fiscal year and may not consider any accruals that may be required by law. The amount transferred from General Fund sales and use tax revenues does not affect the calculation for the transfer to the Local Government Fund.

Sec. E-2. 36 MRSA §1752, sub-§ 8-A, as repealed and replaced by PL 2001, c. 439, Pt. TTTT, §1 and affected by § 3, is amended to read:

8-A. Prepared food. "Prepared food" means:

- A. Meals served on or off the premises of the retailer;
- B. Food and drinks that are prepared by the retailer and ready for consumption without further preparation;
- C. All food and drinks sold ~~from an establishment whose~~ by a retailer at a particular retail location when the sales of food and drinks at that location that are prepared by the retailer account for more than 75% of the establishment's gross receipts reported with respect to that location by the retailer, and-
- D. Liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43.

"Prepared food" does not include bulk sales of grocery staples.

Sec. E-3. 36 MRS §1811 as amended by PL 2015, c. 267, Pt. OOOO, is repealed and the following is enacted in its place:

§1811. Sales tax

A tax is imposed on the value of all tangible personal property and taxable services sold at retail in this State. Value is measured by the sale price, except as otherwise provided by this section.

A. For sales occurring on or after October 1, 2013 and before October 1, 2017, the rate of tax is:

- (1) 8% on the value of prepared food and 8% on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43;
- (2) 9% on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp;
- (3) 10% on the value of rental for a period of less than one year of an automobile, of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles or of a loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty; and
- (4) 5.5% on the value of all other tangible personal property and taxable services.

B. For sales occurring on or after October 1, 2017, the rate of tax is:

- (1) 8% on the value of prepared food;
- (2) 10% on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp;
- (3) 10% on the value of rental for a period of less than one year of an automobile, of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles or of a loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty; and
- (4) 5.5% on the value of all other tangible personal property and taxable services.

The value of rental for a period of less than one year of an automobile or of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles is the total rental charged to the lessee and includes, but is not limited to, maintenance and service contracts, drop-off or pick-up fees, airport surcharges, mileage fees and any separately itemized charges on the rental agreement to recover the owner's estimated costs of the charges imposed by government authority for title fees, inspection fees, local excise tax and agent fees on all vehicles in its rental fleet registered in the State. All fees must be disclosed when an estimated quote is provided to the lessee.

The value of the rental or lease of an automobile for one year or more is the following: the total monthly lease payment multiplied by the number of payments in the lease or rental, the

amount of equity involved in any trade-in and the value of any cash down payment. Collection and remittance of the tax is the responsibility of the person that negotiates the lease transaction with the lessee.

The tax imposed upon the sale and distribution of gas, water or electricity by any public utility, the rates for which sale and distribution are established by the Public Utilities Commission, must be added to the rates so established.

Sec. E-4. Application. This Part applies to sales occurring on or after October 1, 2017.

Sec. E-5. 36 MRSA §1752, sub-§1-C, as amended by PL 2011, c. 240, §16, is repealed and replaced with the following:

1-C. Business. "Business" means a commercial activity engaged in as a means of livelihood or profit, or an entity that engages in such activities.

Sec. E-6. 36 MRSA §1752, sub-§2-F is enacted to read:

2-F. Household services.

Except as otherwise provided in this subsection, "household services" means the following services performed on or about the premises concerned with the operation of a household:

- A. Interior home decorating, painting, design services, cleaning and organizing services;
- B. Property maintenance services including but not limited to exterior home cleaning and maintenance, snow plowing or removal, and cleaning and maintenance of windows, drains, gutters, chimneys, swimming pools, and hot tubs;
- C. Landscaping and horticultural services, including but not limited to gardening, garden design, lawn care services, tree trimming and tree removal;
- D. Insect and pest control services;
- E. Home automation services, including but not limited to home electronic services and audio-visual design and installation services;
- F. Locksmithing, alarm services, and home security services and monitoring systems services, including but not limited to design, installation, servicing and repair; and
- G. Private waste management services and remediation services; and
- H. Domestic staffing services, including but not limited to those provided by cooks, maids, butlers, gardeners and caretakers. Domestic staffing services does not include in-home and community support services as defined in 22 MRSA Section 7302, subsection 5.

Sec. E-7. 36 MRSA §1752, sub-§4-A is enacted to read:

4-A. Installation, repair and maintenance services. "Installation, repair and maintenance services" means all services involved in the installation, repair and maintenance of tangible personal property other than motor vehicles, watercraft and aircraft, including service

and maintenance contracts pertaining to such tangible personal property. For purposes of this subsection, “motor vehicles” does not include snowmobiles and all-terrain vehicles.

“Installation, repair and maintenance services” does not include installation, repair or maintenance services subject to the service provider tax pursuant to chapter 358.

Sec. E-8. 36 MRSA §1752, sub-§7-F is enacted to read:

7-F. Personal services. “Personal services” means:

A. All services provided by barber shops, hair salons, nail salons, tanning salons, massage parlors, spas, and body piercing and tattoo parlors, regardless of where performed including, but not limited to manicure and pedicure services, airbrushing, fills, full sets, nail sculpting, paraffin treatments, polishes, body waxing and wraps, peels, scrubs and facials;

B. Event planning services, including but not limited to all services related to weddings and commitment ceremonies;

C. Dating, escort and social introduction services;

D. Diet and nonmedical weight-reducing services;

E. Personal delivery services;

F. Travel arrangement and reservation service; and

G. Psychic reading, tarot card reading, astrology, reflexology, and palm reading services;

“Personal services” does not include services provided through a transient rental platform.

Sec. E-9. 36 MRSA §1752, sub-§7-G is enacted to read:

7-G. Personal property services. “Personal property services” means the following services performed with regard to tangible personal property:

A. Dry cleaning, laundry and diaper services, not including self-service laundry services;

B. Embroidery, monogramming, silk screening and clothing alterations;

C. Vehicle cleaning and detailing services;

D. Pressure cleaning and washing;

E. Pet services including, but not limited to, exercising, sitting, training, grooming and boarding for nonmedical purposes;

F. Mounting and framing services;

G. Furniture and rug cleaning;

H. Stripping and reupholstering of furniture;

I. Restoration services, including art restoration and conservation services and photographic restoration services;

J. Warehousing and storage fees, including but not limited to the rental of storage units, warehouse space, watercraft slips and watercraft mooring space;

K. Motor vehicle parking and garaging services provided on a contractual, hourly, or other periodic basis;

L. Moving services, including packing and crating; and

M. Vehicle towing.

“Personal property services” does not include fabrication services, residential parking services, or charges collected through on-street parking meters.

For purposes of this subsection, “residential parking services” means parking provided to the occupants of a residence who park on the same premises that constitute their primary residence. “Same premises” is defined as an area within the residence, an area adjacent to the residence, or any area owned or leased by the landlord, condominium association, or cooperative for the purpose of providing parking for its residents. “Residence” means a single family home, a duplex, a condominium unit, cooperative unit, a townhouse unit, a school dormitory, an apartment, or a mobile home used by a person or persons as a place of primary residence or abode. Residence does not include a hotel, motel, summer camp, resort lodge, or other dwellings of a temporary or transient nature.

Sec. E-10. 36 MRSA §1752, sub-§9-G is enacted to read:

9-G. Recreation and amusement services.

A. Except as otherwise provided in this subsection, “recreation and amusement services” means:

(1) The right of admission to an amusement venue or event of any kind including but not limited to a museum, planetarium, theater, concert, festival, amusement park, water park, theme park, miniature golf course, go-cart or bumper car course, fair, race track, carnival, circus, game, stadium, convention center, bar, comedy club, animal park, petting zoo, and aquarium;

(2) The right of participation in a sport, game or other recreational activity of any kind including but not limited to golf; swimming; skiing; skating; tennis and other racket sports; billiards; shooting; archery; disc golf; laser tag; bowling; paintball; horseback riding; guided hunting and fishing; ballooning; hang gliding; sky diving; paragliding and parasailing; bungee jumping and zip lining; and scuba diving, snorkeling, and other water sports;

(3) The right of admission as a spectator to an athletic event of any kind, including any charge for a seat license, skybox, luxury suite, or any other accommodation, whether styled as a license, lease, rental or otherwise;

(4) The right of admission to a show or exhibition of any kind including but not limited to animal, antique, arts and crafts, auto, book, boat, camping, collectibles, flower, garden, home, and trade shows; and

(5) The right of membership in a club, association, or other organization if the club, association, or other organization makes sports, athletic, or fitness facilities of any kind available for the use of its members, without regard to whether a separate charge is assessed for use of the facilities;

Right of membership means both onetime initiation fees and periodic membership dues.

B. “Recreation and amusement services” does not include:

(1) Admissions to events or receipts from activities sponsored and operated by primary or secondary schools or related clubs or supporting organizations

approved or supervised by the school when the entire net proceeds are spent for the benefit of the students. However, receipts from tangible personal property sold at such events or activities are included in the measure of sales tax at the time of purchase by the school or related club or supporting organization;

(2) The right of admission to a licensed agricultural fair or the right of participation in any events or activities organized by a school or incorporated nonprofit organization occurring at such a fair if all the proceeds from the event or activity are used for the charitable purposes of the school or incorporated nonprofit organization;

(3) The right of participation in guided recreation, other than guided hunting and fishing, and of providing tours and rides for recreation and amusement, such as rides in aircraft, balloons, trains, watercraft, buses and wagons, whose primary purpose is to provide sight-seeing, recreation and amusement, as opposed to passenger transportation;

(4) The value of wagers in a casino or pari-mutual betting facility or the value of lottery tickets sold by licensed lottery sales agents and lottery retailers authorized by the state Lottery Commission;

(5) Reasonable and separately stated charges for instruction in the arts or in a sport, game or other recreational activity; or

(6) Services provided to campers by youth camps licensed by the Department of Health and Human Services and defined in Title 22, section 2491, subsection 16.

Sec. E-11. 36 MRSA §1752, sub-§11, as amended by PL 2015, c. 390, §5, is further amended to read:

11. Retail sale. "Retail sale" means any sale of tangible personal property or a taxable service in the ordinary course of business.

A. "Retail sale" includes:

(1) Conditional sales, installment lease sales and any other transfer of tangible personal property when the title is retained as security for the payment of the purchase price and is intended to be transferred later;

~~(2) Sale of products for internal human consumption to a person for resale through vending machines when sold to a person more than 50% of whose gross receipts from the retail sale of tangible personal property are derived from sales through vending machines. The tax must be paid by the retailer to the State;~~

(3) A sale in the ordinary course of business by a retailer to a purchaser who is not engaged in selling that kind of tangible personal property or taxable service in the ordinary course of repeated and successive transactions of like character; and

(4) The sale or liquidation of a business or the sale of substantially all of the assets of a business, to the extent that the seller purchased the assets of the business for resale, lease or rental in the ordinary course of business, except when:

(a) The sale is to an affiliated entity and the transferee, or ultimate transferee in a series of transactions among affiliated entities, purchases the assets for resale, lease or rental in the ordinary course of business; or

(b) The sale is to a person that purchases the assets for resale, lease or

rental in the ordinary course of business or that purchases the assets for transfer to an affiliate, directly or through a series of transactions among affiliated entities, for resale, lease or rental by the affiliate in the ordinary course of business.

For purposes of this subparagraph, "affiliate" or "affiliated" includes both direct and indirect affiliates.

B. "Retail sale" does not include:

- (1) Any casual sale;
- (2) Any sale by a personal representative in the settlement of an estate unless the sale is made through a retailer or the sale is made in the continuation or operation of a business;
- (3) The sale, to a person engaged in the business of renting automobiles, of automobiles, integral parts of automobiles or accessories to automobiles, for rental or for use in an automobile rented for a period of less than one year. For the purposes of this subparagraph, "automobile" includes a pickup truck or van with a gross vehicle weight of less than 26,000 pounds;
- (4) The sale, to a person engaged in the business of renting video media and video equipment, of video media or video equipment for rental;
- (5) The sale, to a person engaged in the business of renting or leasing automobiles, of automobiles for rental or lease for one year or more;
- (6) The sale, to a person engaged in the business of providing cable or satellite television services or satellite radio services, of associated equipment for rental or lease to subscribers in conjunction with a sale of cable or satellite television services or satellite radio services;
- (7) The sale, to a person engaged in the business of renting furniture or audio media and audio equipment, of furniture, audio media or audio equipment for rental pursuant to a rental-purchase agreement as defined in Title 9-A, section 11-105;
- (8) The sale of loaner vehicles to a new vehicle dealer licensed as such pursuant to Title 29-A, section 953;
- ~~(9) The sale of automobile repair parts used in the performance of repair services on an automobile pursuant to an extended service contract sold on or after September 20, 2007 that entitles the purchaser to specific benefits in the service of the automobile for a specific duration;~~
- (10) The sale, to a retailer that has been issued a resale certificate pursuant to section 1754-B, subsection 2-B or 2-C, of tangible personal property for resale in the form of tangible personal property, except resale as a casual sale;
- (11) The sale, to a retailer that has been issued a resale certificate pursuant to section 1754-B, subsection 2-B or 2-C, of a taxable service for resale, except resale as a casual sale;
- (12) The sale, to a retailer that is not required to register under section 1754-B, of tangible personal property for resale outside the State in the form of tangible personal property, except resale as a casual sale;
- (13) The sale, to a retailer that is not required to register under section 1754-B, of a taxable service for resale outside the State, except resale as a casual sale;

- (14) The sale of repair parts used in the performance of repair services on telecommunications equipment as defined in section 2551, subsection 19 pursuant to an extended service contract that entitles the purchaser to specific benefits in the service of the telecommunications equipment for a specific duration;
- (15) The sale of positive airway pressure equipment and supplies for rental for personal use to a person engaged in the business of renting positive airway pressure equipment;
- (16) The sale, to a person engaged in the business of renting or leasing motor homes, as defined in Title 29-A, section 101, subsection 40, or camper trailers, of motor homes or camper trailers for rental; or
- ~~(17) The sale of truck repair parts used in the performance of repair services on a truck pursuant to an extended service contract that entitles the purchaser to specific benefits in the service of the truck for a specific duration.~~
- (18) The sale of labor and parts used in the performance of repair services and included under a taxable service contract or maintenance contract sold on or after January 1, 2018.

Sec. E-12. 36 MRSA §1752, sub-§14, ¶B, as repealed and replaced by PL 2015, c. 494, Pt. A, §44, is amended to read:

B. "Sale price" does not include:

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

Sec. E-13. 36 MRSA §1752, sub-§17-B, as amended by PL 2013, c. 156, §2, is repealed and the following enacted in its place:

17-B. Taxable service. “Taxable service” means the sale of:

A. The rental of living quarters in a hotel, rooming house or tourist or trailer camp;

B. The transmission and distribution of electricity;

C. Prepaid calling service;

D. Recreation and amusement services;

E. Installation, repair and maintenance services;

F. Personal services;

G. Household services; and

H. Personal property services.

Sec. E-14. 36 MRSA §1760, sub-§34, as amended by PL 2005, c. 218, §23, is repealed.

Sec. E-15. 36 MRSA §1760, sub-§101 is enacted to read:

101. Business purchases of certain taxable services. Sales of personal property services and sales of installation, repair and maintenance services to a business for use directly by that business.

Sec. E-16. 36 MRSA §1813, as amended by PL 1991, c. 546, §24, is further amended to read:

Any retailer who knowingly charges or collects as the sales tax due on the sale price of any tangible personal property or taxable service an amount in excess of that provided by section 1812 commits a Class E crime.

Sec. E-17. Application. This Part applies to sales occurring on or after January 1, 2018.

Sec. E-18. 36 MRSA §1752, sub-§20-C, is enacted to read:

20-C. Transient rental platform. “Transient rental platform” means an electronic or other system, including an internet-based system, that allows the owner or occupant of living quarters in this State to offer the living quarters for rental and that provides a mechanism by which a person may arrange for the rental of the living quarters in exchange for payment either to the owner or occupant, the operator of the system, or another person on behalf of either of them.

Sec. E-19. 36 MRSA §1752, sub-§14, ¶A, as amended by PL 2007, c. 627, §43, is further amended to read:

A. “Sale price” includes:

(1) Any consideration for services that are a part of a retail sale; and

(2) All receipts, cash, credits and property of any kind or nature and any amount for which credit is allowed by the seller to the purchaser, without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, losses or any other expenses; and

(3) All consideration received for the rental of living quarters located in this State, including any service charge or other charge or amount required to be paid as a condition for occupancy, valued in money, whether received in money or otherwise and whether received by the owner, occupant, manager or operator of the living quarters, by a person that operates a transient rental platform or by another person on behalf of any of the above.

Sec. E-20. 36 MRSA §1754-B, sub-§1, ¶F-1 is enacted to read:

F-1. Every person that operates a transient rental platform and reserves, offers, furnishes, arranges for, or collects or receives consideration for, the rental of living quarters in this State;

Sec. E-21. Application. This Part applies to sales occurring on or after October 1, 2017.

Sec. E-22. 36 MRSA §2552, sub-§1 as amended by PL 2015, c. 300, Pt A, §32, is further amended to read:

1. Rate. Effective January 1, 2016, a tax at the rate of 6% is imposed on the value of the following services sold in this State:

- A. Cable and satellite television or radio services;
- B. Fabrication services;
- C. Rental of video media and video equipment;
- D. Rental of furniture, audio media and audio equipment pursuant to a rental-purchase agreement as defined in Title 9-A, section 11-105;
- E. Telecommunications services;
- F. The installation, maintenance or repair of telecommunications equipment;
- G. Private nonmedical institution services;
- H. Community support services for persons with mental health diagnoses;
- I. Community support services for persons with intellectual disabilities or autism;
- J. Home support services;
- L. Ancillary services; ~~and~~
- M. Group residential services for persons with brain injuries;
- N. The sale of access to streaming video or audio content, whether single use or by subscription, to an end user that does not have the right of permanent use granted by the

seller, and in the case of a subscription, the right of access is contingent on continued payments by the purchaser; and

O. The service of providing guided recreation, other than guided hunting and fishing, and of providing tours and rides for recreation and amusement, such as rides in aircraft, balloons, trains, watercraft, buses and wagons, whose primary purpose is to provide sight-seeing, recreation and amusement , as opposed to passenger transportation.

Sec. E-23. Application. This Part applies to sales occurring on or after January 1, 2018.

Sec. E-24. 36 MRSA §1760, sub-§60, as amended by PL 1997, c. 545, §1, is further amended to read:

60. Sales to incorporated nonprofit animal shelters. Sales to incorporated nonprofit animal shelters ~~of tangible personal property used for use~~ in the operation and maintenance of those shelters or in the maintenance and care of any animal, including wildlife, housed in those shelters.

Sec. E-25. 36 MRSA §1760, sub-§65, as amended by PL 1993, c. 670, §6, is further amended to read:

65. Monasteries and convents. Sales ~~of tangible personal property~~ to incorporated nonprofit monasteries and convents for use in their operation and maintenance. For the purpose of this subsection, "monasteries" and "convents" means the dwelling places of communities of religious persons.

Sec. E-26. 36 MRSA §1760-C as amended by PL 2007, c. 437, §11, is further amended to read:

The tax exemptions provided by section 1760 to a person based upon its charitable, nonprofit or other public purposes apply only if the property or service purchased is intended to be used by the person primarily in the activity identified by the particular exemption. The tax exemptions provided by section 1760 to a person based upon its charitable, nonprofit or other public purposes do not apply where title is held or taken by the person as security for any financing arrangement. The tax exemptions provided by section 1760 to a person based upon its charitable, nonprofit or other public purposes do not apply to the purchase of prepared food, the rental of living quarters, or the rental or lease of a motor vehicle. Exemption certificates issued by the State Tax Assessor pursuant to section 1760 must identify the exempt activity and must state that the certificate may be used by the holder only when purchasing property or services intended to be used by the holder primarily in the exempt activity. If the holder of an exemption certificate furnishes that certificate to a person for use in purchasing tangible personal property or taxable services that are physically incorporated in, and become a permanent part of, real property that is not used by the holder of the certificate primarily in the exempt activity, the State Tax Assessor may assess the unpaid tax against the holder of the certificate as provided in section 141. When an otherwise qualifying person is engaged in both exempt and nonexempt activities, an exemption certificate may be issued to the person only if the person has established to the satisfaction of the assessor that the applicant has adequate accounting controls to limit the use of the certificate to exempt purchases.

Sec. E-27. Application. This Part applies to sales occurring on or after January 1, 2018.

PART E SUMMARY

This Part does the following:

- 1) Sections 1 – 4 increase the sales tax rate on lodging from 9% to 10% effective October 1, .2017.
- 2) Sections 5 – 17 expand the sales tax to consumer services and provide equity among sales through vending machines.
- 3) Sections 18 - 21 expand the provision for sellers required to register to collect and report sales taxes to include online real property rental platforms.
- 4) Sections 22 - 23 modernize the service provider tax law to preserve the tax base on rentals of video and audio works to keep up with changes in technology and expand the service provider tax to certain recreation services.
- 5) Sections 24 - 27 amend the sales tax exemptions for various non-profit entities to exclude from exemption purchases of prepared food, the rental of living quarters, and the rental of motor vehicles. It also aligns the treatment of monasteries, convents, and animal shelters with that of other nonprofits.

PART F

Sec. F-1. 36 MRSA, §4101, as enacted by PL 2011, c. 380, Pt. M, §9, is amended to read:

This chapter applies to the estates of persons who die after December 31, 2012 and before January 1, 2018.

**PART F
SUMMARY**

This Part eliminates the Maine estate tax for decedents dying on or after January 1, 2018.

PART G

Sec. G-1. 36 MRSA §681, sub-§5 as enacted by PL 2005, c. 647, §3 and affected by § 5, is amended to read:

5. Qualifying shareholder. "Qualifying shareholder" means a person who is-a:

- A. ~~Shareholder~~ A shareholder in a cooperative housing corporation that owns a homestead in this State;
- B. ~~Shareholder for the preceding 12 months in the cooperative housing corporation specified in paragraph A;~~ and
- C. ~~Permanent~~ A permanent resident of this State-; and
- D. Age 65 or older as of April 1st of the year of exemption.

Sec. G-2. 36 MRSA §682, as enacted by PL 1997, c. 643, Pt. HHH, §3 and affected by §10, is amended to read:

§682. Permanent residency and age; factual determination by assessor

The assessor shall determine whether an applicant has a permanent residence in this State and is 65 years of age or older. In making a determination as to the intent of an individual to establish a permanent residence in this State and the applicant's age, the assessor may consider the following:

- 1. Formal declarations.** Formal declarations of the applicant or any other individual;
- 2. Informal statements.** Informal statements of the applicant or any other individual;
- 3. Place of employment.** The place of employment of the applicant;
- 4. Previous permanent residence.** The previous permanent residence of the applicant and the date the previous permanent residency was terminated;
- 5. Voter registration.** The place where the applicant is registered to vote;

6. Driver's license or Maine State Identification Cards. The place of issuance to the applicant of a driver's license or State identification card, the address listed on the license or card and the date of birth of the applicant;

7. Certificate of motor vehicle registration. The place of issuance of a certificate of registration of a motor vehicle owned by the applicant and the address listed on the certificate;

8. Income tax returns. The place of residence and additional standard deduction for age claimed on any income tax return filed by the applicant;

9. Motor vehicle excise tax. The place of payment of a motor vehicle excise tax by the applicant;

10. Military residence. A declaration by the applicant of permanent residence registered with any branch of the Armed Forces of the United States; ~~or~~

11. Birth Certificate. The birth date of the applicant.

12. United States Passport or Passport Card. The date of birth of the applicant.

13. Concealed Fire Arms Permit. The address listed and the date of birth of the applicant.

14. Hunting and Fishing Licenses issued by the State of Maine Department of Inland Fisheries and Wildlife. The date of birth of the applicant.

Sec. G-3. 36 MRSA §683, sub-§1, as amended by PL 2009, c. 213, Pt. YYY, §1 and affected by PL 2005, c. 652, Pt. A, §63, is further amended to read:

1. Exemption amount for property tax years beginning before April 1, 2017. For property tax years beginning before April 1, 2017, except ~~Except~~ for assessments for special benefits, the just value of \$10,000 of the homestead of a permanent resident of this State who has owned a homestead in this State for the preceding 12 months is exempt from taxation. In determining the local assessed value of the exemption, the assessor shall multiply the amount of the exemption by the ratio of current just value upon which the assessment is based as furnished in the assessor's annual return pursuant to section 383. If the title to the homestead is held by the applicant jointly or in common with others, the exemption may not exceed \$10,000 of the just value of the homestead, but may be apportioned among the owners who reside on the property to the extent of their respective interests. A municipality responsible for administering the homestead exemption has no obligation to create separate accounts for each partial interest in a homestead owned jointly or in common.

Sec. G-4. 36 MRSA §683, sub-§1-B, as enacted by PL 2015, c. 267, Pt. J, §1, is amended to read:

1-B. Additional exemption. A homestead eligible for an exemption under subsection 1 is eligible for an additional exemption of \$5,000 of the just value of the homestead for property tax years beginning on April 1, 2016 ~~and of \$10,000 of the just value of the homestead for property tax years beginning on or after April 1, 2017.~~

Sec. G-5. 36 MRSA §683, sub-§1-C is enacted to read:

1-C. Exemption amount for property tax years beginning on or after April 1, 2017. For property tax years beginning on or after April 1, 2017, except for assessments for special benefits, the just value of \$20,000 of the homestead of a permanent resident of this State who is 65 years of age or older by April 1st of the year of exemption is exempt from taxation. In determining the local assessed value of the exemption, the assessor shall multiply the amount of the exemption by the ratio of current just value upon which the assessment is based as furnished in the assessor's annual return pursuant to section 383. If the title to the homestead is held by the applicant jointly or in common with others, the exemption may not exceed \$20,000 of the just value of the homestead, but may be apportioned among the owners who reside on the property to the extent of their respective interests, provided the other owners qualify for the exemption under this subsection. A municipality responsible for administering the homestead exemption has no obligation to create separate accounts for each partial interest in a homestead owned jointly or in common.

Sec. G-6. 36 MRSA §683, sub-§§3 and 4, as amended by PL 2015, c. 390, §2, are further amended to read:

3. Effect on state valuation. For property tax years beginning before April 1, 2017, 50% of the just value of all the homestead exemptions under this subchapter must be included in the annual determination of state valuation under sections 208 and 305. For property tax years beginning on or after April 1, 2017, ~~62.5%~~ 50% of the just value of all the homestead exemptions under this subchapter must be included in the annual determination of state valuation under sections 208 and 305.

4. Property tax rate. For property tax years beginning before April 1, 2017, 50% of the just value of all the homestead exemptions under this subchapter must be included in the total municipal valuation used to determine the municipal tax rate. For property tax years beginning on or after April 1, 2017, ~~62.5%~~ 50% of the just value of all the homestead exemptions under this subchapter must be included in the total municipal valuation used to determine the municipal tax rate. The municipal tax rate as finally determined may be applied to only the taxable portion of each homestead qualified for that tax year.

Sec. G-7. 36 MRSA §683, sub-§5, as amended by PL 2015, c. 267, Pt. J, §3, is further amended to read:

5. Determination of exemption for cooperative housing corporation. A cooperative housing corporation may apply for an exemption under this subchapter to be applied against the valuation of property of the corporation that is occupied by qualifying shareholders. The application must include a list of all qualifying shareholders and must be updated annually to reflect changes in the ownership, age and residency of qualifying shareholders. The exemption is equal to the amount specified in either subsections 1 and 1-B or subsection 1-C, as applicable, multiplied by the number of units in the cooperative property occupied by qualifying shareholders. A cooperative housing corporation that receives an exemption pursuant to this section shall apportion the property tax reduction resulting from the exemption among the qualifying shareholders on a per unit basis. Any supplemental assessment resulting from disqualification for exemption must be applied in the same manner against the qualifying shareholders for whom the disqualification applies.

Sec. G-8. 36 MRSA §684, sub-§1, as amended by PL 2007, c. 438, §21, is further amended to read:

1. Generally. The bureau shall furnish to the assessor of each municipality a sufficient number of printed forms to be filed by applicants for an exemption under this subchapter and shall determine the content of the forms. A municipality shall provide to its inhabitants reasonable notice of the availability of application forms. An individual claiming an exemption under this subchapter for the first time shall file the application form with the assessor or the assessor's representative. For an exemption from taxes based on the status of property on April 1, 2017, the application must be filed by August 1, 2017. For taxes based on the status of property after April 1, 2017, the ~~The~~ application must be filed on or before April 1st of the year on which the taxes are based.

Sec. G-9. 36 MRSA §684, sub-§2, as amended by PL 2009, c. 418, §2 and affected by §3, is further amended to read:

2. False filing. An individual who knowingly gives false information for the purpose of claiming a homestead exemption under this subchapter commits a Class E crime. Except for a person on active duty serving in the Armed Forces of the United States who is permanently stationed at a military or naval post, station or base in the State, an individual who falsifies their age or claims to be a permanent resident of this State under this subchapter who also claims to be a permanent resident of another state for the tax year for which an application for a homestead exemption is made commits a Class E crime.

Sec. G-10. 36 MRSA §685, sub-§2, ¶B, as repealed and replaced by PL 2015, c. 390, §4, is amended to read:

B. For property tax years beginning on or after April 1, 2017, ~~62.5%~~ 50% of the taxes lost by reason of the exemptions under section 683, ~~subsections 1 and 1-B~~ subsection 1-C.

Sec. G-11. 36 MRSA §688, as enacted by PL 1997, c. 643, Pt. HHH, §3 and affected by §10, is amended to read:

§688. Effect of determination of residence or age

A determination of permanent residence or age made for purposes of this subchapter is not binding on the bureau with respect to the administration of Part 8 and has no effect on determination of domicile for purposes of the Maine individual income tax.

Sec. G-12. Retroactivity. This Part applies retroactively to property tax years beginning on or after April 1, 2017.

**PART G
SUMMARY**

This Part amends the Maine Resident Homestead Property Tax Exemption to restrict the exemption to residents who are 65 or older for property tax years beginning on or after April 1, 2017. Also, the municipal reimbursement for taxes lost by reason of the exemption for property tax years beginning on or after April 1, 2017 is reduced from 62.5% to 50%.

PART H

Sec. H-1. 36 MRSA §187-B, sub-§6, as amended by PL 2013, c. 331, Pt. C, § 7, is further amended to read:

6. Penalties not exclusive. Each penalty provided under this section is in addition to any interest and other penalties provided under this section and other law, except as otherwise provided in this section. Interest may not accrue on the penalty. This section does not apply to any filing or payment responsibility pursuant to Part 2 ~~except that this section does apply to a filing or payment responsibility pursuant to the state telecommunications excise tax imposed under section 457.~~ The penalties imposed under subsections 1 and 2 accrue automatically, without being assessed by the State Tax Assessor. Each penalty imposed under this section is recoverable by the assessor in the same manner as if it were a tax assessed under this Title.

Sec. H-2. 36 MRSA §§457 and 458, as amended by PL 2011, c. 430, are repealed.

Sec. H-3. 36 MRSA §501, sub-§11 is enacted to read:

11. Telecommunications services. “Telecommunications services” means an activity designed to provide interactive 2-way communication service for compensation.

Sec. H-4. 36 MRSA §691, sub-§1, ¶A, as amended by PL 2009, c. 571, Pt. II, §1, is further amended to read:

A. "Eligible business equipment" means qualified property that, in the absence of this subchapter, would first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" includes, without limitation, repair parts, replacement parts, replacement equipment, additions, accessions and accessories to other qualified business property that first became subject to assessment under this Part before April 1, 2008 if the part, addition, equipment, accession or accessory would, in the absence of this subchapter, first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" also includes inventory parts.

"Eligible business equipment" does not include:

(1) Office furniture, including, without limitation, tables, chairs, desks, bookcases, filing cabinets and modular office partitions;

(2) Lamps and lighting fixtures used primarily for the purpose of providing general purpose office or worker lighting;

(3) Property owned or used by an excluded person;

~~(4) Telecommunications personal property subject to the tax imposed by section 457;~~

(5) Gambling machines or devices, including any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity as that term is defined in Title 8, section 1001, subsection 15, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. "Gambling machines or devices" includes, without limitation:

(a) Associated equipment as defined in Title 8, section 1001, subsection 2;

(b) Computer equipment used directly and primarily in the operation of a slot machine as defined in Title 8, section 1001, subsection 39;

(c) An electronic video machine as defined in Title 17, section 1831, subsection 4;

(d) Equipment used in the playing phases of lottery schemes; and

(e) Repair and replacement parts of a gambling machine or device;

(6) Property located at a retail sales facility and used primarily in a retail sales activity unless the property is owned by a business that operates a retail sales facility in the State exceeding 100,000 square feet of interior customer selling space that is used primarily for retail sales and whose Maine-based operations derive less than 30% of their total annual revenue on a calendar year basis from sales that are made at a retail sales facility located in the State. For purposes of this subparagraph, the following terms have the following meanings:

(a) "Primarily" means more than 50% of the time;

(b) "Retail sales activity" means an activity associated with the selection and purchase of goods or services or the rental of tangible personal property. "Retail sales activity" does not include production as defined in section 1752, subsection 9-B; and

(c) "Retail sales facility" means a structure used to serve customers who are physically present at the facility for the purpose of selecting and purchasing goods or services at retail or for renting tangible personal property. "Retail sales facility" does not include a separate structure that is used as a warehouse or call center facility;

(7) Property that is not entitled to an exemption by reason of the additional limitations imposed by subsection 2; or

(8) Personal property that would otherwise be entitled to exemption under this subchapter used primarily to support a telecommunications antenna used by a business providing telecommunications services ~~business subject to the tax imposed by section 457.~~

Sec. H-5. 36 MRSA §691, sub-§1, ¶B, as enacted by PL 2005, c. 623, §1, is amended to read:

B. "Excluded person" means:

(1) A public utility as defined in Title 35-A, section 102, subsection 13;

(2) A person that provides radio paging service as defined in Title 35-A, section 102, subsection 15;

(3) A person that provides mobile telecommunications services as defined in Title 35-A, section 102, subsection 9-A;

(4) A cable television company as defined in Title 30-A, section 2001, subsection 2;

(5) A person that provides satellite-based direct television broadcast services; ~~or~~

(6) A person that provides multichannel, multipoint television distribution services; ~~or~~

(7) A person that provides telecommunication services as defined in chapter 105.

Sec. H-6. 36 MRSA §6652, sub-§1-A, as enacted by PL 1997, c. 24, Pt. C, §14, is amended to read:

1-A. Certain persons excluded. Notwithstanding any other provision of law, the following persons are not eligible for reimbursement pursuant to this chapter:

A. A public utility as defined by Title 35-A, section 102;

B. A person that provides radio paging services as defined by Title 35-A, section 102;

C. A person that provides mobile telecommunications services as defined by Title 35-A, section 102;

D. A cable television company as defined by Title 30-A, section 2001;

E. A person that provides satellite-based direct television broadcast services; ~~and~~

F. A person that provides multichannel, multipoint television distribution services; and

G. A person that provides telecommunication services as defined in chapter 105.

This subsection, exclusive of paragraph G, applies retroactively to property tax years beginning after April 1, 1995.

Sec. H-7. 36 MRSA §6652, sub-§1-B, ¶D, as enacted by PL 2009, c. 571, Pt. II, §4, is amended to read:

D. Personal property that would otherwise be entitled to reimbursement under this chapter used primarily to support a telecommunications antenna used by a telecommunications business providing telecommunications services ~~subject to the tax imposed by section 457.~~

Sec. H-8. Application. This Part applies beginning on or after October 1, 2017.

PART H SUMMARY

This Part repeals the excise tax on telecommunications equipment and repeals the telecommunications equipment exemption from local property taxation.

PART I

Sec. I-1. 36 MRSA §691, sub-§1, ¶A, sub-¶1 is further amended to read:

(1) Office furniture including, without limitation, tables, chairs, desks, bookcases, filing cabinets, ~~and~~ modular office partitions, photocopiers and mail machines;

Sec. I-2. 36 MRSA §691, sub-§ 1, ¶A-1 is enacted to read:

A-1. “Eligible business equipment” also means beginning April 1, 2018 all eligible property under Chapter 915 which was placed in service after April 1, 1995 and on or before April 1, 2017.

Sec. I-3. 36 MRSA §700-C is enacted to read:

§700-C. Conversion of chapter 915 eligible property to subchapter 4-C exemption.

1. Limitations. Notwithstanding other provisions of this subchapter.

A. All property considered eligible business property under this subchapter pursuant to §691 sub-§1 ¶ A-1 is entitled to exemption as follows:

(1) 25% of its assessed value as of April 1, 2018

(2) 50% of its assessed value as of April 1, 2019

(3) 75% of its assessed value as of April 1, 2020

(4) 100% of its assessed value as of April 1, 2021 and for subsequent property tax years.

B. Property located at a retail sales facility and used primarily in retail sales activity will no longer be considered eligible property after April 1, 2027. For purposes of this paragraph, the terms as defined in section 691, subsection 1, paragraph A, subparagraph 6, divisions a to c apply.

Sec. I-4. 36 MRSA §6651, sub-§ 1, as repealed and replaced by PL 2007, c. 627, §95 is further amended to read:

1. Eligible property. “Eligible property” means qualified business property first placed in service in the State, or constituting construction in progress commenced in the State after April 1, 1995 and on or before April 1, 2017, but does not include property that is eligible business equipment as defined in section 691, subsection 1. "Eligible property" includes, without limitation, repair parts, replacement parts, additions, accessions and accessories to other qualified business property placed in service on or before April 1, 1995 if the part, addition, accession or accessory is first placed in service, or constitutes construction in progress, in the State after April 1, 1995, unless that property is eligible business equipment as defined in section 691, subsection 1. "Eligible property" includes used qualified business property if the qualified business property was first placed in service in the State, or constituted construction in progress commenced in the State, after April 1, 1995 but does not include property that is eligible business equipment as defined in section 691, subsection 1. "Eligible property" also includes inventory parts.

Sec. I-5. 36 MRSA §6652, sub-§4, first ¶, as amended by PL 2013 c. 368, Pt. K §1 is amended to read:

4. Reimbursement percentage. The reimbursement under this chapter is an amount equal to the percentage specified in paragraphs A and B of taxes assessed and paid with respect to each item of eligible property, except that for claims filed for application periods that begin on August 1, 2006, August 1, 2009, August 1, 2010 or August 1, 2013 the reimbursement is 90% of that amount and for claims filed for the application period that begins on August 1, 2014, the reimbursement is 80% of that amount, and for claims filed for the application period that begins on August 1, 2017 and for subsequent years, the reimbursement is 90% of that amount.

Sec. I-6. 36 MRSA §6654-A is enacted to read:

§6654-A. Termination of reimbursements.

Reimbursements under this chapter terminate for property tax years beginning on or after April 1, 2021.

PART I SUMMARY

This Part phases out and eliminates the Business Equipment Tax Reimbursement (BETR) program and transitions property eligible for the BETR program as of April 1, 2018 into the Business Equipment Tax Exemption (BETE) program. Property located at a retail sales facility and used in a retail sales activity first put into service on or after April 1, 2018 will no longer be eligible for either the BETR or BETE program. Such retail property placed into service on or before April 1, 2018 which qualifies for BETE will no longer be eligible for exemption after 2027.

PART J

Sec. J-1. 4 MRSA §807, sub-§3, ¶R, as enacted by PL 2013, c. 45, §3 and corrected by RR 2013, c. 1, §6, is repealed.

Sec. J-2. 5 MRSA §12004-B, sub-§10, as enacted by PL 2011, c. 694, §1, is repealed.

Sec. J-3. 36 MRSA §111, sub-§1-C, as amended by PL 2013, c. 331, Pt. C, §1 and affected by §41, is repealed.

Sec. J-4. 36 MRSA §112, sub-§7-A, as amended by PL 2013, c. 331, Pt. C, §2 and affected by §41, is further amended to read:

7-A. Taxpayer Bill of Rights. The assessor shall prepare a statement describing in simple and nontechnical terms the rights of a taxpayer and the obligations of the bureau during an audit. The statement must also explain the procedures by which a taxpayer may appeal any adverse decision of the assessor, including reconsideration under section 151, ~~appeals to the Maine Board of Tax Appeals~~ and judicial appeals. This statement must be distributed by the bureau to any taxpayer contacted with respect to the determination or collection of any tax, excluding the normal mailing of tax forms. This paragraph does not apply to criminal tax investigations conducted by the assessor or by the Attorney General.

Sec. J-5. 36 MRSA §151, sub-§1, as repealed and replaced by PL 2011, c. 694, §3, is amended to read:

- 1. Petition for reconsideration.** A person who is subject to an assessment by the State Tax Assessor or entitled by law to receive notice of a determination of the assessor and

who is aggrieved as a result of that action may request in writing, within 60 days after receipt of notice of the assessment or the determination, reconsideration by the assessor of the assessment or the determination. If a person receives notice of an assessment and does not file a petition for reconsideration within the specified time period, a review is not available in Superior Court ~~or before the board~~ regardless of whether the taxpayer subsequently makes payment and requests a refund.

Sec. J-6. 36 MRSA § 151, sub-§ 2, ¶B, as repealed and replaced by PL 2011, c. 694, §3, is amended to read:

B. Within 90 days of receipt of the petition for reconsideration by the responding division, the division shall approve or deny, in whole or in part, the relief requested. Prior to rendering its decision and during the 90 days, the division may attempt to resolve issues with the petitioner through informal discussion and settlement negotiations with the objective of narrowing the issues for ~~an appeals conference or~~ court review, and may concede or settle individual issues based on the facts and the law, including the hazards of litigation. By mutual consent of the division and the petitioner, the 90 days may be extended for good cause, such as to allow further factual investigation or litigation of an issue by that or another taxpayer pending in court.

Sec. J-7. 36 MRSA §151, sub-§ 2, ¶C, as repealed and replaced by PL 2011, c. 694, §3, is amended to read:

C. If the matter between the division and the petitioner is not resolved within the 90-day period, and any extension thereof, the petitioner may consider the petition for reconsideration denied. The petitioner may not consider the petition for reconsideration denied after either the reconsidered decision has been received by the petitioner or the expiration of 93 years following the filing of the petition for reconsideration, whichever occurs first. A petition for reconsideration considered denied pursuant to this paragraph constitutes final agency action. A petitioner elects to consider the petition for reconsideration denied pursuant to this paragraph by: filing a petition for review in Superior Court.

~~(1) For a small claim request, filing a petition for review in Superior Court. For purposes of this subparagraph, "small claim request" has the same meaning as in paragraph E; or~~

~~(2) For all other requests:~~

~~(a) Filing a statement of appeal with the board; or~~

~~(b) Filing a petition for review in Superior Court.~~

Sec. J-8. 36 MRSA §151, sub-§2, ¶E, as amended by PL 2013, c. 45, §4, is further amended to read:

~~E. A reconsidered decision rendered on any request other than a small claim request constitutes the assessor's final determination and final agency action, subject to review either by the board or directly by the Superior Court in accordance with the Maine Administrative Procedure Act, except that Title 5, sections 11006 and 11007 do not apply. Either the taxpayer or the assessor may raise on appeal in Superior Court any facts, arguments or issues that relate to the assessor's final determination, regardless of whether the facts, arguments or issues were raised on reconsideration, provided that the facts, arguments or issues are not barred by any other provision of law. The court shall make its own determination as to all questions of fact or law, regardless of whether the questions of fact or law were raised on reconsideration. A reconsidered decision rendered on a small claim request constitutes the assessor's final determination and final agency action and is subject to de novo review by the Superior Court. For purposes of this paragraph, "small claim request" means a petition for reconsideration when the amount of tax or refund request in controversy is less than \$1,000.~~

Sec. J-9. 36 MRSA §151, sub-§2, ¶F, as enacted by PL 2011, c. 694, §3, is repealed and the following enacted in its place:

F. A person who wishes to appeal a reconsidered decision under this section to the Superior Court must file a petition for review in the Superior Court within 60 days after receipt of notice of the reconsidered decision. If a person files a petition for review with the Superior Court, notification of the petition for review must be filed with Maine Revenue Services on the date the petition is filed. If a person does not file a request for review with the Superior Court within the time period specified in this paragraph, the reconsidered decision becomes final and no further review is available.

Sec. J-10. 36 MRSA §151, sub-§ 2, ¶G, as enacted by PL 2011, c. 694, §3, is amended to read:

~~G. Upon receipt of a statement of appeal or petition for review filed by a person pursuant to paragraph F, the board or Superior Court shall conduct a de novo hearing and make a de novo determination of the merits of the case. The board or Superior Court shall enter those orders and decrees as the case may require. The burden of proof is on the person, except as otherwise provided by law.~~

Sec. J-11. 36 MRSA §151-A, sub-§2, as amended by PL 2013, c. 331, Pt. C, §4 and affected by § 41, is further amended to read:

2. Representative of taxpayer. The taxpayer may bring to any interview with the State Tax Assessor ~~or to any proceeding pursuant to section 151-D~~ any attorney, certified public accountant, enrolled agent, enrolled actuary or any other person permitted to represent the taxpayer. If the taxpayer does not bring anyone to the interview ~~or proceeding~~ but clearly states at any time during the interview ~~or proceeding~~ that the taxpayer wishes to consult with an

attorney, certified public accountant, enrolled agent, enrolled actuary or any other person permitted to represent the taxpayer, the State Tax Assessor shall suspend the interview ~~or the board shall suspend the proceeding~~. The suspension must occur even if the taxpayer has answered one or more questions before that point in the interview ~~or proceeding~~. The interview must be rescheduled to be held within 10 working days.

Sec. J-12. 36 MRSA §151-D, as amended by PL 2013, c. 331, Pt. B, §§1, 2, is repealed.

Sec. J-13. 36 MRSA §191, sub-§2, ¶C, as amended by PL 2011, c. 694, § , is further amended to read:

C. The inspection by the Attorney General of information filed by any taxpayer who has requested review of any tax under this Title or against whom an action or proceeding for collection of tax has been instituted; or the production in court ~~or to the board~~ on behalf of the State Tax Assessor, or on behalf of any other party to an action or proceeding under this Title of so much and no more of the information as is pertinent to the action or proceeding;

Sec. J-14. 36 MRSA §191, sub-§2, ¶XX, as amended by PL 2015, c. 344, §6 and c. 344, §6, is repealed.

Sec. J-15. 36 MRSA §191, sub-§ 2, ¶ YY, as amended by PL 2015, c. 490, §2 and c. 494, Pt. A, §41, is repealed.

Sec. J-16. Terms of members of the Maine Board of Tax Appeals. Notwithstanding any other provision of law, the terms of members of the Maine Board of Tax Appeals expire October 1, 2017.

Sec. J-17. Termination of the Maine Board of Tax Appeals special revenue account. The special revenue account established within the Department of Administrative and Financial Services, Maine Board of Tax Appeals pursuant to Maine Revised Statutes, Title 36, section 151-D, subsection 10, paragraph A, is terminated effective October 1, 2017. Any funds remaining in the account as of October 1, 2017 must be transferred to the General Fund undedicated revenue account by the State Controller no later than October 16, 2017.

Sec. J-18. Transition provisions. The following provisions govern the elimination of the Maine Board of Tax Appeals with the Department of Administrative and Financial Services and apply to the tax appeals affected by this Part:

1. The Maine Board of Tax Appeals is eliminated as of October 1, 2017. Rules adopted by the Maine Board of Tax Appeals prior to October 1, 2017 cease to be effective as of that date. By August 1, 2017, the Maine Board of Tax Appeals must issue guidance to taxpayers explaining how the transition provisions under this Part apply to appeals.

2. With respect to any written statement of appeal submitted to the board prior to July 1, 2017 in accordance with Maine Revised Statutes, Title 36, section 151-D, the Maine Board of Tax Appeals must issue a final decision no later than September 30, 2017. Either the taxpayer or the assessor who wishes to appeal the final decision of the Board issued pursuant to this paragraph must file a petition for review to the Superior Court within 60 days after receipt of the board's decision. Any appeal submitted to the Maine Board of Tax Appeals for which the board has not issued a final decision by July 1, 2017 may be withdrawn by the taxpayer at any time prior to the issuance of a final decision by filing a written notice of withdrawal with the Board, and the taxpayer may file a petition for review in the Superior Court within 60 days of the date of such withdrawal.
3. A taxpayer wishing to appeal a reconsidered decision issued by Maine Revenue Services under Maine Revised Statutes, Title 36, section 151 prior to July 1, 2017, who has not yet filed an appeal with the Maine Board of Tax Appeals, and for which the period to appeal has not yet expired, must file a petition for review in the Superior Court no later than August 31, 2017.
4. A taxpayer wishing to appeal a reconsidered decision issued by Maine Revenue Services under Maine Revised Statutes, Title 36, section 151 on or after July 1, 2017, must file a petition for review in the Superior Court within 60 days after receipt of the reconsidered decision. No written statement of appeal may be filed with the Maine Board of Tax Appeals on or after July 1, 2017.

Sec. J-19. Effective date. This Part takes effect October 1, 2017, except the transition provisions in Sec. J-18 take effect on July 1, 2017.

PART J SUMMARY

This Part eliminates the Board of Tax Appeals and related administrative structure and appeals procedures beginning October 1, 2017. Beginning July 1, 2017, all Maine Revenue Services reconsideration decisions may be appealed only to the Superior Court.

PART K

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

5. Transfers to funds. No later than the 10th day of each month, the State Controller shall transfer to the Local Government Fund 5% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F and L, and credited to the General Fund without any reduction, except that for fiscal years

2015-16, 2016-17, 2017-18 and 2018-19 and for each fiscal year thereafter, the amount transferred is 2% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F and L, and credited to the General Fund without any reduction, and except that the postage, state cost allocation program and programming costs of administering state-municipal revenue sharing may be paid by the Local Government Fund. A percentage share of the amounts transferred to the Local Government Fund each month must be transferred to the Disproportionate Tax Burden Fund and distributed pursuant to subsection 4-B as follows:

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

PART K SUMMARY

This Part permanently sets the transfer to the Local Government Fund at 2%.

PART L

Sec. L-1. 5 MRSA §284-A is enacted to read:

§284-A . Central Administrative Applications

1. Systems and Applications. The department shall be responsible for systems and applications that are used across multiple Executive branch agencies. The commissioner, or the commissioner's designee, is responsible for ensuring appropriate support for and usage of the systems and applications, and for recommending appropriate funding levels.

2 Nonlapsing Fund. Funds appropriated and allocated for the support of Central Administrative Applications shall not lapse, and must be carried forward.

Sec. L-2. Department of Administrative and Financial Services, Information Services Program, General Fund account carry-forward. Notwithstanding any other provision of law, any balance remaining in the Department of Administrative and Financial

Services, Information Services program, General Fund account after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute at the close of fiscal year 2016-17 may not lapse and must be carried forward into the Department of Administrative and Financial Services, Central Administrative Applications program, General Fund account to be used for the same purposes.

PART L SUMMARY

This Part establishes the Department of Administrative and Financial Services, Office of the Commissioner, as the Office responsible for systems and applications used across multiple Executive branch agencies. This Part also authorizes any remaining balances in the Department of Administrative and Financial Services, Information Services program, General Fund account at the close of fiscal year 2016-17 to be carried forward into the new Department of Administrative and Financial Services, Central Administrative Applications program, General Fund account to be used for the same purposes.

PART M

Sec. M-1. 5 MRSA §1519, sub-§6, as enacted by PL 2015, c. 267, Pt. L, §1, is amended to read:

6. Additional transfers to the fund. The State Controller may, at the close of each fiscal year, ~~as the next priority after the transfers authorized pursuant to section 1507, section 1511 and section 1536, subsection 1,~~ transfer from the ~~unappropriated surplus of the General Fund~~ General Fund Reserve and Fixed Transfer Fund beginning July 1, 2017, to the Retiree Health Insurance Internal Service Fund amounts as may be available from time to time, up to ~~an amount of \$4,000,000 in fiscal year 2015-16, \$4,000,000 in fiscal year 2016-17 and, beginning in fiscal year 2017-18, \$2,000,000~~ \$2,500,000 to be used solely for the purpose of amortizing the unfunded liability for retiree health benefits. Transfers to the fund may also include appropriations and allocations of the Legislature and revenue from direct billing rates charged to state departments and agencies and other participating jurisdictions to be used solely for the purpose of amortizing the unfunded liability for retiree health benefits.

Sec. M-2. 5 MRSA §1523 is enacted to read:

§1523. General Fund Reserve and Fixed Transfer Fund

1. General Fund Reserve and Fixed Transfer Fund. There is created the General Fund Reserve and Fixed Transfer Fund referred to in this section as "the fund," which must be used to provide funding to the reserve accounts of the General Fund and fixed dollar transfers set forth in

subsection 2. The fund consists of all resources appropriated to it and other resources made available to the fund. The fund must be used solely as directed in subsection 2 and cannot be transferred per Title 5, section 1585 to fund any other appropriations in any fiscal year.

2. Transfers from the Fund on July 1 of each Fiscal Year. Beginning July 1, 2017, the State Controller shall, on July 1st of each fiscal year, transfer to the Loan Insurance Reserve the amount established per Title 5, section 1511; transfer \$2,500,000 to the Reserve for General Fund Operating Capital until the fund reaches a maximum of \$50,000,000; transfer to the Retiree Health Insurance Internal Service Fund the amount established per Title 5, section 1519; transfer \$1,000,000 to the Capital Construction and Improvements Reserve Fund established in Title 5, section 1516-A; and transfer \$2,500,000 to the Maine Budget Stabilization Fund established in Title 5, section 1532.

3. Nonlapsing fund. Any unexpended balance in the General Fund Reserve and Fixed Transfer Fund may not lapse but must be carried forward to be used pursuant to subsection 2.

Sec. M-3. 5 MRSA §1532, sub-§1-A is enacted to read:

1-A. Reserve for General Fund Operating Capital. The State Controller shall, in each fiscal year, transfer \$2,500,000 to the Reserve for General Fund Operating Capital from the General Fund Reserve and Fixed Transfer Fund beginning July 1, 2017, and other such amounts as may be available from time to time, until a maximum of \$50,000,000 is achieved. The fund is established to maintain a balance to provide a cash flow reserve for the General Fund. The Reserve does not receive interest earnings.

Sec. M-4. 5 MRSA §1536, as amended by PL 2015, c. 267, Pt. L, §8, is further amended to read:

1. Final priority reserves. After the transfers to the State Contingent Account pursuant to section 1507, ~~the transfers to the Loan Insurance Reserve pursuant to section 1511, the transfers pursuant to section 1522, a transfer of \$2,500,000 for the Reserve for General Fund Operating Capital and the transfers to the Retiree Health Insurance Internal Service Fund pursuant to section 1519,~~ the State Controller shall transfer at the close of each fiscal year from the unappropriated surplus of the General Fund an amount equal to the amount available from the unappropriated surplus after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made as follows:

- A. Eighty percent to the stabilization fund; and
- B.
- C.
- D.
- E.

F. Twenty percent to the Tax Relief Fund for Maine Residents established in section 1518-A.

~~2. **Additional transfer.** At the close of each fiscal year, the State Controller shall transfer from the unappropriated surplus of the General Fund, to the stabilization fund an amount equal to the balance remaining of the excess of total General Fund revenue received over accepted estimates in that fiscal year that would have been transferred to the Reserve for General Fund Operating Capital pursuant to subsection 1 had the Reserve for General Fund Operating Capital not been at its statutory limit of \$50,000,000.~~

PART M SUMMARY

1. Section 1 changes the language in the Retiree Health Insurance Internal Service Fund to coincide with the changes in sections 2 and 4.
2. Section 2 establishes the General Fund Reserve and Fixed Transfer Fund under the authority of the State Controller. It also provides for the transfer of funds from the General Fund Reserve and Fixed Transfer Fund, beginning July 1, 2017, as follows: a transfer to the Loan Insurance Reserve of \$1,000,000; a transfer of \$2,500,000 to the Reserve for General Fund Operating Capital; a transfer to the Retiree Health Insurance Internal Service Fund in the revised amount of \$2,500,000; a new fixed transfer of \$1,000,000 to the Capital Construction and Improvements Reserve Fund; and in addition to the transfer in Title 5, section 1536, a new fixed transfer of \$2,500,000 to the Maine Budget Stabilization Fund.
3. Section 3 places a definition for the reserve fund, Reserve for General Fund Operating Capital in Title 5, section 1532, as the only current reference to the Reserve for General Fund Operating Capital in Title 5, section 1536, will be removed with the changes in the distribution of available balances in the unappropriated surplus of the General Fund in Section 4.
4. Section 4 changes the distribution of available balances in the unappropriated surplus of the General Fund.

PART N

Sec N-1. 5 MRSA §1710, as enacted by PL 1995, c. 368, Pt. J, §1, is amended to read:

The Consensus Economic Forecasting Commission established by Title 5, section 12004-I, subsection 29-B, to provide the Governor, the Legislature and the Revenue Forecasting Committee with analyses, findings and recommendations representing state economic assumptions relevant to revenue forecasting, and referred to in this chapter as the "commission,"

consists of 5 members appointed as follows: two members appointed by the Governor; one member recommended for appointment to the Governor by the President of the Senate; one member recommended for appointment to the Governor by the Speaker of the House of Representatives; and one member appointed by the other members of the commission. One of the 5 members must be selected by a majority vote of the committee members to serve as the chair of the commission. ~~Commission members must be appointed within 15 days of the effective date of this section and serve until January 1997. The commission members recommended for appointment by the President of the Senate and the Speaker of the House as well as one of the members appointed by the Governor shall be appointed in January 2019 and serve a two-year term. A second member appointed by the Governor and the member appointed by the other members of the commission shall be appointed in January 2019 and serve a one-year term.~~ Thereafter, ~~the~~all commission members are appointed to two-year terms, in January of odd-numbered years. A member may not be a Legislator or an employee of the Executive Department, the Legislature or the Judicial Department. Each commission member must have professional credentials and demonstrated expertise in economic forecasting.

~~All members are appointed for terms to coincide with the legislative biennium.~~ Vacancies must be filled in the same manner as the original appointments for the balance of the unexpired term, except as otherwise provided in this section.

~~If one or more positions on the commission remains unfilled on the 16th day after the effective date of this section or the expeditious filling of a vacancy is required to enable the commission to perform its duties in an efficient and timely manner, the Governor shall make those appointments at such times and in such a manner as the Governor determines necessary.~~

Sec N-2. 5 MRSA §1710-A, as amended by PL 2007, c. 539, Pt. Q, §1, is further amended to read:

§1710-A. Duties of Commission

1. Duties. The Consensus Economic Forecasting Commission shall develop current fiscal biennium and 2 ensuing fiscal biennia ~~5 year and 10 year-macroeconomic secular trend forecasts and one year, 2 year and 4 year economic forecasts.~~

2. Biennial economic assumptions. ~~The commission shall submit recommendations for state economic assumptions for the next fiscal biennium and analyze economic assumptions for the current fiscal biennium, which must be approved by a majority of the commission members.~~ No later than November 1st of each even numbered year and April 1st of each odd-numbered year, the commission shall submit to the Governor, the Legislative Council, the Revenue Forecasting Committee and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report that presents the analyses, findings and recommendations for the next two fiscal biennia ~~biennium~~ and analyze economic assumptions for the current fiscal biennium, which must be approved by a majority of the commission members. In its report, the commission shall fully describe the methodology employed in reaching its recommendations.

3. Current biennium adjustments. No later than ~~April 1st and~~ November 1st of each odd-numbered year and no later than February 1st ~~and November 1st~~ of each even-numbered year the commission shall submit to the Governor, the Legislative Council, the Revenue Forecasting Committee and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report that presents the commission's findings and recommendations for adjustments to the economic assumptions for ~~the current fiscal biennium~~ all forecast years. In each report the commission shall fully describe the methodology employed in reaching its recommendations.

4. Alternative economic scenarios. In addition to the duties described above, no later than February 1st of each even-numbered year the commission shall provide to the State Budget Officer, the State Economist and the Associate Commissioner for Tax Policy at least two additional economic forecasts that assume potential economic recession scenarios of varying levels of severity. These additional forecasts will include economic assumptions for the current biennium and the next two biennia. In each report the commission shall fully describe the methodology employed in reaching its recommendations.

Sec. N-3. 5 MRSA §1710-C, as enacted by PL 1995, c.368, Pt. J, §1, is amended to read:

§1710-C. Meetings

The commission shall meet at least ~~3~~ 4-times a year. Additional meetings may be called by the chair or by any 3 members. All meetings are open to the public.

Sec N-4. 5 MRSA §1710-G, as amended by PL 1997, c.655, §5, is further amended to read:

§1710-G. Use of Revenue Forecasts

The State Budget Officer shall use the revenue projections recommended by the committee in setting revenue estimates in accordance with section 1665, subsection 3. The State Budget Officer shall use the revenue projections of the committee in preparing General Fund and Highway Fund revenue and expenditure forecasts in accordance with section 1664 and section 1665, subsection 7. If new information becomes available and the State Budget Officer wishes to recommend an adjustment to the revenue projections already recommended by the committee, the State Budget Officer shall convene a meeting of the committee as soon as practicable so that the committee may review any new data and make any additional recommendations it feels necessary.

No later than October 1st of each even-numbered year the commission and committee shall jointly issue a report to the Governor, the Legislative Council, and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs that utilizes the alternative economic scenarios recommended by the commission in accordance with

section 1710-A, subsection 4. The report shall include analyses and findings that detail the stress impact such economic recession scenarios would have on the current General Fund revenue projections of sales and income tax revenues. The report shall include an analysis of the sufficiency of the current level of the Budget Stabilization Fund and an estimate of the reserves in the Budget Stabilization Fund necessary to offset the declines in revenue as a result of potential economic recessions of varying levels of severity.

Sec N-5. 5 MRSA §1710-H, as amended by PL 1997, c.655, §6, is further amended to read:

§1710-H. Meetings

The committee shall meet at least 3 4-times a year. Additional meetings may be called by a majority vote of the committee or by the State Budget Officer as specified in section 1710-G.

PART N SUMMARY

This Part does the following:

Section 1 allows the terms of commission members to be staggered.

Section 2 changes reporting requirements to conform to current practice and adds a requirement. that two economic forecasts assuming potential economic recession scenarios be provided no later than February 1st in even numbered years.

Sections 3 and 5 change the required number of meetings from 4 to 3.

Section 4 adds a requirement that the Consensus Economic Forecast Commission and the Revenue Forecasting Committee jointly issue a report to the Governor, the legislative council and the joint committee of the Legislature having jurisdiction over appropriations and financial affairs that utilizes the economic scenarios developed in accordance with section 1710-A.

PART O

Sec. O-1. 5 MRSA §1725-A, as amended by PL 1991, c. 780, Pt. Y, §51, is further amended to read:

§1725-A. Risk Management

1. Creation and authority. The Department of Administrative and Financial Services is designated as the agency through which this chapter is administered. The ~~Director of the Bureau of General Services~~State Controller, ~~in this chapter called the~~

~~"director,"~~ is empowered with such authority as necessary to carry out the purposes of this chapter.

Risk management responsibilities are under the supervision and administrative control of the ~~Director of the Bureau of General Services~~ State Controller.

2. ~~Director of General Services~~ State Controller. The commissioner shall appoint the ~~Director of the Bureau of General Services, State Controller~~ in this chapter called the "director," to administer the State's policy on insurance management, as developed through the authority of this chapter. The ~~director~~State Controller or the ~~director's~~State Controller's designee must be knowledgeable of insurance practices and principles and must be qualified by actual experience in the field of risk management to carry out the purposes of this chapter.

3. Personnel. The ~~director~~State Controller may employ such assistants and employees as are necessary, and distribute the risk management duties among such persons as the ~~director~~State Controller considers necessary for economy and efficiency of administration. Employees are subject to the Civil Service Law.

Sec. O-2. 5 MRSA §1727-A, as enacted by PL 1983, c. 349, §7, is amended to read:

§1727-A. Conflict of interest prohibited

The ~~director~~State Controller or any other employee of the division shall not be financially interested, directly or indirectly, in any insurer, agency or insurance transaction, except as a policyholder or claimant under a policy, nor shall the ~~director~~State Controller or any other employee be licensed under Title 24-A, as an agent, broker, consultant or adjuster.

Sec. O-3. 5 MRSA §1728-A, sub-§1, first ¶, as amended by PL 1993, c. 470, §1, is further amended to read:

§1728-A. Powers and duties of the ~~director~~State Controller

- 1. Duties.** The ~~director~~State Controller shall provide insurance advice and services for all forms of insurance for State Government and any department or agency of State Government except for those departments or agencies and those types of insurance otherwise provided for by law through the self-insurance fund and to other entities designated as entitled to advice and services through the state-administered fund pursuant to section 1737. The ~~director~~State Controller is responsible for the acquisition and administration of all insurance purchased by the State, including the authority to purchase insurance for the State for automobile, fire, liability and any other type of coverage necessary to protect the State from financial loss. The ~~director~~State Controller may enter into contracts for various types of claims management services in order to ensure the most economically advantageous insurance protection in the operation of the State's insurance coverage program. In these regards, the ~~director~~State Controller has the following duties:

Sec. O-4. 5 MRSA §1728-A, sub-§1, ¶¶A, B, and C, as amended by PL 1993, c. 470, §1, are further amended to read:

A. To review annually the entire subject of insurance as it applies to all state property and activities and other persons pursuant to this section, and to provide to the Commissioner of Administrative and Financial Services a statement of its activities during the year ending the preceding June 30th. This report must include:

- (1) An evaluation of the state insurance program;
- (2) A complete statement of all types and costs of insurance in effect;
- (3) Names of agents and companies of record; and
- (4) Such other matters as the ~~director~~State Controller determines appropriate and necessary or as the commissioner may request;

B. To recommend to the Commissioner of Administrative and Financial Services such insurance protection as the ~~director~~State Controller considers necessary or desirable for the protection of all state property or activities or other insureds under this section;

C. Pursuant to programs approved by the Commissioner of Administrative and Financial Services, to provide insurance protection for property and liability in accordance with the Maine Tort Claims Act, Title 14, section 8116, and premises liability, when required by a state lease or private property approved by the Attorney General, by self-insured retention or purchase of insurance from companies or agents licensed to do business in this State, or by both, to effect the best possible contracts as to services, coverages and costs. The purchase of insurance under this section normally must be made upon competitive bidding, except that the ~~director~~State Controller may, in appropriate circumstances, purchase insurance by negotiation;

Sec O-5. 5 MRSA §1728-A, sub-§1, ¶H, as enacted by PL 1993, c. 470, §1, is amended to read:

H. To administer the funds established by sections 1731 and 1737. In performing the functions authorized by this chapter, the funds, the Commissioner of Administrative and Financial Services and the ~~director~~State Controller are not subject to the provisions of Title 24-A; and

Sec. O-6. 5 MRSA §1728-A, sub-§§2, 3 4, as amended by PL 1993, c. 470, §1, are further amended to read:

2. Appraisal. In case an agreement as to the amount of loss sustained to any building or property insured under this chapter can not be arrived at between the insured entity and the ~~director~~State Controller, the loss must be referred to appraisal as provided by Title 24-A, section 3002.

3. Rejection of risk. In the event that the ~~director~~State Controller determines that a risk may be prejudicial to the State's insurance program or to the state-administered fund established by section 1737 because of an actual or expected adverse loss ratio, the ~~director~~State Controller

may refuse to include that risk in the program until the time that the hazards of the risk have been removed or ameliorated to a satisfactory degree.

When coverage is declined by the ~~director~~State Controller, the department, agency or entity in charge of the risk may request that the ~~director~~State Controller procure separate insurance from any authorized insurance company, and the premium for that separate insurance is a proper charge against the department, agency or entity responsible for the property.

4. Forms and rules. The ~~director~~State Controller may prescribe forms of policies, proofs of loss and other forms and may adopt rules as are necessary or expedient for the proper administration of this chapter.

Sec.O-7. 5 MRSA §1728-A, sub-§5, as enacted by PL 1993, c. 470, §1, is amended to read:

5. Actuarial review. Once every 3 years, and more frequently if determined prudent by the Commissioner of Administrative and Financial Services, the ~~director~~State Controller shall arrange for a review of the reserves of the state-administered fund by a qualified actuary who is a member in good standing of the Casualty Actuarial Society. The actuary shall issue an opinion on the adequacy of reserves of the state-administered fund to cover the estimated ultimate liability of the state-administered fund. Costs for this service must be paid from the Risk Management Fund.

Sec. O-8. 5 MRSA §1731, first ¶, as amended by PL 1993, c. 470, §2, is further amended to read:

A reserve fund, referred to in this chapter as the "self-insurance fund," is created to indemnify the State or the State's designated payee for self-insured retention losses and related loss adjustment expenses from those perils insured against under a deductible or self-insured retention program, as recommended by the ~~director~~ State Controller and approved by the Commissioner of Administrative and Financial Services. With the approval of the commissioner, the self-insurance fund may be used for loss prevention programs administered by either the risk management division within the ~~Bureau of General Services~~Office of the State Controller or the Bureau of Human Resources. The total amount of the self-insurance fund provided for loss prevention programs in any given year may not exceed 5% of the self-insurance fund as of July 1st of that fiscal year. The self-insurance fund is a continuing fund and does not lapse. Funds provided from the self-insurance fund to the Bureau of Human Resources are similarly nonlapsing and are carried forward through the Bureau of Human Resources' Dedicated Revenue Account.

Sec. O-9. 5 MRSA §1731-A, 2nd ¶, as amended by PL 1983, c. 349, §13, is further amended to read:

The ~~director~~State Controller may purchase such reinsurance of the deductible or self-insured retentions hereunder as he may deem necessary or desirable. The ~~director~~State Controller may purchase such reinsurance protection from companies or agents licensed or approved by the Superintendent of Insurance to do business in the State.

Sec. O-10. 5 MRSA §1733, 2nd ¶, as amended by PL 1993, c. 470, §5, is further amended to read:

Payments to the self-insurance fund from its participants must be calculated on a pro rata basis as determined by the ~~director~~State Controller and based on the prior claims experience of the departments or agencies.

Sec. O-11. 5 MRSA §1734, first ¶, as amended by PL 1993, c. 470, §6, is further amended to read:

The self-insurance fund may not exceed 2% of the then current value of all state-insured or self-insured retention property protected by the self-insurance fund as determined by the ~~director~~State Controller.

Sec. O-12. 5 MRSA §1736, as amended by PL 1993, c. 470, §8, is further amended to read:

Pursuant to the recommendation of the ~~director~~State Controller, the Commissioner of Administrative and Financial Services may cause payments from the self-insurance fund or proceeds of insurance purchased in accordance with this chapter, or both, to be made available for repair or replacement of insured property and payment of losses and loss adjustment expenses.

Sec. O-13. 5 MRSA § 1737, sub-§§1, 2 and 3, as enacted by PL 1993, c. 470, §9, are amended to read:

1. Creation of state-administered fund. A reserve fund, referred to in this chapter as the "state-administered fund," is created to indemnify persons and entities eligible for participation pursuant to subsection 2 for losses and related loss adjustment expenses from those perils insured against under a deductible or self-insured retention program as recommended by the ~~director~~State Controller and approved by the Commissioner of Administrative and Financial Services. With the approval of the commissioner, the state-administered fund may be used for loss prevention programs administered by the risk management division within the ~~Bureau of General Services~~Office of the State Controller. The total amount of the state-administered fund provided for loss prevention programs in any given year may not exceed 5% of the state-administered fund as of July 1st of that fiscal year. The state-administered fund is a continuing fund and does not lapse.

2. Eligibility for participation in state-administered fund. The ~~director~~State Controller may offer insurance advice and services to persons or entities other than state departments or agencies if:

- A. The ~~director~~State Controller has been authorized to do so by law;
- B. The Governor has approved that person or entity for insurance advice and service;
- C. Coverage is unavailable or is offered only at unreasonable cost to that person or entity;
and
- D. That person or entity has demonstrated a strong public need for the services provided by that person or entity.

3. Interim coverage. The ~~director~~State Controller may offer insurance advice and services for no more than 6 months when the Governor, in the absence of the Legislature, determines that it is appropriate to do so based on consideration of the risks involved and the governmental objectives served by that coverage.

Sec. O-14. 5 MRSA § 1737, sub-§4, as amended by PL 2007, c. 84, §1, is further amended to read:

4. Directed services. Notwithstanding the provisions of subsection 2, the ~~director~~State Controller may provide insurance advice or services for family foster homes as defined in Title 22, section 8101, subsection 3; specialized children's homes, as defined in Title 22, section 8101, subsection 5; respite care providers as defined in Title 34-B, section 6201, subsection 2-A; the Casco Bay Island Transit District created by Private and Special Law 1981, chapter 22; the University of Maine System; the Maine Community College System; the Maine Maritime Academy; and the State's local workforce investment areas designated under the federal Workforce Investment Act of 1998, Public Law 105-220. The ~~director~~State Controller may provide insurance services for public schools as defined in Title 20-A, section 1, subsection 24 if the provisions of subsection 2 are met. Notwithstanding subsection 2, the ~~director~~State Controller may provide insurance advice for public schools.

Sec. O-15. 5 MRSA § 1737, sub-§8, as enacted by PL 1993, c. 470, §9, is amended to read:

8. Payments from state-administered fund. Pursuant to the recommendation of the ~~director~~State Controller, the Commissioner of Administrative and Financial Services may cause payments from the state-administered fund or proceeds of insurance purchased in accordance with this section, or both, to be made available for repair or replacement of insured property and payment of losses and loss adjustment expenses. The rights of a person or entity insured under this section are limited to the extent specified in the contractual agreements or policies of insurance entered into between those persons or entities and the ~~director~~State Controller and any involved insurance companies. Notwithstanding any contractual agreements or policies of insurance, persons or entities participating in the state-administered fund do not have a right of recovery except against the assets of the state-administered fund and do not have recourse against the General Fund, the assets of the State or the commissioner, the ~~director~~State Controller or any other state employee. The commissioner shall establish procedures to ensure adequate disclosure of this limitation on rights of recovery to the entities insured under this section.

Sec. O-16. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words “Director, Bureau of General Services” or “Director of the Bureau of General Services” or “director” appear or reference is made to that position in reference to risk management, those words are amended to read or mean as appropriate, “State Controller,” and the Revisor of Statutes shall implement the revision when updating, publishing or republishing the statutes.

Sec. O-17. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words “Bureau, General Services” or “Bureau of General Services” or “bureau” appear or reference is made to that entity in reference to risk management, those words are amended to read or mean as appropriate, “Office of the State Controller,” and the Revisor of Statutes shall implement the revision when updating, publishing or republishing the statutes.

PART O SUMMARY

This Part transfers responsibility for the supervision and administrative control of risk management insurance, claims and loss control for the State from the Director, Bureau of General Services and the Bureau of General Services to the State Controller and the Office of the State Controller.

This Part also provides that the risk management division assists the State Controller in carrying out these duties and is transferred from the Bureau of General Services to the Office of the State Controller.

PART P

Sec. P-1. 5 MRSA § 1742, sub-§29 is enacted to read:

29. Accept contributions. To accept contributions from public and private sources for the maintenance, repair, and construction of state facilities. Contributed funds must be invested as provided by law with the earnings credited to the fund to be used for the same purposes.

PART P SUMMARY

This Part authorizes the Bureau of General Services to accept contributions from public and private sources for the maintenance, repair and construction of state facilities and provides that any earnings accruing to the fund be used for the same purposes.

PART Q

Sec. Q-1. Rename Maine Centers for Women, Work and Community program. Notwithstanding any other provision of law, the Maine Centers for Women, Work and Community program within the University of Maine System is renamed the New Ventures Maine program.

PART Q SUMMARY

This Part changes the name of the Maine Centers for Women, Work and Community program to the New Ventures Maine program to reflect the name currently used by the University of Maine System.

PART R

Sec. R-1. 1 MRSA §534, sub-§1, ¶J, as enacted by PL 2005, c. 5, §3, is amended to read:

~~J. The Chief Information Officer of the Department of Administrative and Financial Services or the Chief Information Officer's designee.~~ The Commissioner of Technology Services, or the commissioner's designee.

Sec. R-2. 1 MRSA §534, sub-§3, as amended by PL 2007, c. 37, §2, is further amended to read:

3. Staff. The Department of ~~Administrative and Financial Services, Office of Information Technology~~ Services shall provide staff to the board.

Sec. R-3. 1 MRSA §534, sub-§5, ¶B, as amended by PL 2007, c. 37, §3, is further amended to read:

B. Approve the criteria and specifications for a network manager and its duties developed by the ~~Chief Information Officer~~commissioner within the Department of ~~Administrative and Financial Services~~Technology Services;

Sec. R-4. 1 MRSA §535, sub-§1, as amended by PL 2007, c. 37, §4, is further amended to read:

1. Criteria and specifications; contract terms. ~~The Chief Information Officer within the Department of Administrative and Financial Services or the Chief Information Officer's~~Commissioner of Technology Services, or the commissioner's designee, in consultation with the board, shall develop criteria and specifications for a network manager and its duties. ~~The Chief Information Officer~~commissioner shall develop and release a request for proposals to solicit bids from private entities to serve as the network manager. ~~The Chief Information Officer~~commissioner shall develop the terms and conditions of the contract, which must include at least the following:

A. Perpetual licensing to the board of software and other intellectual property developed by the network manager for use by InforME; and

B. Procedures ensuring that executive branch and semiautonomous state agencies and the network manager comply with the standards and policies adopted by the ~~Chief Information Officer of the Office of Information Technology within the Department of Administrative and Financial Services~~Commissioner of Technology Services.

Sec. R-5. 2 MRSA §6, sub-§1, as amended by PL 2011, c. 657, Pt. Y, §1, is further amended to read:

1. Range 91. The salaries of the following state officials and employees are within salary range 91:

Commissioner of Transportation;
Commissioner of Agriculture, Conservation and Forestry;
Commissioner of Administrative and Financial Services;
Commissioner of Education;
Commissioner of Environmental Protection;
Executive Director of Dirigo Health;
Commissioner of Public Safety;
Commissioner of Professional and Financial Regulation;
Commissioner of Labor;
Commissioner of Inland Fisheries and Wildlife;
Commissioner of Marine Resources;
Commissioner of Corrections;
Commissioner of Economic and Community Development;
Commissioner of Defense, Veterans and Emergency Management;~~and~~
Executive Director, Workers' Compensation Board;~~;~~ and
Commissioner of Technology Services.

Sec. R-6. 2 MRSA §6, sub-§2, as amended by PL 2015, c. 267, Pt. HHH, §1, is further amended to read:

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

Superintendent of Financial Institutions;
Superintendent of Consumer Credit Protection;
State Tax Assessor;
Associate Commissioner for Tax Policy, Department of Administrative and Financial Services;
Superintendent of Insurance;

Executive Director of the Maine Consumer Choice Health Plan;
Deputy Commissioner, Department of Administrative and Financial Services;
Deputy Commissioner, Department of Corrections;
Public Advocate;
Two deputy commissioners, Department of Health and Human Services;
~~Chief Information Officer;~~
Associate Commissioner, Department of Corrections;
Chief of the State Police; and
Securities Administrator, Office of Securities.

Sec. R-7. 5 MRSA c. 21 is enacted to read:

Chapter 21
Department of Technology Services

Subchapter 1: General Provisions

§480. Department established.

The Department of Technology Services is established as the primary department of State Government responsible for information technology. The department is responsible for oversight and coordination of information technology policy, planning, and service delivery; and, shall ensure consistency in programming services, stability in data processing functions, and operational reliability of systems, while maintaining responsiveness and flexibility to react to changing situations and needs.

The department is under the supervision and control of the commissioner, who is appointed by the Governor and serves at the pleasure of the Governor. The commissioner must have educational qualifications and professional experience directly related to the functions of and services provided by the department.

§481. Definitions.

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

1. Commissioner. “Commissioner” means the Commissioner of Technology Services, who shall serve as the state Chief Information Officer.

2. Computer system. "Computer system" has the same meaning as in Title 17-A, section 431.

3. Data processing. "Data processing" means the process that encompasses all computerized and auxiliary automated information handling, including systems analysis and design, conversion of data, computer programming, information storage and retrieval, data and facsimile transmission, requisite system controls, simulation and all related interactions between people and machines. "Data processing" also includes all word or text manipulation processing.

4. Department. "Department" means the Department of Technology Services.

5. Enterprise. "Enterprise" means collectively all departments and agencies of the executive branch.

6. Semiautonomous state agency. "Semiautonomous state agency" means an agency created by an act of the Legislature that is not a part of the Executive Department. This term does not include the Legislature, Judicial Department, Department of the Attorney General, Department of the Secretary of State, Office of the Treasurer of State and Office of the State Auditor.

7. Telecommunications. "Telecommunications" means, but is not limited to, the process of transmitting and receiving any information, including voice, data and video, by any medium, including wire, microwave, fiberoptics, radio, laser and satellite.

§482. Powers and duties of the commissioner.

The commissioner serves as the principal technology advisor to the Governor, and is responsible for information technology leadership, planning and performance management. The commissioner provides central leadership and vision in the use of technology across state government.

1. Appoint a deputy commissioner. The commissioner may appoint and set the salary for a deputy commissioner to assist in carrying out the responsibilities of the department. The deputy commissioner serves at the pleasure of the commissioner.

2. Set rules. The commissioner may set rules for carrying out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A;

3. Information technology leadership. The commissioner, or the commissioner's designee, shall:

A. Set policies and standards for the implementation and use of information and telecommunications technologies, including privacy and security standards and standards of the federal Americans with Disabilities Act, for information technology;

B. Assist the Governor's Office with development and support of information technology-related legislation;

C. Identify and implement information technology best business practices;

D. Facilitate research and development activities to identify and establish effective information technology service delivery in State Government; and

E. Facilitate interjurisdictional collaboration, services, sharing and initiatives among agencies, instrumentalities and political subdivisions of State Government and with other states and the Federal Government.

4. Information technology planning. The commissioner, or the commissioner's designee, shall:

A. Establish and manage a process for strategic information technology planning;

B. Ensure integration between the enterprise strategic plan and department-specific information technology plans;

C. Approve all departments' information technology plans; and

D. Develop, implement and monitor compliance with statewide standards and architecture.

5. Information technology financial management. The commissioner, or the commissioner's designee, shall develop an information technology financial management process to:

A. Protect current and future investments in information and telecommunications technologies in State Government;

B. Identify ways to use information and telecommunications technologies to reduce cost of government and improve service to customers;

C. Analyze business process improvement options that will yield benefits to the State;

D. Establish performance and other outcomes measures and cost benefit analyses for information technology;

E. Develop and administer a statewide information technology financial management and budget planning process;

F. Establish internal service funds accounts. These funds include, but are not limited to, appropriations made to the fund, funds transferred to the department, and funds received for data processing and telecommunications planning services rendered to state agencies;

G. Levy appropriate charges against all state agencies using services provided by the department and for the operations of department. The charges must be those fixed in a

schedule or schedules prepared and revised as necessary by the commissioner. The schedule of charges must be supported and explained by accompanying information; and H. Submit a budget of estimated revenues and costs to be incurred by the department as part of the unified current services budget legislation in accordance with sections 1663 to 1666. Notwithstanding section 1583, allocations may be increased or adjusted by the State Budget Officer, with approval of the Governor, to specifically cover those adjustments determined to be necessary by the commissioner. A request for adjustment to the allocation is subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

6. Information technology procurement and contract management.

A. The commissioner, or the commissioner's designee, shall work with the Department of Administrative and Financial Services to:

- (1) Approve all major or nonstandard information and telecommunications technology initiatives, contracts and acquisitions, including enterprise initiatives;
- (2) Develop written standards for and approve the acquisition and use of all data processing and telecommunications services, equipment, software and systems by state agencies;
- (3) Approve the Division of Purchases' standards and evaluation procedures for standard information and telecommunications technology acquisitions and contracts; and
- (4) Comply with all other state procurement policies.

B. Non-compliance. The purchase of technology equipment, software or services may not be made except in accordance with this chapter. An Agency may not purchase technology equipment, software or services without documented approval of the commissioner, or the commissioner's designee. The Department of Administrative and Financial Services may not award contracts nor authorize payments for technology equipment, software or services without evidence of this prior approval.

(1) **Non-compliance defined.** A state agency is in noncompliance with this chapter if the agency enters into agreements for technology equipment, software, or services without documented approval by the commissioner; or, fails to adhere to the standards and policies established in accordance with this chapter.

(2) **Penalty.** Any state agency found to be in noncompliance as defined in this section is prohibited from further action related to acquiring or purchasing technology equipment, software or services until the commissioner or the commissioner's designee determines that the agency is in compliance with this chapter.

C. **Emergency Needs.** Notwithstanding the provisions of this section, the commissioner or the commissioner's designee may act to acquire or purchase technology equipment, software or services to maintain or meet the emergency needs of a state agency.

D. **Information technology communications.** The commissioner, or the commissioner's designee, shall provide information technology communications by serving as the lead advocate for information technology directions, policies, standards and plans for the executive branch and independent units of State Government, constitutional offices, the media and the general public.

7. **Maintain central telecommunications services.** The commissioner or the commissioner's designee shall maintain and operate central telecommunications services and may:

A. Employ or engage outside technical and professional services that may be necessary for telecommunications purposes;

B. Levy charges, according to a rate schedule based on uniform billing procedures against all units utilizing telecommunications services; and

C. Require departments and agencies to be a part of the central telecommunications service network. Capital items purchased through the department may not be given, transferred, sold or otherwise conveyed to any other department, agency or account without authorization through the normal budgetary process. Except as authorized by the commissioner, telecommunications services, equipment and systems are the responsibility and property of the department.

8. **Provide services.** The department shall direct, coordinate and oversee the provision of information technology services throughout state government.

9. **Maintain central data processing services.** The commissioner shall maintain and operate central data processing and geographic information systems pursuant to subchapter 2.

10. **InforME responsibilities.** The commissioner shall serve as the contracting authority under Title 1, chapter 14 and shall provide staff to the InforME Board established in Title 1, chapter 14.

11. **Intergovernmental cooperation and assistance.** The commissioner may enter into agreements with the Federal Government, the University of Maine System, the Maine Community College System and other agencies and organizations that will promote the objectives of this chapter.

§483. Information security and technology risk management

1. Protection of information files. The commissioner shall coordinate and oversee the storage, accessibility, and recovery of information files. Content of all data files are the property of the agency or agencies responsible for their collection and use.

2. Confidentiality. Computer programs, technical data, logic diagrams and source code related to data processing or telecommunications are confidential and are not public records, as defined in Title 1, section 402, subsection 3, to the extent of the identified trade secrets. To qualify for confidentiality under this subsection, computer programs, technical data, logic diagrams and source code must:

A. Contain trade secrets, as defined in Title 10, section 1542, subsection 4, held in private ownership; and

B. Have been provided to a state agency by an authorized independent vendor or contractor under an agreement by which:

(1) All trade secrets that can be protected are identified without disclosing the trade secret;

(2) The vendor or contractor retains all intellectual property rights in those trade secrets; and

(3) The state agency agrees to hold and use the programs, data, diagrams or source code without disclosing any identified trade secrets.

3. Public records. Except as provided in subsection 1, any document created or stored on a State Government computer must be made available in accordance with Title 1, chapter 13.

4. Response to requests for public records. Each agency that collects and uses data or information is responsible for responding to requests for public data or information hosted on state-owned computer devices and equipment. The department shall assist the agency in searching for and identifying all data and information stored within the department, and in compiling the data and information.

Subchapter 2: Geographic Information Systems

§485. Office of Geographic Information Systems Established

1. Office established. The Office of Geographic Information Systems is established within the Department of Technology Services.

2. Powers and Duties. The Office of Geographic Information Systems shall:

A. Geographic information system. Establish, maintain and operate a geographic data base information center, develop and administer standards, subject to the approval of the

commissioner, and provide geographic information system services to the public. A request to provide the Legislature or an office of the Legislature with existing information for the purposes of making policy decisions must be considered high priority;
B. GIS data repository. Create a GIS data repository for the proper management of GIS data and ensure the GIS data are documented, including ownership. Data must be stored and managed in a manner that facilitates the evolution of a distributed agency GIS network;

C. Data ownership. Maintain GIS base map data and other multipurpose data not specific to any state agency. All other GIS data are owned by the agency originally compiling the mapped data that were digitized for the GIS. Data owners are responsible for updating their GIS data and certifying its accuracy;

D. Accuracy level. Ensure that GIS data added on the GIS data repository are developed and maintained at an accuracy level and in a format that meets the GIS data standards, kept in a format that is compatible with the GIS and, upon request of a potential user, made available to the user;

E. Charges. Levy appropriate charges on those using the services provided by the office, except that charges may not be levied on the Legislature for existing information. The charges must be fixed in a schedule or schedules. The schedule of charges must be supported and explained by accompanying information and approved by the commissioner; and

F. Consultation with commissioner. Consult with the commissioner on all major policy issues, including fee schedules, related to the management of GIS data and development of GIS data standards.

3. Intergovernmental cooperation and assistance. The administrator may enter into such agreements with other agencies and organizations as will promote the objectives of this subchapter and accept funds from public and private organizations to be expended for purposes consistent with this subchapter.

4. Licensing agreements. GIS data are subject to licensing agreements and may be made available only in accordance with this subchapter and upon payment of fees established under this subchapter. The licensing agreement must protect the security and integrity of the GIS data, limit the liability of the data owners and the office providing the services and products and identify the source of the GIS data.

§486. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings:

1. Administrator. "Administrator" means the Administrator of the Office of Geographic Information Systems.

2. Geographic information system or GIS. "Geographic information system" or "GIS" means an entire formula, pattern, compilation, program, device, method, technique, process, digital data base or system that electronically records, stores, reproduces and manipulates by computer geographic information system data.

3. Geographic information system data or GIS data. "Geographic information system data" or "GIS data" means geographic information that has been compiled and digitized for use in geographic information systems by a state agency, either alone or in cooperation with other agencies.

4. Geographic information system services or GIS services. "Geographic information system services" or "GIS services" means the process of gathering, storing, maintaining and providing geographic information system data for geographic information systems. "Geographic information system services" or "GIS services" does not include general purpose data processing services.

§487. Priority of Responsibilities

The activities authorized under this subchapter do not take priority over the primary responsibilities of the Department of Technology Services. If there are not sufficient financial or personnel resources for the Office of Geographic Information Systems to perform certain GIS services and deliver GIS data and products as provided in this subchapter, the administrative management functions related to the Office of Geographic Information Systems, technical support for other state agency GIS users, office equipment maintenance and GIS data base management must take precedence.

Subchapter 3: Maine Library of Geographic Information

§488. Short Title

This subchapter may be known and cited as "the Maine Library of Geographic Information Act."

§489. Definitions

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

1. Association. "Association" means an organization:

A. Whose membership is identifiable by regular payment of organizational dues and regularly maintained membership lists;

B. That is registered with the State or is a corporation in the State; and

C. That exists for the purpose of advancing the common occupation or profession of its membership.

2. Data custodian. "Data custodian" means a federal data custodian, state data custodian or nonstate data custodian.

3. Federal data custodian. "Federal data custodian" means any branch, agency or instrumentality of the Federal Government.

4. Geographic information board. "Geographic information board" means the Maine Library of Geographic Information Board.

5. Geographic information system. "Geographic information system" or "GIS" means a computer system capable of assembling, storing, manipulating, analyzing and displaying information identified according to locations. A GIS includes operating personnel, hardware, software and the data that go into the system.

6. Maine Library of Geographic Information. "Maine Library of Geographic Information" or "library" means the statewide network created pursuant to this subchapter by which data custodians or their designees organize and catalog public geographic information and provide access to that information to all levels of government and to the public.

7. Nonstate data custodian. "Nonstate data custodian" means any agency or instrumentality of a political subdivision of the State.

8. Public geographic information. "Public geographic information" means public information that is referenced to a physical location. Public geographic information includes, but is not limited to, physical, legal, economic or environmental information or characteristics concerning land, water, groundwater, subsurface resources or air in this State relating to:

A. Topography, soil, soil erosion, geology, minerals, vegetation, land cover, wildlife and associated natural resources;

B. Land ownership, land use, land use controls and restrictions, jurisdictional boundaries, tax assessments, land value and land survey records and references; and

C. Geodetic control networks, aerial photographs, maps, planimetric data, remote sensing data, historic and prehistoric sites and economic projections.

9. Public information. "Public information" means information that is stored, gathered, generated, maintained or financed by a data custodian. Information of state and nonstate data custodians is public information only if it is either:

A. A public record under Title 1, section 402, subsection 3; or

B. Otherwise expressly authorized by law to be released.

The presence of data in the library does not, by itself, make that information a public record.

10. State data custodian. "State data custodian" means any branch, agency or instrumentality of State Government.

11. State funds. "State funds" means bond revenues and General Fund money appropriated by the Legislature for the purposes of this chapter.

§490. Maine Library of Geographic Information Board

1. Purposes and duties. The Maine Library of Geographic Information Board, as established by section 12004-G, subsection 30-B, has the following purposes and duties:

A. To oversee the Maine Library of Geographic Information to ensure that it operates as a coordinated, cost-effective electronic gateway providing public access to data custodians' public geographic information. Nothing in this paragraph may be construed to affect the rights of persons to inspect or copy public records under Title 1, chapter 13, subchapter 1, or the duty of data custodians to provide for public inspection and copying of those records;

B. To establish and maintain standards, rules and policies for nonstate data custodians' geographic information that is incorporated into the Maine Library of Geographic Information. These standards, rules and policies must be consistent with the standards, rules and policies set by the commissioner that govern state data custodians' information technology. The geographic information board shall adopt rules to carry out this subchapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in chapter 375, subchapter 2-A. Standards and policies may concern, without limitation:

(1) Methods of access and delivery of information held by the library;

(2) Geographic information system technical specifications;

- (3) Data content, metadata and security, including guideline criteria for accepting 3rd-party data from data custodians or data volunteered by the private sector;
- (4) Privacy and privacy protection;
- (5) Mechanisms to correct inaccuracies; and
- (6) Data validation tools and processes.

C. To reduce redundancies in the creation, verification and maintenance of public geographic information and to enhance its utility for complex analyses;

(1) Each state data custodian, or its designee, that acquires, purchases, verifies, maintains or produces geographic information with state funds or grants shall:

(a) Inform the geographic information board and the Office of Geographic Information Systems of the existence of this information and its geographic extent; and

(b) Upon request, provide to the library and office an electronic copy of all information classified as public, in a form compatible with standards set by the commissioner.

(2) Each nonstate data custodian, or its designee, that acquires, purchases, verifies, maintains or produces geographic information with state funds specifically provided for that purpose shall:

(a) Inform the geographic information board and the Office of Geographic Information Systems of the existence of this information and its geographic extent; and

(b) Upon request, provide to the library and the Office of Geographic Information Systems an electronic copy of all information classified as public, in a form compatible with standards set by the commissioner.

D. To set priorities and authorize the expenditure of state funds, including awarding of grants or subgrants to data custodians when available. The geographic information board may seek federal and other funding partners, accept gifts and grants and expend the funds acquired for purposes consistent with this subchapter;

E. To promote innovative uses of geographic information through the provision of verified, coordinated, intergovernmental information via the Maine Library of Geographic Information. The geographic information board shall seek advice from the general public, professional associations, academic groups and institutions and individuals with knowledge of and interest in geographic information regarding needed information and potential innovative uses of geographic information;

F. To enter into partnerships to promote the purposes of this subchapter;

G. To hear and resolve disputes that may arise between data custodians or with respect to information to be placed in the Maine Library of Geographic Information, enforcement of geographic information board standards, rules or policies or other related matters, all in accordance with the Maine Administrative Procedure Act. Complainants may directly present their case to the geographic information board, which has the power to hold

investigations, inquiries and hearings concerning matters brought to its attention and to make decisions with respect to the case. All interested parties must be given reasonable notice of the hearing and an opportunity to be heard. Hearings must be open to the public;

H. To conduct studies relating to the coordination, development and use of statewide geographic information;

I. To report annually by January 1st to the joint standing committees of the Legislature having jurisdiction over natural resources matters, and state and local government matters. The report must provide a review of the past year's activities, including, but not limited to, a description of standards adopted, data added to the library, partnerships established, disputes addressed, studies conducted and financial activity. The library shall also make this report available to the public. This report may also include suggested legislative language intended to address geographic information issues needing legislative action; and

J. To develop appropriate internal services to facilitate generalized access for and use of data by governmental agencies and the public. The library may not compete directly with private enterprise. The library shall work in partnership with nonstate data custodians to promote the purposes of this subchapter.

2. Membership. The geographic information board consists of 14 voting members as follows:

A. The commissioner, or the commissioner's designee;

B. Two members, who are responsible for overseeing GIS functions of a state department that is a data custodian of geographic information, appointed by the Governor;

C. Eight representatives as follows:

(1) A representative of the University of Maine System, appointed by the Chancellor of the University of Maine System;

(2) Two representatives of a statewide association of municipalities, one representative appointed by the President of the Senate from nominations made by the association's governing body and one representative appointed by the Speaker of the House from nominations made by the association's governing body;

(3) One representative of a statewide association of regional councils, appointed by the Speaker of the House from nominations made by the Department of Agriculture, Conservation and Forestry;

(4) One representative of a statewide association of counties, appointed by the Governor from nominations made by the association's governing body;

(5) One representative of a statewide association representing real estate and development interests, appointed by the President of the Senate;

(6) One representative of a statewide association representing environmental interests, appointed by the Speaker of the House; and

- (7) One member representing public utilities, appointed by the Governor;
D. Two members of the private sector representing geographic information vendors, one member appointed by the President of the Senate and one member appointed by the Speaker of the House; and
E. One public member, appointed by the President of the Senate.

The terms for the members appointed pursuant to paragraphs B, C, D and E are 3 years. A member who designates another person to serve on the geographic information board as that member's designee shall provide written notice to the geographic information board's staff of the name and title of the designee.

3. Board chair. The geographic information board shall annually elect a chair from its membership at the first meeting in each year.

4. Staff. Staff support to the geographic information board is provided by the Department of Technology Services.

5. Quorum; action. Eight members of the geographic information board constitute a quorum. The affirmative vote of 7 members is necessary for any action taken by the geographic information board. A vacancy in the membership of the geographic information board does not impair the right of a quorum to exercise all the powers and perform the duties of the geographic information board. The geographic information board may use video conferencing and other technologies to conduct its business but is not exempt from Title 1, chapter 13, subchapter 1.

6. Meetings. The geographic information board shall meet at the call of the chair but not less than quarterly. Notice must be provided no less than 5 working days prior to the meeting. Notice may be in writing by facsimile or electronic transmission.

7. Memorandum of understanding. Information to be provided by a nonstate data custodian or its designee to the Maine Library of Geographic Information is governed by a memorandum of understanding between the geographic information board or its designee and the nonstate data custodian or its designee.

8. Data custodian responsibilities. Federal and nonstate data custodians may voluntarily contribute data to the Maine Library of Geographic Information, except that data developed with state funds must be submitted to the library. Data custodians or their designees are responsible for:

- A. Ensuring that the public information is accurate, complete and current through the creation of adequate procedures;

- B. Updating source data bases following verification of suggested corrections that users submit in accordance with geographic information board standards;
- C. Complying with standards adopted by the geographic information board; and
- D. Providing reasonable safeguards to protect confidentiality.

§491. Liability

The geographic information board and any of the parties submitting data to the Maine Library of Geographic Information for public use may not be held liable for any use of those data.

§492. Copyrights and Fees

Copyright or licensing restrictions may not be fixed by the geographic information board or data custodians to the information made available through the Maine Library of Geographic Information. The geographic information board may set fees for electronic copies of library data that are no more than 3 times the actual cost of reproduction. Fee schedules must be set annually and made readily available to requestors.

§493. Geospatial Data Account

1. Accounts established. There are established within the office separate accounts, referred to in this section as "the accounts," to be administered by the geographic information board.

2. Sources of funding. The following must be paid into the accounts:

- A. All money appropriated for inclusion in the accounts;
- B. All interest earned from investments of the accounts;
- C. Any money allocated from Other Special Revenue Funds accounts for the purpose of the accounts;
- D. Proceeds from any bonds issued for the purpose of the accounts; and
- E. Matching funds received from the Federal Government or other legal entity for geospatial data acquisition expenditures made from the accounts pursuant to subsection 4.

3. Use of accounts. The purpose of the accounts is to continue projects developed by the geographic information board. The accounts must be used to provide and maintain to the extent practicable statewide GIS data sets necessary for the efficient delivery of state services and to

conserve state expenditures through partnerships with other GIS stakeholders interested in acquiring the same data sets. The accounts may be used at the discretion of the geographic information board for acquiring geospatial data primarily including but not limited to the following data sets:

A. An orthoimagery program. Imagery collected through this program must be from all areas of the State and be 4-band images that include the red, green, blue and near infrared bands; and

B. An elevation data set. A consistent statewide elevation data set must be collected using light detection and ranging technology or an equivalent method.

4. Matching funds. State funds used to purchase geospatial data must be matched by funding from other sources at at least a one-to-one ratio.

5. Annual report. The commissioner shall submit a written report to the Governor and the Legislature on the accounts' balance and expenditures by January 15 of each year.

Subchapter 4: Statewide Radio and Network System

§494. Statewide Radio and Network System Reserve Fund

1. Fund established. The Statewide Radio and Network System Reserve Fund, referred to in this section as the "fund," is established as an internal service fund in the Department of Technology Services, referred to in this section as the "department," for the purposes of managing the fund and acquiring, expanding, upgrading and replacing a statewide radio and network system for use by state agencies. The office may charge a fee to agencies using the statewide radio and network system in accordance with an established rate structure. Revenues derived from operations must be used to pay the costs of the lease-purchase to acquire a system, expand, upgrade and replace the system, and to manage the fund.

A. The office shall work closely with all departments and agencies to identify radio and network requirements for the statewide system to ensure that agency program requirements are met to the maximum extent possible. The department shall:

(1) Ensure that the annual costs of the lease or lease-purchase are paid in a timely manner and that the financial affairs of the fund are properly managed;

(2) Maintain records of radio and network system requirements for all agencies using the system and make this information available to state agencies;

(3) Require state agencies to become part of the statewide radio and network system when replacing their current systems or purchasing new systems;

(4) Acquire, expand, upgrade or replace the statewide radio and network system in accordance with an established replacement plan; and

(5) Transfer radio equipment and network infrastructure into the fund from agencies using the system, purchase, lease, lease-purchase or enter into other financing agreements, in accordance with section 1587, for the acquisition, expansion, upgrade or replacement of the system or any of its components in accordance with paragraph B when it can be demonstrated that any such action or agreement provides a clear cost or program advantage to the State.

B. The commissioner, in conjunction with the agencies using the statewide radio and network system, operating as a board that may be referred to as "the Statewide Radio Network Board," shall establish the following:

(1) Standards for statewide radio and network system operations;

(2) Specifications for systems and components to be acquired by the State; and

(3) Standards for the exemption or waiver of state agencies from the requirements of this section.

C. The office shall establish, through the Department of Administrative and Financial Services, Office of the State Controller, the Statewide Radio and Network System Reserve Fund account. The funds deposited in the account may include, but are not limited to, appropriations made to the account, funds received from state departments and agencies using the services provided by the office, earnings by the fund from the Treasurer of State's pool and proceeds from the sale of system assets under the administrative control of the fund by the state surplus property program in the Department of Administrative and Financial Services in accordance with paragraph B and other provisions of law.

D. The fund may levy charges according to a rate schedule recommended by the commissioner against all departments and agencies using the services of the statewide radio and network system.

E. Service charges for the statewide radio and network system must be calculated to provide for system acquisition costs, expansion costs, upgrade costs, necessary capital investment and fund management costs, replacement costs and sufficient working capital for the fund.

F. Each department or agency using the services of the statewide radio and network system must budget adequate funds to pay for costs described in paragraph E.

Sec. R-8. 5 MRSA §947-B, sub-§1, as amended by PL 2013, c. 1, Pt. D, §§1-4, is further amended to read:

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Administrative and Financial Services. Notwithstanding any other provision of law, these positions and their successor positions are subject to this chapter:

A.

- B. Director, Bureau of Human Resources;
- C.
- D. Director, Bureau of Alcoholic Beverages and Lottery Operations;
- E. Director, Bureau of General Services;
- F. Deputy Commissioners, Department of Administrative and Financial Services;
- G. State Controller;
- H. State Tax Assessor;
- I. State Budget Officer;
- ~~J. Chief Information Officer;~~
- K. Associate Commissioner, Administrative Services;
- L. Associate Commissioner for Tax Policy within the Bureau of Revenue Services; and
- M. Director, Legislative Affairs and Communications.

Sec. R-9. 5 MRSA §1520, as amended by PL 2007, c. 240, Pt. PP, §1, is repealed.

Sec. R-10. 5 MRSA c. 163, as amended by PL 2015, c. 267, Pt. YYY, §§1 and 2, is repealed.

Sec. R-11. 30-A MRSA §3008, sub-§7, as enacted by PL 2007, c. 548, §1, is amended to read:

7. Model franchise agreement. The Department of ~~Administrative and Financial Services, Office of Information Technology Services~~, referred to in this subsection as "the office department," shall develop a model franchise agreement for use by any municipality and any cable system operator that mutually choose to adopt the model franchise agreement or any of its provisions. The office department shall make the model franchise agreement available on its publicly accessible website. In the development of the model franchise agreement, the office department shall, at a minimum, consider the following issues:

- A. Franchise fees;
- B. Build-out requirements;
- C. Public, educational and governmental access channels and reasonable facility support for such channels;
- D. Customer service standards;
- E. The disparate needs of the diverse municipalities in this State; and
- F. The policy goal of promoting competition in the delivery of cable television service.

This subsection does not allow the office department to establish prices for any cable television service or to regulate the content of cable television service.

Sec. R-12. Transition provisions. The following provisions govern the transition of the Department of Administrative and Financial Services, Office of Information Technology, referred to in this section as "the office," to the Department of Technology Services, referred to in this section as "the department."

1. The department is the successor in every way to the powers, duties and functions of the office.
2. All existing rules, regulations, policies and procedures in effect, in operation or adopted in or by the office or any of its administrative units or officers are hereby declared in effect and continue in effect until rescinded, revised or amended by the department.
3. All existing contracts, agreements and compacts currently in effect in the office continue in effect.
4. Any positions authorized and allocated subject to the personnel laws to the office are transferred to the department and may continue to be authorized.
5. All records, property and equipment previously belonging to or allocated for the use of the office become, on the effective date of this Act, part of the property of the department.
6. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the office may be utilized by the department until existing supplies of those items are exhausted.

PART R SUMMARY

This Part creates the Department of Technology Services.

PART S

Sec. S-1. Tax expenditures. In accordance with the Maine Revised Statutes, Title 5, section 1666 and to the extent not otherwise provided in this Act, funding is continued for each individual tax expenditure, as defined in Title 5, section 1666, reported in the budget document submitted to the Legislature by the Governor on January 6, 2017.

PART S SUMMARY

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

PART T

Sec. T-1. 36 MRSA §112, sub-§2-A is enacted to read:

2-A. Training Programs. The assessor may implement a program to enhance the technical and service delivery expertise of the bureau's Revenue Agents and Property Appraisers. Employees in these classifications who participate in the training program and who demonstrate that they have achieved competencies prescribed by the assessor may progress immediately to the Senior position in these classification series.

PART T SUMMARY

This Part authorizes the State Tax Assessor to implement a program to develop the expertise of Revenue Agents and Property Tax Appraisers. Upon successful completion of the program and demonstration of prescribed competencies, employees in these classifications may immediately progress to the Senior position in the respective classification series.

PART U

Sec. U-1. Transfer from General Fund unappropriated surplus; Fund for Efficient Delivery of Local & Regional Services, Other Special Revenue Funds account.

Notwithstanding any other provision of law, the State Controller shall transfer \$5,000,000 from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Local & Regional Services - Administration, Other Special Revenue Funds account within the Department of Administrative and Financial Services no later than June 30, 2018.

Sec. U-2. Transfer from General Fund unappropriated surplus; Fund for Efficient Delivery of Local & Regional Services – Administration, Other Special Revenue Funds account.

Notwithstanding any other provision of law, the State Controller shall transfer \$5,000,000 from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Local & Regional Services - Administration, Other Special Revenue Funds account within the Department of Administrative and Financial Services no later than June 30, 2019.

PART U SUMMARY

This Part authorizes the State Controller to transfer \$5,000,000 in each fiscal year of the 2018-2019 biennium, as a one-time transfer, from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Local & Regional Services - Administration, Other Special Revenue account within the Department of Administrative and Financial Services.

PART V

Sec. V-1. 30-A MRSA §701, sub-§2-C, as enacted by PL 2015, c. 335, §11, is amended to read:

2-C. Tax assessment for correctional services beginning July 1, 2015. Beginning July 1, 2015, the counties shall annually collect no less than \$62,172,371 from municipalities for the provision of correctional services in accordance with this subsection. The counties may collect an amount that is more than the base assessment limit established in this subsection, except that the additional amount each year may not exceed the base assessment limit as adjusted by the growth limitation factor established in section 706-A, subsection 3 or 3%, whichever is less. For the purposes of this subsection, "correctional services" includes management services, personal services, contractual services, commodity purchases, capital expenditures and all other costs, or portions thereof, necessary to maintain and operate correctional services. "Correctional services" does not include county jail debt unless there is a surplus in the account that pays for correctional services at the end of the state fiscal year.

The assessment to municipalities within each county may not be ~~greater or~~ less than the base assessment limit, which is:

- A. A sum of \$4,287,340 in Androscoggin County;
- B. A sum of \$2,316,666 in Aroostook County;
- C. A sum of \$11,575,602 in Cumberland County;
- D. A sum of \$1,621,201 in Franklin County;
- E. A sum of \$1,670,136 in Hancock County;
- F. A sum of \$5,588,343 in Kennebec County;
- G. A sum of \$3,188,700 in Knox County;
- H. A sum of \$2,657,105 in Lincoln County;
- I. A sum of \$1,228,757 in Oxford County;
- J. A sum of \$5,919,118 in Penobscot County;
- K. A sum of \$878,940 in Piscataquis County;
- L. A sum of \$2,657,105 in Sagadahoc County;
- M. A sum of \$5,363,665 in Somerset County;
- N. A sum of \$2,832,353 in Waldo County;
- O. A sum of \$2,000,525 in Washington County; and
- P. A sum of \$8,386,815 in York County.

PART V SUMMARY

This Part allows the tax assessment to municipalities to be greater than the base assessment.

PART W

Sec. W-1. 5 MRSA §21, sub-§6, ¶B, as enacted by PL 2011, c. 616, Pt. A, §1, is amended to read:

B. The ~~ConnectME~~Broadband Development Authority under Title 35-A, section 9203;

Sec. W-2. 5 MRSA §12004-G, sub-§33-F, as enacted by PL 2005, c. 665, §1, is amended to read:

33-F.

Technology ~~ConnectME~~Broadband Development Not Authorized 35-A MRSA §9203
Authority

Sec. W-3. 35-A MRSA §9202, sub-§§1 and 2, as enacted by PL 2005, c.665, §3, are amended to read:

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

2. Authority. "Authority" means the ~~ConnectME~~Broadband Development Authority established in section 9203.

Sec. W-4. 35-A MRSA §9202, sub-§6, is enacted to read:

6. Office. "Office" means the Office of Broadband Development in the Department of Economic and Community Development established in section 9203-A.

Sec. W-5. 35-A MRSA §9203, as amended by PL 2015, c. 284, §4, is further amended to read:

§9203. ~~ConnectME~~Broadband Development Authority

1. Establishment; membership. The ~~ConnectME~~Broadband Development Authority is established to further the goals and policies in section 9202-A. The authority is created as a body corporate and politic and a public instrumentality of the State. The exercise by the authority of powers conferred by this chapter is considered to be the performance of essential governmental functions. The authority consists of the following 7 voting members:

- A. The chair of the Public Utilities Commission or the chair's designee;
- B. The Chief Information Officer of the State, or the officer's designee;

- C. One representative of consumers, appointed by the Governor;
- D. Two members with significant knowledge of communications technology, appointed by the Governor;
- E. The Commissioner of Economic and Community Development or the commissioner's designee; and
- F. One member with significant knowledge of telemedicine as defined in Title 24-A, section 4316, subsection 1, appointed by the Governor.

Compensation of members is as provided in Title 5, section 12004-G, subsection 33-F.

2. Terms; chair; vacancies. All members are appointed for 3-year terms. The Governor shall appoint a chair from among the 4 members appointed by the Governor. In the event of a vacancy in the membership, the Governor shall appoint a replacement member for the remainder of that vacated term. Each member of the authority serves until that member's successor is appointed and qualified. Any member of the authority is eligible for reappointment.

3. Officers; quorum. The authority may elect a secretary and a treasurer, who may, but need not, be members of the authority. Four members of the authority constitute a quorum, and the affirmative vote of 4 members is necessary for any action taken by the authority.

4. Participation by members. A member may participate in a meeting of the authority and place a vote electronically or telephonically as long as members of the public have an opportunity to listen to the deliberations of the authority and otherwise participate in or observe the proceedings of the authority consistent with Title 1, section 405.

5. Indemnification. Each member of the authority must be indemnified by the authority against expenses actually and necessarily incurred by the member in connection with the defense of any action or proceeding in which the member is made a party by reason of being or having been a member of the authority and against any final judgment rendered against the member in that action or proceeding.

Sec. W-6. 35-A MRSA §9203-A is enacted to read:

§9203-A. Office Established

1. Office of Broadband Development. The Office of Broadband Development is established within the Department of Economic and Community Development. The director of the Office of Broadband Development shall administer the office in accordance with the policies of the commissioner and the provisions of this chapter, emphasizing a program that seeks to encourage, foster, develop, and improve broadband within the state in order to:

A. Expand and improve information and broadband service that lead to job creation, an innovative economy, as well as increase market opportunities for Maine businesses;

B. Serve the ongoing and growing needs of Maine’s education systems, health care system, public safety system, industries and businesses, governmental operations, and citizens; and

C. Improve accessibility for unserved and underserved communities and populations.

2. Organization. The office shall consist of a director of the Office of Broadband Development, as well as any staff necessary to carry out the office’s duties under subsection 3. The director shall report to the commissioner in the execution of the director's responsibilities and to the Broadband Development Authority in the execution of the State’s broadband policy established in section 9202-A.

3. Duties. The office shall have the power and duty to serve as the central broadband planning body for the state of Maine and to support the Broadband Development Authority in its duties outlined in section 9204-A.

4. Administer funds. The office shall administer the Broadband Development Fund as established pursuant to section 9211, the Municipal Gigabit Broadband Network Access Fund as established pursuant to section 9211-A, as well as any state or federal funding to support the programs of the office.

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

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

Sec. W-8. 35-A MRSA §9204-A, sub-§5, as enacted by PL 2015, c. 284, §7, is amended to read:

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

Sec. W-9. 35-A MRSA §9204-A, sub-§7, as enacted by PL 2015, c. 284, §7, is amended to read:

7. Administer funds. The authority shall approve expenditures in ~~administer~~ the ConnectME Broadband Development Fund as established pursuant to section 9211.

Sec. W-10. 35-A MRSA §9205, sub-§19, as enacted by PL 2005, c. 665, §3, is repealed.

Sec. W-11. 35-A MRSA §9207, sub-§1, as enacted by PL 2005, c. 665, §3, is amended to read:

Subject to the provisions in this section, the office and the authority may collect data from communications service providers and any wireless provider that own or operate advanced communications technology infrastructure in the State concerning infrastructure deployment and costs, revenues and subscribership.

Sec. W-12. 35-A MRSA §9207, sub-§§1 and 2, as enacted by PL 2005, c. 665, §3, are amended to read:

1. Confidential information. If the office and the authority, on its own or upon request of any person or entity, determines that public access to specific information about communications service providers in the State could compromise the security of public utility systems to the detriment of the public interest or that specific information is of a competitive or proprietary nature, the authority shall issue an order designating that information as confidential. Information that may be designated as confidential pursuant to this subsection includes, but is not limited to, network diagrams. The authority may designate information as confidential under this subsection only to the minimum extent necessary to protect the public interest or the legitimate competitive or proprietary interests of a communications service provider. The authority shall adopt rules pursuant to section 9205, subsection 3 defining the criteria it will use to satisfy the requirements of this paragraph and the types of information that would satisfy the criteria. The authority may not designate any information as confidential under this subsection until those rules are finally adopted.

Information designated as confidential under this subsection is not a public record under Title 1, section 402, subsection 3.

2. Protection of information. A communications service provider may request that confidential or proprietary information provided to the office and the authority under subsection 1 not be viewed by those members of the office or the authority who could gain a competitive advantage from viewing the information. Upon such a request, the authority shall ensure that the information provided is viewed only by those members of the authority and staff who do not stand to gain a competitive advantage and that there are adequate safeguards to protect that information from members of the authority who could gain a competitive advantage from viewing the information.

Sec. W-13. 35-A MRSA §9208, as amended by PL 2015, c. 284, §9, is further amended to read:

No later than January 15th of each year, the Office of Broadband Development in consultation with the authority shall provide a report to the Governor and the joint standing committee of the Legislature having jurisdiction over utilities matters that:

1. Budget. Includes a report on the budget of the authority office;

2. Activities. Documents the activities of the office and the authority, including a detailed description of the progress toward the goals and objectives established in the triennial strategic

plan under section 9218;

3. Investments. Contains a listing of any investments of money in the ~~ConnectME~~ Broadband Development Fund, as established pursuant to section 9211, and a tracking of the infrastructure improvements resulting from the investments; and

4. Market conditions. Contains an analysis of the availability of communications services and advanced communications technology infrastructure, including an analysis of the competitive market in the State for communications services and advanced communications technology infrastructure and whether the communications services provided in the State are reasonably comparable to services provided regionally and nationwide.

After receiving a report under this section, the joint standing committee of the Legislature having jurisdiction over utilities matters may report out legislation relating to the office and the authority.

Sec. W-14. 35-A MRSA §9211, as enacted by PL 2015, c. 665, §3, is amended to read:

§9211. ~~CONNECTME~~Broadband Development Fund

1. ~~ConnectME~~Broadband Development Fund established. The ~~ConnectME~~ Broadband Development Fund, referred to in this section as "the fund," is established as a nonlapsing fund in the Department of Economic and Community Development administered by the office in consultation with the authority for the purposes of supporting the activities and projects of the authority under this chapter.

2. Assessment. After receiving authorization pursuant to Title 5, section 8072 to finally adopt major substantive rules under section 9205, subsection 3 or after January 15, 2007, whichever is later, the office and the authority may require every communications service provider to contribute on a competitively neutral basis to the fund. The assessment may not exceed 0.25% of the revenue received or collected for all communications services provided in this State by the communications service provider. A facilities-based provider of wireless voice or data retail service may voluntarily agree to be assessed by the authority as a communications service provider under this subsection.

3. Explicit identification on customer bills. A communications service provider assessed pursuant to subsection 2 may recover the amount of the assessment from the provider's customers. If a provider recovers the amount from its customers, it must explicitly identify the amount owed by a customer on the customer's bill and indicate that the funds are collected for use in the ~~ConnectME~~ Broadband Development Fund.

Sec. W-15. 35-A MRSA §9211-A, as enacted by PL 2015, c. 323, §1, is amended to read:

§9211-A. Municipal Gigabit Broadband Network Access Fund

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

- A. "Applicant" means a community, regional partnership or municipality that applies for a grant under this section.
- B. "Community" means a municipality with a population of at least 1,200 people, as determined by the office and the authority in accordance with the United States Census data, or a municipality that has received a waiver from this population requirement from the office and the authority upon a determination that the municipality is in an unserved or underserved area.
- C. "Fund" means the Municipal Gigabit Broadband Network Access Fund established in this section.
- D. "Regional partnership" means 2 or more municipalities that do not, on their own, meet the requirements of paragraph B and have joined together with one or more contiguous municipalities in the region to achieve the population requirements of paragraph B.

2. Fund established. The Municipal Gigabit Broadband Network Access Fund is established as a nonlapsing, revolving fund administered by the office in consultation with the authority for the purposes of supporting the activities and projects of the authority under this section. All money in the fund must be continuously applied by the authority to carry out this section. The authority may receive and deposit in the fund funds from the following sources:

- A. Federal funds and awards that may be used for the purposes of this section;
- B. The proceeds of bonds issued for the purposes of this section; and
- C. Any other funds from public or private sources received in support of the purposes for which the fund is established.

3. Purpose of the fund. The fund is established to address the need in the State for access to ultra high-speed broadband infrastructure that will enhance the State's competitiveness in national and international economies. To the extent funds are available, the fund must be used to provide grants to communities, regional partnerships and municipalities to support public-private partnerships to support a municipal gigabit fiber-optic broadband network in their regions with the following goals:

- A. Provide high-speed broadband access to attract, create and grow the State's economy and market the products and services of businesses in the State in national and international markets with ultra high-speed symmetric connectivity and address challenges in geography;
- B. Provide expanded health care services by facilitating access to telemedicine, as defined in Title 24-A, section 4316, subsection 1, and state and local services for senior citizens and persons with disabilities;
- C. Expand educational opportunities for students across the State through virtual and distance learning;

D. Facilitate broader access for the public to services provided by municipal and county governments, including, but not limited to, law enforcement entities, the judicial system and child, youth and family social services; and

E. Provide expanded residential services to support employment opportunities.

In order to facilitate the achievement of the goals and policies of this section, the authority shall establish and regularly update, after opportunity for public comment and taking into consideration relevant federal policies, definitions of "gigabit fiber-optic broadband network" and "ultra high-speed broadband infrastructure."

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

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

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

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

5. Planning grants; requirements for applicants. In order to assist applicants with completion of the planning process necessary to achieve the goals of this section, to the extent funds are available, the authority shall award planning grants of up to \$20,000 for community applicants and up to \$25,000 for regional partnerships and municipalities, which require a cash match. The office in consultation with the authority shall establish application requirements for planning grants for community and regional applicants that require an applicant to demonstrate to the satisfaction of the authority participation with public and private institutions and local businesses in the development of the grant process. Municipal applicants must provide the officeauthority with the following information:

A. A plan that identifies how the municipality will use ultra high-speed broadband access to fulfill the economic goals of the municipality;

B. A written commitment to nondiscriminatory open access to the broadband infrastructure by all parties involved in the grant;

C. A written summary of public forums used to gather information from the public in establishing the goals for the grant that serve the goals of this section;

D. Information gathered from local public and private institutions that identifies how the broadband services will expand access to state and local services identified under subsection 3; and

E. A summary of input received from the business community to identify the services that will be used in planning the implementation grant application.

6. Planning grant requirements. An applicant awarded a planning grant under subsection 5 must provide to the officeauthority:

A. Identification of the local broadband needs and goals;

B. An inventory of existing broadband infrastructure assets within the municipality, municipalities or region;

C. The results of a gap analysis that defines the additional broadband infrastructure necessary to meet identified needs and goals;

D. One or more potential network designs, cost estimates, operating models and potential business models, based on input from broadband providers operating within the municipality, municipalities or region and any other parties that submit a network design solution, to address any broadband gaps identified in the analysis described in paragraph C; and

E. An assessment of all existing municipal procedures, policies, rules and ordinances that may have the effect of delaying or increasing the cost of broadband infrastructure deployment.

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

8. Technical assistance; contract for services. The ~~office~~authority may provide technical assistance to applicants that request assistance with the grant application process. The ~~office~~authority may contract for services to assist in the administration, management and evaluation of the fund.

9. Rules; application procedure. The authority shall adopt rules to implement this section, including rules governing the application process for the fund. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

10. Report. Beginning December 15, 2016, the office in consultation with the authority shall provide an annual report to the joint standing committee of the Legislature having jurisdiction over energy and utility matters on the grants distributed from the fund and an analysis of the fund's activities that have addressed the need for expansion of ultra high-speed broadband access in the State.

Sec. W-16. 35-A MRSA §9213, as enacted by PL 2005, c. 665, §3, is amended to read:

The revenues derived by the office and the authority from any assessment, transfer of funds, lease, assignment, rental agreement or other disposition or any other revenue must be used for the purposes of this chapter and applied in a competitively neutral fashion and without giving preference to any one form of technology over another.

Sec. W-17. 35-A MRSA §9216, sub-§4, ¶ A, as amended by PL 2015, c. 284, §10, is further amended to read:

A. Deposit 5% of the funds received under subsection 3 into the ~~ConnectME~~Broadband Development Fund established under section 9211 and may use these funds to support the activities of the authority under this section and for the purposes of section 9204-A; and

Sec. W-18. 35-A MRSA §9217, first ¶, as enacted by PL 2015, c. 284, §11, is amended to read:

§ 9217. Community broadband planning

The authority shall ~~provide~~approve funds for broadband planning grants to municipalities, groups of municipalities or nonprofit local or regional community organizations that are providing local or regional economic development programs to develop plans to expand the availability of broadband services in unserved and underserved areas.

Sec. W-19. 35-A MRSA §9218, sub-§1, as enacted by PL 2015, c. 284, §11, is amended to read:

1. Broadband service strategic plan. The ~~office and the~~ authority shall draft a detailed, triennial strategic plan for broadband service that includes quantifiable measures of performance to carry out the duties in section 9204-A and to further the goals and policies in section 9202-A. The strategic plan must include, but is not limited to, budget allocations, objectives, targets, measures of performance, implementation strategies, timelines, a definition of "broadband" and other relevant information.

**PART W
SUMMARY**

This Part accomplishes the following:

1. It changes the name of the ConnectME Authority to the Broadband Development Authority.
2. It creates an Office of Broadband Development within the Department of Economic and Community Development.
3. It moves administration of the ConnectME Fund and the Municipal Gigabit Broadband Network Access Fund from the Broadband Development Authority to the Office of Broadband Development, renames the ConnectME Fund the Broadband Development Fund and establishes that the funds will be administered in consultation with the authority.

PART X

Sec. X-1. Attrition savings. Notwithstanding any other provision of law, the attrition rate for the 2018-2019 biennium is increased from 1.6% to 5% for judicial branch and executive branch departments and agencies only, with the exception of the District Attorneys Salaries

program within the Department of the Attorney General. The attrition rate for subsequent biennia is 1.6% with the exception of the District Attorneys Salaries program within the Department of the Attorney General. The attrition rate for the District Attorneys Salaries program is 0% for the 2018-2019 biennium.

PART X SUMMARY

This Part recognizes an increase in the attrition rate to 5% for the 2018-2019 Biennium for judicial branch and executive branch departments and agencies and removes the attrition requirement for the District Attorneys' Salaries program for the 2018-2019 Biennium.

PART Y

Sec. Y-1. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of the State, may enter into financing arrangements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the Central Fleet Management Division. The financing arrangements entered into in each fiscal year may not exceed \$5,500,000 in principal costs, and a financing arrangement may not exceed 4 years in duration. The interest rate may not exceed 5%. The annual principal and interest costs must be paid from the appropriate line category allocation in the Central Fleet Management Division account.

PART Y SUMMARY

This Part authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the Central Fleet Management Division.

PART Z

Sec. Z-1. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of the State, on behalf of the Department of Public Safety, may enter into financing arrangements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the State Police. The financing arrangements entered into in each fiscal year may not exceed \$2,300,000 in principal costs, and a financing arrangement may not exceed 3 years in duration. The interest rate may not exceed 5%. The annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the State Police accounts.

PART Z SUMMARY

This Part authorizes the Department of Administrative and Financial Service to enter into financing arrangements in fiscal years 2017-18 and 2018-19 for the acquisition of motor vehicles for the Department of Public Safety.

PART AA

Sec. AA-1. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of the State, on behalf of the Office of Information Technology may enter into financing arrangements on or after July 1, 2017 for: improvements to the State's technology infrastructure and data centers; purchase of enterprise software; modernization of databases, storage, and other components; and, improved security of Personally Identifiable Information and other confidential data. The financial agreements may not exceed \$21,000,000 in principal costs, 7 years in duration, and a 6% interest rate. The annual principal and interest costs must be paid from the appropriate line category appropriations in the Department of Administrative and Financial Services.

PART AA SUMMARY

This Part authorizes the Department of Administrative and Financial Services on behalf of the Office of Information Technology to enter into financing arrangements on or after July 1, 2017 for improvements to the State's technology infrastructure and software. The agreements are limited to a principal cost of \$21,000,000 and a 6% interest rate and cannot exceed seven years in duration.

PART BB

Sec. BB- 1. 8 MRSA §374, first ¶, as amended by PL 2015, c.96, §1, is further amended to read:

The commission shall meet with the director, not less than once each month, to adopt and amend rules, subject to the approval of the commissioner, relating to the lotteries; to make recommendations and set policy for state lotteries and to transact other business that may be properly brought before the commission. ~~A lottery under this section may include, but is not limited to, a draw game in which the prize paid to a winning player is calculated as a share of the prize pool. A lottery may not include a draw game that has more than 5 daily drawings and that pays a player a set prize amount based on the wager made by the player and in which the operator keeps all losing wagers, as with the draw game commonly known as keno. Rules adopted by the commission must be adopted in a manner consistent with Title 5, chapter 375.~~

PART BB SUMMARY

This Part clarifies the authority of the State Liquor and Lottery Commission with regard to the conduct of lotteries. It provides that lotteries may include draw games in which the player wins a set prize amount based on the wager made by the player, such as keno.

PART CC

Sec. CC-1. Voluntary employee incentive programs. Notwithstanding the Maine Revised Statutes, Title 5, section 903, subsections 1 and 2, the Commissioner of Administrative and Financial Services shall offer for use prior to July 1, 2019 special voluntary employee incentive programs for state employees, including a 50% workweek, flexible position staffing and time off without pay. Employee participation in a voluntary employee incentive program is subject to the approval of the employee's appointing authority.

Sec. CC-2. Continuation of group health insurance. Notwithstanding the Maine Revised Statutes, Title 5, section 285, subsection 7 and Title 5, section 903, the State shall continue to pay health and dental insurance benefits for a state employee who applies prior to July 1, 2019 and is approved to participate in a voluntary employee incentive program under section 1 based upon the scheduled workweek in effect prior to the employee's participation in the voluntary employee incentive program.

Sec. CC-3. Continuation of group life insurance. Notwithstanding the Maine Revised Statutes, Title 5, sections 903 and 18056 and the rules of the Maine Public Employees Retirement System, the life, accidental death and dismemberment, supplemental and dependent insurance amounts for a state employee who applies prior to July 1, 2019 and is approved to participate in a voluntary employee incentive program under section 1 are based upon the scheduled hours of the employee prior to the employee's participation in the voluntary employee incentive program.

Sec. CC-4. General Fund savings. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall transfer the General Fund savings resulting from the voluntary employee incentive programs under section 1 to the General Fund Compensation and Benefit Plan account in the Department of Administrative and Financial Services. The State Budget Officer shall submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2019 for fiscal year 2017-18 and no later than January 15, 2020 for fiscal year 2018-19.

Sec. CC-5. Lapsed balances. Notwithstanding any other provision of law, \$350,000 in fiscal year 2017-18 and \$350,000 in fiscal year 2018-19 of savings identified from the voluntary employee incentive programs in this Part lapse to the General Fund.

PART CC SUMMARY

This Part continues the voluntary employee incentive program through the 2018-2019 biennium.

PART DD

Sec. DD-1. Department of Administrative and Financial Services; Vacancy review after reorganization. The Department of Administrative and Financial Services is currently undergoing reorganizations as a result of the implementation of a new human resources and payroll system. The Commissioner of the Department of Administrative and Financial Services is authorized to identify positions to be eliminated on or before June 30, 2019 and shall submit a report to the Joint Standing Committee on Appropriations and Financial Affairs.

Sec. DD-2. Calculation. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings from the position eliminations and adjust by financial order upon approval of the Governor, no later than June 30, 2019. These eliminations are considered adjustments to authorized position count, appropriations and allocations.

PART DD SUMMARY

This Part authorizes the Department of Administrative and Financial Services to identify positions to eliminate as the result of ongoing reorganizations due to efficiencies associated with the implementation of a new human resources and payroll system.

PART EE

Sec. EE-1. Vacancy review and position savings. The Department of Administrative and Financial Services, Bureau of the Budget shall conduct a review of vacant and filled positions in executive branch departments and agencies regardless of fund source for the purpose of identifying total General Fund savings in the Personal Services line category equal to \$3,500,000 in fiscal year 2018-19. The Commissioner of Administrative and Financial Services shall submit a report to the Joint Standing Committee on Appropriations and Financial Affairs by July 1, 2018 with identified positions for elimination.

Sec. EE-2. Calculation. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings from the position eliminations and adjust by financial order upon approval of the Governor, no later than June 30, 2019. These eliminations are considered adjustments to authorized position count, appropriations and allocations.

**PART EE
SUMMARY**

This Part conducts a review of vacant and filled positions regardless of fund sources in the executive branch departments and agencies and authorizes position eliminations to achieve General Fund savings.

PART FF

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

§ 1610-L. Additional securities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed \$41,200,000 outstanding at any one time for capital repairs and improvements to state-owned facilities and hazardous waste cleanup on state-owned properties.

Sec. FF-2. Maine Governmental Facilities Authority; issuance of securities. Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2 and section 1610-K, and notwithstanding the limitation contained in Maine Revised Statutes, Title 4, section 1606, subsection 2 regarding the amount of securities that may be issued, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$41,200,000. Proceeds must be used for the purpose of paying the costs associated with capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties as designated by the Commissioner of Administrative and Financial Services.

**PART FF
SUMMARY**

This Part authorizes the Maine Governmental Facilities Authority to issue additional securities up to an amount of \$41,200,000 to pay for the costs of capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties.

PART GG

Sec. GG-1. 5 MRSA §282, sub-§8, as amended by PL 2009, c. 372, Pt. F, §2, is further amended to read:

8. Serve as director of Clean Government Initiative. To serve as a director, along with the Commissioner of Environmental Protection, of the Clean Government Initiative established in Title 38, section 343-H; ~~and~~

Sec. GG-2. 5 MRSA §282, sub-§9, as amended by PL 2011, c. 652, §1, is further amended to read:

9. Energy infrastructure benefits fund. To establish an energy infrastructure benefits fund. Except as otherwise provided by Title 35-A, section 122, subsections 1-C and 6-B or any other law, including the Constitution of Maine, the fund consists of any revenues derived from the use of state-owned land and assets for energy infrastructure development pursuant to Title 35-A, section 122. Each fiscal year, the Treasurer of State shall transfer revenues collected in the fund to the Efficiency Maine Trust for deposit by the Efficiency Maine Trust Board in program funds pursuant to Title 35-A, section 10103, subsection 4 and use by the trust in accordance with Title 35-A, section 10103, subsection 4-A. For the purposes of this subsection, "energy infrastructure" and "state-owned" have the same meanings as in Title 35-A, section 122, subsection 1; and

Sec. GG-3. 5 MRSA §282, sub-§10, is enacted to read:

10. Economic Projection and Analysis. To prepare long-range economic projections to ensure that projected available state financial resources are commensurate with projected state expenditures needed to meet long-term state economic goals and policies; and, to conduct studies and continuing economic analyses of the state economy, including economic forecasting, and collect, collate and analyze all pertinent data and statistics relating to those studies and analyses to assist the Governor, the Legislature and the various state departments in formulating economic goals and programs and policies to achieve such goals. The office shall make these data and statistics available to the Legislature upon request. All state agencies shall cooperate with the office regarding implementation of the provisions of this paragraph. In implementing this paragraph, the office may use secondary data made available to the office by other state agencies or other organizations.

Sec. GG-4. 5 MRSA §3102, as enacted by PL 2011, c. 655, Pt. DD, §5, is amended to read:

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

Sec. GG-5. 5 MRSA §3104, sub-§1, ¶B, as enacted by PL 2011, c. 655, Pt. DD, §5, is repealed.

Sec. GG-6. 5 MRSA §3104, sub-§1, ¶E, as enacted by PL 2011, c. 655, Pt. DD, §5, is repealed.

Sec. GG-7. 36 MRSA §7302, as enacted by PL 2011, c. 655, Pt. DD, §17, is repealed.

PART GG SUMMARY

This Part does the following:

Sections 1 through 3 require the Commissioner's Office in the Department of Administrative and Financial Services to prepare long range economic projections.

Section 4 expands the mission of the Governor's Office of Policy and Management to include all state goals rather than economic goals.

Sections 5 and 6 repeal requirements that the Governor's Office of Policy and Management prepare long-range economic projections and conduct studies and continuing economic analysis of the state economy.

Section 7 repeals the requirement that the Governor's Office of Policy and Management assess and report on progress made by the State, municipalities, counties and school administrative units in achieving tax burden goals.

PART HH

Sec. HH-1. 5 MRSA §17806, sub-1, ¶A, as amended by PL 2015, c. 334, §1, is further amended to read:

A. Except as provided in paragraphs A-1 and A-2, whenever there is a percentage increase in the Consumer Price Index from July 1st to June 30th, the board shall automatically make an equal percentage increase in retirement benefits, beginning in September, up to a maximum annual increase of 3%. Effective July 1, 2011, the increase applies to that portion of the retirement benefit up to \$20,000, which amount must be indexed in subsequent years by the same percentage adjustments granted under this paragraph ~~and~~ paragraph A-2 and paragraph A-3.

Sec. HH-2. 5 MRSA §17806, sub-§1, ¶A-3 is enacted to read:

A-3. Regardless of the amount of increase in the Consumer Price Index, for cost-of-living adjustments awarded in fiscal year 2017-18 and fiscal year 2018-19 only, the board shall not make a percentage increase in retirement benefits. The provision applies to that portion of the retirement benefit that would otherwise be subject to an increase under paragraph A.

Sec. HH-3. The savings provided from this initiative will be applied to the unfunded actuarial liability in the State Employee and Teacher Retirement program.

PART HH SUMMARY

This Part eliminates cost of living adjustments to retirement benefits for State Employees and Teachers for fiscal years 2017-18 and 2018-19.

PART II

Sec. II-1. 7 MRSA §2-B, as revised by PL 2011, c. 657, Pt. W, §5, is further amended to read:

The Rural Rehabilitation Operating Fund is established as a nonlapsing fund within the Bureau of Agriculture program in the Department of Agriculture, Conservation and Forestry to be used for the administrative expenditures incurred in the operation of the Rural Rehabilitation Trust Fund and the issuance of scholarships and loans from that trust fund. The Rural Rehabilitation Operating Fund must receive all interest earned on the trust fund balance and any interest collected on outstanding loans receivable. Unexpended balances in the Rural Rehabilitation Operating Fund at the end of a fiscal year may not lapse, but are carried forward to the next fiscal year to be used for the same purpose.

Sec. II-2. Transfer balances. Notwithstanding any other provision of law, at the close of fiscal year 2016-17, the Department of Agriculture, Conservation and Forestry shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Rural Rehabilitation program, Other Special Revenue Funds to the Division of Quality Assurance and Regulation program, Other Special Revenue Funds.

PART II SUMMARY

This Part consolidates the Rural Rehabilitation Operating Fund, Other Special Revenue Funds account, in the Rural Rehabilitation program into the Rural Rehabilitation Operating Fund, Other Special Revenue Funds account in the current Division of Quality Assurance and Regulation program to gain administrative efficiencies. Another part of language is proposing to change the name of the Division of Quality Assurance and Regulation program to Bureau of Agriculture program.

PART JJ

Sec. JJ-1. 7 MRSA §91, as amended by PL 2013, c. 368, Pt RR, § 1, is further amended to read:

§91. Agricultural Fair Support Fund

1. Fund created. The Treasurer of State shall establish ~~an account~~ a separate unit operating within the Harness Racing Commission program to be known as "the Agricultural Fair Support Fund" and shall credit to it all money received under Title 8, section 1036, subsection 2, paragraph D. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with Title 8, section 267-A.

2. Disbursement. No later than January 31st of each year, all funds held as of the end of the previous calendar year in the Agricultural Fair Support Fund must be distributed by the Treasurer of State as follows:

A. Thirty-four percent of these funds must be distributed to all commercial tracks as defined in Title 8, section 275-A and to all fair licensees that during the previous year were licensed to and did accept pari-mutuel wagers on harness horse races. These funds must be distributed in the manner prescribed in Title 8, section 298; and

B. Sixty-six percent of these funds must be divided in the following manner. The commissioner may expend annually up to 13% of the funds available under this paragraph for administrative and inspection services provided under this chapter and the remaining funds must be distributed among all fair licensees that were licensed during the previous year. These funds must be distributed to licensees according to the proportions established by section 86, subsection 5 and may be used at the licensee's discretion. To receive distribution under this paragraph, a licensee holding pari-mutuel racing in the previous year must have been in compliance with section 89.

Sec. JJ-2. 8 MRSA §281, as amended by PL 2007, c. 539, Pt. G, §8 and affected by PL 2007, c. 539, Pt. G, §15, is further amended to read:

§281. Standard-bred horses

The department shall encourage and promote the breeding of a strain of Maine Standardbreds and make provision to encourage donations of the same by licensees or others to persons or institutions within the State for breeding purposes.

The commission, by rule, may define a strain of Maine Standardbred, bred or owned in the State of Maine and registered with the department in its registry book. The commission is also authorized to establish necessary fees for horses and races in the establishment of a Maine Standardbred program, the funds from which must be administered by the department by deposit in a trust account entitled Sire Stakes Fund operating within the Harness Racing Commission program. The fund is a dedicated, nonlapsing fund and all revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section. All disbursements from the fund must be for the purposes of supplementing purses, costs of administration, including assessments and advances withdrawn in accordance with section 267-A, and any other appropriate expenses incurred by the department. A report must be submitted annually by the executive director to the commissioner setting forth an itemization of all deposits to and expenditures from the fund.

Sec. JJ-3 8 MRSA §298, sub-§1, as amended by PL 2007, c. 539, Pt. G, §10 and affected by PL 2007, c. 539, Pt. G, §15, is further amended to read:

1. Fund created. A fund is established to supplement harness racing purses as a separate unit operating within the Harness Racing Commission program to which the commission shall credit all payments received pursuant to section 1036, subsection 2, paragraph B for distribution in accordance with this section. The fund is a dedicated, nonlapsing fund, and all revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A. The commission shall distribute in accordance with this section amounts credited to the fund.

Sec. JJ-4. 8 MRSA §299, §1, as amended by PL 2015, c. 493, §3, is further amended to read:

1. Fund created. The Fund to Encourage Racing at Maine's Commercial Tracks is established as a separate unit operating within the Harness Racing Commission program to provide revenues to Maine's commercial tracks. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A.

Sec. JJ-5. 8 MRSA §300, sub-§1, as amended by PL 2007, c. 539, Pt. G, §12 and affected by PL 2007, c. 539, Pt. G, §15, is further amended to read:

1. Fund created. The Fund to Stabilize Off-track Betting Facilities is established as a separate unit operating within the Harness Racing Commission program to provide revenues to those off-track betting facilities licensed and in operation as of December 31, 2003. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A.

PART JJ SUMMARY

This Part consolidates the Agricultural Fair Support Fund, Other Special Revenue Funds account, Sire Stakes Fund, Other Special Revenue Funds account, Fund to supplement harness racing purses, Other Special Revenue Funds account, Fund to Encourage Racing at Maine's Commercial Tracks, Other Special Revenue Funds account and Maine Fund to Stabilize Off-track Betting Facilities, Other Special Revenue Funds account into the Operating Account, Other Special Revenue Funds account within the same Harness Racing Commission program to recognize administrative efficiencies.

PART KK

Sec. KK-1. 7 MRSA §159, as enacted by PL 2007, c. 649, §3, is amended to read:

§159. Agricultural Complaint Response Fund

There is established the nonlapsing Agricultural Complaint Response Fund operating as a unit within the Bureau of Agriculture program. The commissioner may accept from any source funds designated to be placed in the fund. The commissioner may authorize expenses from the fund as necessary to investigate complaints involving a farm, farm operation or agricultural composting operation and to abate conditions potentially resulting from farms, farm operations or agricultural composting operations.

Sec. KK-2. 7 MRSA §1007-A, sub-§5, as amended by PL 2007, c. 570, §1, is further amended to read:

5. Potato Cull Removal Fund. The Potato Cull Removal Fund operating as a unit within the Bureau of Agriculture program, is established to be used by the department to administer and enforce the provisions of this section and to pay any expenses of cull potato management, removal or disposal. The commissioner may receive funds from any source to be deposited into this fund, which does not lapse. If at any time the balance of the fund falls below \$15,000, any penalties collected under this section must be deposited into the fund. Otherwise, penalties collected must be deposited into the General Fund.

Sec. KK-3. 7 MRSA §1310, as enacted by PL 2003, c. 386, §2, is amended to read:

§1310. Cattle Health Assurance Program Fund

The Treasurer of State shall establish a separate ~~account~~ fund operating as a unit within the Bureau of Agriculture program known as the Cattle Health Assurance Program Fund. This fund does not lapse but must be carried forward. Funds from this ~~account~~ may be used to pay for administrative costs associated with section 1309.

Sec. KK-4. 7 MRSA §1332, as amended by PL 2009, c. 249, §1, is further amended to read:

§1332. Animal Industry Fund

The Treasurer of State shall establish a separate ~~account~~ fund operating as a unit within the Bureau of Agriculture program, known as the Animal Industry Fund. This fund does not lapse but must be carried forward. Except as provided in section 1346, license fees collected under section 1333, subsection 3 and license and tagging fees collected under section 1342, subsections 3 and 4 and section 1342-A must be deposited in the account. Funds ~~from this account~~ may be used to pay for administrative costs associated with licenses issued under sections 1333, 1342 and 1342-A, tags issued under section 1342 and other costs associated with administration and enforcement of this chapter and chapter 202-A.

Sec. KK-5. 7 MRSA §1902, as enacted by PL 2005, c. 146, §2, is amended to read:

§1902. State of Maine Animal Response Team Fund

The Treasurer of State shall establish a separate ~~account~~ fund operating as a unit within the Bureau of Agriculture program, known as the State of Maine Animal Response Team Fund. This fund does not lapse but must be carried forward. The commissioner may accept money from any public or private source for deposit into the fund. The fund may be used to pay costs associated with the administration and activities undertaken by the State of Maine Animal Response Team in accordance with section 1901.

Sec. KK-6. 7 MRSA §4208, as enacted by PL 1997, c. 642, §2, is amended to read:

§4208. Nutrient Management Fund

There is established the nonlapsing Nutrient Management Fund as a separate unit operating within the Bureau of Agriculture program. The commissioner may accept funds from any source designated to be placed in the fund. The commissioner may authorize expenses from the fund as necessary to carry out the purposes of this Part.

Sec. KK-7. Transfer balances. Notwithstanding any other provision of law, at the close of fiscal year 2016-17, the Department of Agriculture, Conservation and Forestry shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Division of Animal Health and Industry program, Federal Expenditures Fund to the Division of Quality Assurance and Regulation program, Federal Expenditures Fund.

Sec. KK-8. Transfer balances. Notwithstanding any other provision of law, at the close of fiscal year 2016-17, the Department of Agriculture, Conservation and Forestry shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Division of Animal Health and Industry program, Other Special Revenue Funds to the Division of Quality Assurance and Regulation program, Other Special Revenue Funds.

**PART KK
SUMMARY**

This Part consolidates the Agricultural Complaint Response Fund, Other Special Revenue Funds account, Potato Cull Removal Fund, Other Special Revenue Funds account, Cattle Health Assurance Program Fund, Other Special Revenue Funds account, Animal Industry Fund, Other Special Revenue Funds account, State of Maine Animal Response Team Fund, Other Special Revenue Funds account and Nutrient Management Fund, Other Special Revenue Funds account in the Division of Animal Health and Industry program into the Division of Quality Assurance and Regulation, Other Special Revenue Funds account in the current Division of Quality Assurance and Regulation program to gain administrative efficiencies. Another part of language is proposing to change the name of the Division of Quality Assurance and Regulation program to Bureau of Agriculture program.

PART LL

Sec. LL-1. 7 MRSA §174, as enacted in PL 2013, c. 548, §1, is amended to read:

§174. Maine Mosquito Management Fund

The Maine Mosquito Management Fund, referred to in this chapter as "the fund," is established as a separate unit operating within the Board of Pesticides Control program to carry out the purposes of this chapter. The fund consists of any money received as contributions, grants or appropriations from private and public sources. The fund, to be accounted for within the department, must be held separate and apart from all other money, ~~funds and accounts~~. Any balance remaining in the fund at the end of a fiscal year does not lapse but must be carried forward to the next fiscal year. The department may expend the money available in the fund and make grants to private landowners, groups, organizations, agencies, municipalities, counties, the University of Maine Cooperative Extension and mosquito management districts formed pursuant to section 175 to carry out the purposes of this chapter.

Sec. LL-2. 7 MRSA §2405, as enacted in PL 2001, c. 497, §3, is amended to read:

§2405. Integrated Pest Management Fund

There is created a dedicated, nonlapsing Integrated Pest Management Fund as a separate unit operating within the Board of Pesticides Control program. The commissioner shall credit funds from any source to the Integrated Pest Management Fund for the purpose of developing and implementing integrated pest management programs. Appropriations from the General Fund may not be credited to the Integrated Pest Management Fund.

Sec. LL-3. 7 MRSA §2421, as enacted in PL 2007, c. 302, §1, is amended to read:

§2421. Fund established

The Maine Pesticide Education Fund, referred to in this chapter as "the fund," is established as a separate unit operating within the Board of Pesticides Control program. The fund consists of any funds received as contributions from private and public sources. The fund, to be accounted within the department, must be held separate and apart from all other money, ~~funds and accounts~~. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any balance remaining in the fund at the end of any fiscal year must be carried forward to the next fiscal year.

Sec. LL-4. Transfer balances. Notwithstanding any other provision of law, at the close of fiscal year 2016-17, the Department of Agriculture, Conservation and Forestry shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Maine Mosquito Management Fund program, Other Special Revenue Funds to the Board of Pesticides Control program, Other Special Revenue Funds.

PART LL SUMMARY

This Part consolidates the Integrated Pest Management Fund, Other Special Revenue Funds account and Maine Pesticide Education Fund Maine, Other Special Revenue Funds account into the Board of Pesticides Control, Other Special Revenue Funds account within the same Board of Pesticides Control program to recognize administrative efficiencies. This Part also consolidates the Maine Mosquito Management Fund, Other Special Revenue Funds account in the Maine Mosquito Management Fund program into the Board of Pesticides Control, Other Special Revenue Funds account in the Board of Pesticides Control program to recognize administrative efficiencies.

PART MM

Sec. MM-1. 7 MRSA §306-A, sub-§1, as enacted by PL1999, c.72, §5, is amended to read:

1. Agricultural Development Fund. The commissioner shall establish an agricultural development fund operating as a unit within the Bureau of Agriculture program to accelerate new market development, adoption of advantageous technologies and promotion of state agricultural products by state producers.

PART MM SUMMARY

This Part consolidates accounts to recognize administrative efficiencies.

PART NN

Sec. NN-1. 7 MRSA §351, sub-§1, as revised by PL 2011, c.657, Pt. W, §5, is further amended to read:

1. Fund; established. The Agricultural Water Management and Irrigation Fund, referred to in this chapter as "the fund," is established as a nonlapsing fund operating as a unit within the Bureau of Agriculture program in the Department of Agriculture, Conservation and Forestry. The commissioner may accept money for the fund from any public or private source and make expenditures from the fund for the purpose of improving the use of irrigation in agriculture and the use of water resources in animal agriculture.

Sec. NN-2. Transfer balances. Notwithstanding any other provision of law, at the close of fiscal year 2016-17, the Department of Agriculture, Conservation and Forestry shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Division of Agricultural Resource

Development program, Federal Expenditures Fund to the Division of Quality Assurance and Regulation program, Federal Expenditures Fund.

Sec. NN-3. Transfer balances. Notwithstanding any other provision of law, at the close of fiscal year 2016-17, the Department of Agriculture, Conservation and Forestry shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Division of Agricultural Resource Development program, Other Special Revenue Funds to the Division of Quality Assurance and Regulation program, Other Special Revenue Funds.

Sec. NN-4. Transfer balances. Notwithstanding any other provision of law, at the close of fiscal year 2016-17, the Department of Agriculture, Conservation and Forestry shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Division of Agricultural Resource Development program, Federal Block Grant Fund to the Division of Quality Assurance and Regulation program, Federal Block Grant Fund.

PART NN SUMMARY

This Part consolidates the Agricultural Water Management and Irrigation Fund, Other Special Revenue Funds account, in the Division of Agricultural Resource Development program into the Division of Quality Assurance and Regulation, Other Special Revenue Funds account in the current Division of Quality Assurance and Regulation program to gain administrative efficiencies. Another part of language is proposing to change the name of the Division of Quality Assurance and Regulation program to Bureau of Agriculture program.

PART OO

Sec. OO-1. 7 MRSA §2956-A, as enacted by PL 2001, c. 8, §1, is amended to read:

1. Fund established; source. The Dairy Industry Fund, a separate unit operating within the Milk Commission program referred to in this section as the "fund," is established. In addition to payments to the commission pursuant to section 2956, a dealer shall deduct 1¢ per hundredweight from amounts paid by the dealer to each Maine milk producer and pay that amount into the fund as a monthly payment.

2. Distributions from fund. Notwithstanding section 2957, the commission shall make distributions from the fund to a statewide association that has been approved by the majority of dairy farmers in the State in amounts allocated from the fund for that purpose.

PART OO SUMMARY

This Part consolidates the Dairy Industry Fund, Other Special Revenue Funds account into the Maine Milk Commission, Other Special Revenue Funds account within the same Milk Commission program to gain administrative efficiencies.

PART PP

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

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

All money deposited in the animal welfare auxiliary fund in accordance with section 1820-A, subsection 4 must be used for investigating alleged cases of mistreatment or abuse of equines and enhancing enforcement of this Part and Title 17, chapter 42 as these laws pertain to equines.

PART PP SUMMARY

This Part consolidates the Animal Welfare Auxiliary Fund, Other Special Revenue Funds account into the Animal Welfare Fund, Other Special Revenue Funds account within the same Animal Welfare Fund program to recognize administrative efficiencies.

PART QQ

Sec. QQ-1. 12 MRSA §541-A, as amended by PL 2013, c. 405, Pt. C, §3, is further amended to read:

The Division of Geology, Natural Areas and Coastal Resources is established within the Department of Agriculture, Conservation and Forestry and is administered by the commissioner. The division consists of the Maine Geological Survey, referred to in this chapter as the “survey,” and the Natural Areas Program ~~and the Maine Coastal Program~~. The director of the bureau is the director of the survey.

Sec. QQ-2. 12 MRSA §544-D as revised in PL 2011 , c. 657, Pt W, §§ 5, 6, is repealed.

Sec. QQ-3. 12 MRSA §6052, sub-§6 is enacted to read:

6. The state coastal zone management program. Administer the Maine Coastal Program to manage and coordinate implementation and ongoing development and improvement of the state coastal zone management program in accordance with and in furtherance of the requirements of the federal Coastal Zone Management Act of 1972, 16 United States Code, Sections 1451 to 1466 (2012) and the State's coastal management policies established in Title 38, section 1801. The commissioner is authorized to:

A. Implement aspects of the state coastal zone management program and be the lead state agency for purposes of federal consistency review under the federal Coastal Zone Management Act of 1972, 16 United States Code, Section 1456 (2012);

B. Receive and administer funds from other public or private sources, for implementation of the state coastal zone management program; and

C. Act as the coordinating agency among the several officers, authorities, boards, commissions, departments and political subdivisions of the State on matters relative to management of coastal resources and related human uses in the coastal area.

Sec. QQ-4. Transfer balances. Notwithstanding any other provision of law, at the close of fiscal year 2016-17, the Department of Agriculture, Conservation and Forestry shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Coastal Program, Federal Expenditures Fund to the Bureau of Policy and Management program, Federal Expenditures Fund in the Department of Marine Resources.

Sec. QQ-5. Transfer balances. Notwithstanding any other provision of law, at the close of fiscal year 2016-17, the Department of Agriculture, Conservation and Forestry shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Coastal Program, Other Special Revenue Funds to the Bureau of Policy and Management program, Other Special Revenue Funds in the Department of Marine Resources.

PART QQ SUMMARY

This Part transfers jurisdiction and authority of the Maine Coastal Program from the Department of Agriculture, Conservation and Forestry to the Department of Marine Resources. This Part also directs the Department of Agriculture, Conservation and Forestry to transfer remaining balances at the end of fiscal year 2016-17 from their Coastal Program to the Department of Marine Resources.

PART RR

Sec RR-1. 10 MRSA §2451, as repealed by PL 2013, c. 595, Pt. U, §7, is reenacted to read:

§ 2451. Election by municipal officers

The municipal officers of each municipality may elect or appoint a sealer of weights and measures, and a deputy sealer if necessary, not necessarily a resident therein, and said sealer and deputy shall hold office during their efficiency and the faithful performance of their duties. On complaint being made to said officers of the inefficiency or neglect of duty of a sealer or deputy sealer, the said officers shall set a date for and give notice of a hearing to the complainant, sealer complained of and the state sealer. If evidence satisfies the said officers that the said sealer or deputy sealer has been inefficient or has neglected his duty, they may remove him from office and elect or appoint another in his stead. The state sealer shall have jurisdiction over said sealer or deputy sealer and any vacancy caused by death or resignation shall be filled by election or appointment by said municipal officers within 30 days. For each month that said municipal officers neglect their duty, they severally shall forfeit \$10. Within 10 days after each such election or appointment, the clerk of each municipality shall communicate the name of the person so elected or appointed to the state sealer and for neglect of this duty shall forfeit \$10. Such sealer of weights and measures in any municipality may be sealer for several municipalities, if such is the pleasure of the municipal officers therein, provided such action received the approval of the state sealer.

Sec RR-2. 10 MRSA §2452-A is enacted to read:

§ 2452-A. Appointment by state sealer

The municipal officers of any municipality may request the state sealer to appoint a qualified person to serve as sealer of weights and measures in lieu of local appointment or election as provided for in section 2451. If a municipality fails to elect or appoint a sealer and make a return to the state sealer of such election or appointment within 30 days after the regular municipal election, the state sealer may appoint a qualified person to act as sealer of weights and measures. Any person appointed under this section may serve in such capacity in more than one municipality.

Sec RR-3. 10 MRSA §2453, as repealed by PL 2013, c. 595, Pt. U, §7, is reenacted to read:

§ 2453. Powers and duties

Any weights and measures official elected or appointed for a municipality shall have the duties enumerated in section 2402, subsections 2 to 9 and the powers enumerated in section 2403. These powers and duties shall extend to their respective jurisdictions.

Sec RR-4. 10 MRSA §2455-A is enacted to read:

§ 2455-A. Records of weights and measures sealed; annual report

The several municipal sealers shall keep records of all weights and measures, balances and measuring devices inspected, sealed or condemned by them, giving the name of the owner or agent, the place of business, the date of inspection and kind of apparatus so inspected, sealed or condemned. Each sealer shall make an annual report on July 1st for the 12 preceding months on forms prescribed by the state sealer, and shall furnish such information as the state sealer shall require.

**PART RR
SUMMARY**

This Part provides authority for municipalities to appoint local sealers of weights and measures. Municipalities may utilize the state weights and measures program should they not opt for appointing a local sealer.

PART SS

Sec. SS-1. 12 MRSA §8901, sub-§1, as amended by PL 2015, c. 267, Pt. Z, §1, is further amended to read:

1. Appointment. The Director of the Bureau of Forestry shall appoint forest rangers, subject to the Civil Service Law and the State Supervisor of the forest protection unit of the Bureau of Forestry. Rangers assigned to posts at Clayton Lake, St. Pamphile, Estcourt Station, Daaquam, Musquacook Lake, Snare Brook and Baker Lake must be bilingual in French and English.

A. The forest protection unit of the Bureau of Forestry shall employ no fewer than 45 and no more than 50 forest rangers classified as Forest Ranger II to serve as wildfire control specialists and forestry law enforcement officers, and no fewer than 17 forest rangers classified as follows: 3 Regional Rangers, 8 District Rangers, one Forest Fire Prevention Specialist, one Ranger Pilot Supervisor and ~~4~~3 Ranger Pilots. Each forest ranger must, at a minimum, be a graduate of the Maine Criminal Justice Academy's law enforcement preservice program or equivalent.

**PART SS
SUMMARY**

This Part eliminates one Ranger Pilot position.

PART TT

Sec. TT-1. 33 MRS §479-C, as revised by PL 2011, c. 657, Pt. W, §5, is further amended to read:

§479-C. Conservation easement registry

A holder of a conservation easement that is organized or doing business in the State shall annually report to the Department of Agriculture, Conservation and Forestry the book and page number at the registry of deeds for each conservation easement that it holds, the municipality and approximate number of acres protected under each easement and such other information as the Department of Agriculture, Conservation and Forestry determines necessary to fulfill the purposes of this subchapter. The filing must be made by a date and on forms established by the Department of Agriculture, Conservation and Forestry to avoid duplicative filings when possible and otherwise reduce administrative burdens. The annual filing must be accompanied by a ~~\$30~~ \$80 fee. The Department of Agriculture, Conservation and Forestry shall maintain a permanent record of the registration and report to the Attorney General any failure of a holder disclosed by the filing or otherwise known to the Department of Agriculture, Conservation and Forestry. The fees established under this section must be held by the Department of Agriculture, Conservation and Forestry in a nonlapsing, special account to defray the costs of maintaining the registry and carrying out its duties under this section.

PART TT

SUMMARY

This Part changes the conservation easement registry fee from \$30 to \$80.

PART UU

Sec. UU-1. Transfer balances. Notwithstanding any other provision of law, at the close of fiscal year 2016-17, the Department of Agriculture, Conservation and Forestry shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Division of Plant Industry program, Federal Expenditures Fund to the Division of Quality Assurance and Regulation program, Federal Expenditures Fund.

Sec. UU-2. Transfer balances. Notwithstanding any other provision of law, at the close of fiscal year 2016-17, the Department of Agriculture, Conservation and Forestry shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Division of Plant Industry program, Other Special Revenue Funds to the Division of Quality Assurance and Regulation program, Other Special Revenue Funds.

**PART UU
SUMMARY**

This Part consolidates the Division of Plant Industry program into Division of Quality Assurance and Regulation program to gain administrative efficiencies. Another part of language is proposing to change the name of the Division of Quality Assurance and Regulation program to Bureau of Agriculture program.

PART VV

Sec. VV-1. Rename Forest Health and Monitoring program. Notwithstanding any other provision of law, the Forest Health and Monitoring program within the Department of Agriculture, Conservation and Forestry is renamed the Forest Resource Management program.

**PART VV
SUMMARY**

This Part renames the Forest Health and Monitoring program within the Department of Agriculture, Conservation and Forestry to the Forest Resource Management program.

PART WW

Sec. WW-1. Rename Division of Quality Assurance and Regulation program. Notwithstanding any other provision of law, the Division of Quality Assurance and Regulation program within the Department of Agriculture, Conservation and Forestry is renamed the Bureau of Agriculture program.

**PART WW
SUMMARY**

This Part renames the Division of Quality Assurance and Regulation program within the Department of Agriculture, Conservation and Forestry to the Bureau of Agriculture program.

PART XX

Sec. XX-1. Rename Coastal Island Registry program. Notwithstanding any other provision of law, the Coastal Island Registry program within the Department of Agriculture, Conservation and Forestry is renamed the Submerged Lands & Island Registry program.

**PART XX
SUMMARY**

This Part renames the Coastal Island Registry program within the Department of Agriculture, Conservation and Forestry to the Submerged Lands & Island Registry program.

PART YY

Sec. YY-1. Department of Agriculture, Conservation and Forestry, Maine Farms for the Future account; lapsed balances; General Fund. Notwithstanding any other provision of law, the State Controller shall lapse \$435,088 of unencumbered balance forward in the All Other line category in the Department of Agriculture, Conservation and Forestry, Maine Farms for the Future program, General Fund, to the General Fund unappropriated surplus no later than July 31, 2017.

PART YY SUMMARY

This Part authorizes the State Controller to lapse \$435,088 of unencumbered balance forward in the All Other line category in the Maine Farms for the Future program, General Fund account in the Department of Agriculture, Conservation and Forestry to the General Fund no later than July 31, 2017.

PART ZZ

Sec. ZZ-1. Department of Agriculture, Conservation and Forestry, Division of Forest Protection account; lapsed balances; General Fund. Notwithstanding any other provision of law, the State Controller shall lapse \$1,000,000 of unencumbered balance forward in the Personal Services line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection program, General Fund to the General Fund unappropriated surplus no later than July 31, 2017.

PART ZZ SUMMARY

This Part authorizes the State Controller to lapse \$1,000,000 of unencumbered balance forward in the Personal Services line category in the Division of Forest Protection program, General Fund account in the Department of Agriculture, Conservation and Forestry to the General Fund unappropriated surplus no later than July 31, 2017.

PART AAA

Sec. AAA-1. Transfer from Other Special Revenue Funds account. Notwithstanding any other provision of law, after the close of fiscal year 2016-17, the State Controller shall transfer, after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining cash balance in the Beverage Container Enforcement Fund program, Other Special Revenue Funds to General Fund unappropriated surplus no later than August 30, 2017.

**PART AAA
SUMMARY**

This Part authorizes the State Controller to transfer the remaining cash balance in the Beverage Container Enforcement Fund, Other Special Revenue Funds account in the Department of Agriculture, Conservation and Forestry to General Fund unappropriated surplus no later than August 30, 2017.

PART BBB

Sec. BBB-1 Transfer balances from Other Special Revenue Funds accounts. Notwithstanding any other provision of law, at the close of fiscal year 2017-18, the State Controller shall transfer \$500,000 from available balances in Other Special Revenue Funds accounts within the Department of Agriculture, Conservation and Forestry to the General Fund unappropriated surplus. On or before June 30, 2018, the Commissioner of the Department of Agriculture, Conservation and Forestry shall determine from which accounts the funds must be transferred so that the sum equals \$500,000 and notify the State Controller and the Joint Standing Committee on Appropriations and Financial Affairs of the amounts to be transferred from each account.

**PART BBB
SUMMARY**

This Part allows the State Controller to transfer cash balances from Other Special Revenue Funds accounts in the Department of Agriculture, Conservation and Forestry at the end of fiscal year 2017-18 to the General Funds unappropriated surplus. Other Special Revenue Funds accounts will be determined by the Department prior to June 30, 2018.

PART CCC

Sec. CCC-1. 5 MRSA §7-B, as revised by PL 2013, c. 405, Pt. A, §§23, 24, is further amended to read:

§ 7-B Use of state vehicles for commuting

A state-owned or state-leased vehicle may not be used by any employee to commute between home and work, except for those vehicles authorized and assigned to employees of the Baxter State Park Authority and to law enforcement officials within the following organizational units: Bureau of State Police; Maine Drug Enforcement Agency; Office of the State Fire Marshal; the division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and collection of taxes on malt liquor and wine; Bureau of Motor Vehicles; Bureau of Marine Patrol; the forest protection unit within the Bureau of Forestry; Bureau of Warden Service; ~~and~~ Bureau of Parks and Lands;

and the Office of Chief Medical Examiner and the Investigation and Medicaid Fraud Control units within the Office of the Attorney General.

PART CCC SUMMARY

This Part adds employees in the Office of the Chief Medical Examiner and the Investigation unit and the Medicaid Fraud unit within the Office of the Attorney General to the list of law enforcement officials authorized to use assigned state-owned vehicles to commute between home and work.

PART DDD

Sec. DDD-1. 5 MRSA §196, first ¶, as amended by PL 2005, c. 154, §1, is further amended to read:

§ 196 Deputies and Assistants; appointment and duties

The Attorney General may appoint one or more deputy attorneys general, assistant attorneys general and staff attorneys who serve at the pleasure of the Attorney General or until their successors are duly appointed and qualified. They may perform all the duties required of the Attorney General and other duties the Attorney General delegates to them. The Attorney General may appoint research assistants with any powers and duties the Attorney General delegates. Research assistants may perform duties delegated to them by the Attorney General, including activities authorized by Title 4, section 807. Notwithstanding any other provisions of law, the compensations of research assistants, law office manager and deputy attorneys general are fixed by the Attorney General. The compensation of the Deputy Chief Medical Examiner is fixed by the Attorney General in consultation with the Chief Medical Examiner. The compensations of the staff attorneys, assistant attorneys general and secretary to the Attorney General are fixed by the Attorney General with the approval of the Governor, but such compensations may not in the aggregate exceed the amount appropriated for those positions and may not result in an increased request to future Legislatures.

Sec. DDD-2. 22 MRSA §3022, sub-§2, as amended by PL 2011, c. 1, Pt. JJ, §1, is further amended to read:

2. Appointment and qualifications of the Deputy Chief Medical Examiner. The Chief Medical Examiner may select one or more of the medical examiners to serve as deputy chief medical examiners. The Deputy Chief Medical Examiner serves at the pleasure of the Chief Medical Examiner and, if salaried, is unclassified. The salary of the Deputy Chief Medical Examiner must be set ~~in salary range 59 of the Standard Salary Schedule for Medical Personnel as published by the Bureau of Human Resources~~ in accordance with Title 5, section 196. In the event of the Deputy Chief Medical Examiner's temporary absence, the Chief Medical Examiner or, if the Chief Medical Examiner is unavailable, the Attorney General may designate one of the

deputy chief medical examiners to serve as acting Chief Medical Examiner. The acting Chief Medical Examiner has all of the powers and responsibilities of the Chief Medical Examiner.

PART DDD SUMMARY

This Part authorizes the Attorney General to set the compensation of the Deputy Chief Medical Examiner in consultation with the Chief Medical Examiner.

This Part also removes the specific salary schedule reference for the Deputy Chief Medical Examiner, as this is the only unclassified, confidential position on the Medical Personnel salary schedule, and requires that compensation be set by the Attorney General in consultation with the Chief Medical Examiner.

PART EEE

Sec. EEE-1. 22 MRSA §3024, first ¶, as amended by PL 2013, c. 368, Pt. CC, §1, is further amended to read:

The salary of the Chief Medical Examiner of the State must be set by the Governor. Other nonsalaried medical examiners and nonsalaried medicolegal death investigators, upon the submission of their completed report to the Chief Medical Examiner, must be paid a fee of up to \$85 ~~\$100~~ for an inspection and view and are entitled to receive travel expenses to be calculated at the mileage rate currently paid to ~~state~~ federal employees pursuant to ~~Title 5, section 8~~. An additional fee of \$50 may be authorized by the Chief Medical Examiner for payment to other nonsalaried medical examiners and nonsalaried medicolegal death investigators for visits to death scenes other than hospitals.

PART EEE SUMMARY

This Part increases the maximum fee allowed to be paid to a nonsalaried medical examiner or a nonsalaried medicolegal death investigator for an inspection and view. It also changes the mileage reimbursement rate from the state reimbursement rate to the federal reimbursement rate for these nonsalaried medical examiners or nonsalaried medicolegal death investigators.

PART FFF

Sec. FFF-1. 22 MRSA §3035, sub-§1, as enacted by PL 1997, c. 598, §1, is amended to read:

1. Fees. Except as provided in subsections 3 and 4, the Office of Chief Medical Examiner shall charge a fee for providing report documents, histological slides and other items or

additional services sought by a person entitled to obtain that item or service relating to a medical examiner case. Fees are to be paid in advance and according to the following fee schedule:

A. For report documents, the fees are as follows:

- (1) Report documents when no autopsy has been performed, ~~\$10~~ \$15;
- (2) Report documents when an autopsy has been performed, ~~\$25~~ \$35; and
- (3) Report documents under subparagraphs (1) and (2) accompanied by a certificate under section 3022, subsection 6, an additional fee of \$35, \$25 of which accrues to the Secretary of State;

B. For histological slides, the fees are as follows:

- (1) For each slide, ~~\$10~~ \$12.50;
- (2) A handling fee per case, ~~\$20~~ \$25; and
- (3) For 21 slides or more, an additional handling fee, ~~\$20~~ \$25; and

PART FFF SUMMARY

This Part increases the fees charged by the Department of the Attorney General, Office of Chief Medical Examiner, for providing report documents and histological slides.

PART GGG

Sec. GGG-1. 32 MRSA §1405, 2nd ¶, as amended by PL 2007, c. 225, §1, is further amended to read:

The body of a deceased person may not be cremated within 48 hours after death unless the person died of a contagious or infectious disease, and in no event may the body of a deceased person be cremated, buried at sea, used by medical science or removed from the State until the person, firm or corporation in charge of the disposition has received a certificate from a duly appointed medical examiner that the medical examiner has made personal inquiry into the cause and manner of death and is satisfied that further examination or judicial inquiry concerning the cause and manner of death is not necessary. This certificate, a certified copy of the death certificate and a burial transit permit when presented by the authorized person as defined in Title 22, section 2846 is sufficient authority for cremation, burial at sea, use by medical science or removal from the State, and the person, firm or corporation in charge of the disposition may not refuse to cremate or otherwise dispose of the body solely because these documents are presented by such an authorized person. The certificate must be retained by the person, firm or corporation in charge of the cremation or disposition for a period of 15 years. For the certificate, the medical examiner must receive a fee of ~~\$15~~ \$25 payable by the person requesting the certificate. This fee may be waived at the discretion of the Chief Medical Examiner.

PART GGG SUMMARY

This Part increases the fee charged by a medical examiner for a certificate that is required for cremation and allows this fee to be waived at the discretion of the Chief Medical Examiner.

PART HHH

Sec. HHH-1. Rename Audit – Departmental Bureau program. Notwithstanding any other provision of law, the Audit – Departmental Bureau program within the Office of the State Auditor is renamed the Audit Bureau program.

PART HHH SUMMARY

This Part renames the Audit – Departmental Bureau program to the Audit Bureau program to align the program name with the agency name change pursuant to Public Law 2013, chapter 16, which changed the agency’s name from the Department of Audit to the Office of the State Auditor.

PART III

Sec. III-1. Rename Audit – Unorganized Territory program. Notwithstanding any other provision of law, the Audit – Unorganized Territory program within the Office of the State Auditor is renamed the Unorganized Territory program.

PART III SUMMARY

This Part renames the Audit – Unorganized Territory program to the Unorganized Territory program to align the program name with the agency name change pursuant to Public Law 2013, chapter 16, which changed the agency’s name from the Department of Audit to the Office of the State Auditor.

PART JJJ

Sec. JJJ-1. 34-A MRSA §1403, sub-§13 is enacted to read:

13. Personal Services balances authorized to carry to Capital. Notwithstanding any other provision of law, beginning at the close of fiscal year 2017-18, the Department of Corrections is authorized to carry all fiscal year-end balances in the Personal Services line

category of General Fund accounts, after the deduction of all allocations, financial commitments, other designated funds or any other transfers authorized by statute, to the Capital Expenditures line category in the Capital Construction/Repairs/Improvements - Corrections Program, General Fund account in the Department of Corrections to be used for the purpose of making capital improvements to correctional facilities.

PART JJJ SUMMARY

This Part allows the Department of Corrections to carry unexpended Personal Services balances to the Capital Expenditures line category within the Department, in the Capital Construction/Repairs/Improvements program beginning in fiscal year 2017-18.

PART KKK

Sec. KKK-1. Transfers and adjustments to position count. The Commissioner of Corrections shall review the current organizational structure of the Department of Corrections to improve organizational efficiency and cost-effectiveness and shall recommend transfers of positions and available balances. Notwithstanding any other provision of law, the State Budget Officer shall transfer the position counts and available balances by financial order in order to achieve the purposes of this section from July 1st to December 1st of each fiscal year of the 2018-2019 biennium. Position adjustments made after December 1st and before July 1st of each fiscal year may not be an adjustment to position count or appropriations. In accordance with the requirements of the Maine Revised Statutes, Title 5, section 1585, a financial order describing such a transfer must be submitted by the Department of Administrative and Financial Services, Bureau of the Budget to the Office of Fiscal and Program Review 30 days before a transfer is to be implemented. In case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Any transfer or adjustment pursuant to this section that would result in a program or mission change or facility closure must be reported by the Bureau of the Budget to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters for review before the associated financial order is submitted to the Governor for approval. These transfers are considered adjustments to authorized position count, appropriations and allocations.

PART KKK SUMMARY

This Part allows the Commissioner of Corrections to review the current organizational structure to improve organizational efficiency and authorizes the State Budget Officer to transfer positions and available balances by financial order. The ability to make these transfers is limited to the period of July 1st to December 1st of each fiscal year in the 2018-2019 biennium. Any transfers resulting in a mission change or facility closure must have legislative review.

PART LLL

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

Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the Department of Corrections, by financial order upon the recommendation of the State Budget Officer and approval of the Governor, may transfer Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purposes of paying overtime expenses in fiscal years 2017-18 and 2018-19. These transfers are not considered adjustments to appropriations.

PART LLL SUMMARY

This Part authorizes the Department of Corrections to transfer, by financial order, Personal Services, All Other or Capital Expenditure funding between accounts within the same fund for the purpose of paying departmental overtime expenses in the fiscal year of 2017-18 and 2018-19.

PART MMM

Sec. MMM-1 Lapse Balance; Department of Corrections; Prisoner Boarding-Carrying Account; General Fund. Notwithstanding any other provision of law to the contrary, the State Controller shall lapse the balance no later than June 30, 2018 of the General Fund, Prisoner Boarding-Carrying account, in the Department of Corrections to the unappropriated surplus in the General Fund.

PART MMM SUMMARY

This Part allows the State Controller to lapse balances from Prisoner Boarding program, General Fund account in the Department of Corrections in fiscal year 2017-18 to the General Fund unappropriated surplus.

PART NNN

Sec. NNN-1. Transfer; unexpended funds; Maine Microenterprise Initiative Fund program; Other Special Revenue Funds balance. Notwithstanding any other provision of law, the State Controller shall transfer \$68,163 no later than June 30, 2018 from the Maine Microenterprise Initiative Fund program, Other Special Revenue Funds account in the Department of Economic and Community Development to the General Fund unappropriated surplus.

**PART NNN
SUMMARY**

This Part requires the State Controller to transfer \$68,163 from the Maine Microenterprise Initiative Fund program, Other Special Revenue Funds account within the Department of Economic and Community Development to the unappropriated surplus of the General Fund by the close of fiscal year 2017-18.

PART OOO

Sec. OOO-1. Transfer; unexpended funds; Economic Opportunity program; Other Special Revenue Funds balance. Notwithstanding any other provision of law, the State Controller shall transfer \$78 no later than June 30, 2018 from the Economic Opportunity program, Other Special Revenue Funds account in the Department of Economic and Community Development to the General Fund unappropriated surplus.

**PART OOO
SUMMARY**

This Part requires the State Controller to transfer \$78 from the Economic Opportunity program, Other Special Revenue Funds account within the Department of Economic and Community Development to the unappropriated surplus of the General Fund by the close of fiscal year 2017-18.

PART PPP

Sec. PPP-1. Transfer; unexpended funds; Job Retention Program; Other Special Revenue Funds balance. Notwithstanding any other provision of law, the State Controller shall transfer \$2,765 no later than June 30, 2018 from the Job Retention Program, Other Special Revenue Funds account in the Department of Economic and Community Development to the General Fund unappropriated surplus.

**PART PPP
SUMMARY**

This Part requires the State Controller to transfer \$2,765 from the Job Retention Program, Other Special Revenue Funds account within the Department of Economic and Community Development to the unappropriated surplus of the General Fund by the close of fiscal year 2017-18.

PART QQQ

Sec. QQQ-1. 20-A MRSA §203, sub-§1, ¶O, as enacted by PL 2015, c. 267, Pt. NN, §2, is amended to read:

O. ~~Science, Technology, Engineering and Mathematics Workforce Coordinator.~~ Director of Special Projects.

PART QQQ SUMMARY

This Part changes an appointed position title from Science, Technology, Engineering and Mathematics Workforce Coordinator to Director of Special Projects.

PART RRR

Sec. RRR-1. 20-A MRSA §6401-A, sub-§1, as enacted by PL 2011, c. 380, Pt. DD, §2, is amended to read:

1. Establishment. The position of school nurse consultant is established within the department. ~~The Policy Director of Special Services within the department shall supervise the school nurse consultant.~~

PART RRR SUMMARY

This Part eliminates the reference to supervision for the school nurse consultant position within the Department of Education.

PART SSS

Sec. SSS-1. 20-A MRSA §7209, sub-§4, first ¶, as amended by PL 2013, c. 338, §1, is further amended to read:

4. Director of early childhood special education. The commissioner or the commissioner's designee shall appoint and supervise a director of early childhood special education. The director has the following powers and duties:

PART SSS SUMMARY

This Part authorizes the commissioner's designee to appoint and supervise a director of early childhood special education

PART TTT

Sec. TTT-1. 20-A MRSA §7209, sub-§4, ¶E, as enacted by PL 2013, c. 338, §1, is repealed and the following is enacted in its place:

E. Report annually by November 30th to the commissioner or the commissioner's designee on student outcomes and the fiscal standing of the Child Development Services System with the specific content and in the specific format requested by the commissioner.

PART TTT SUMMARY

This Part changes fiscal reporting requirements to be made to the commissioner rather than the joint committees of the Legislature having jurisdiction over education and health and human services.

PART UUU

Sec. UUU-1. Transfer from General Fund unappropriated surplus; Fund for Efficient Delivery of Educational Services, Other Special Revenue Funds account. Notwithstanding any other provision of law, the State Controller shall transfer \$5,000,000 from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Educational Services, Other Special Revenue Funds account within the Department of Education no later than June 30, 2018.

Sec. UUU-2. Transfer from General Fund unappropriated surplus; Fund for Efficient Delivery of Educational Services, Other Special Revenue Funds account. Notwithstanding any other provision of law, the State Controller shall transfer \$5,000,000 from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Educational Services , Other Special Revenue Funds account within the Department of Education no later than June 30, 2019.

PART UUU SUMMARY

This Part authorizes the State Controller to transfer \$5,000,000 in each fiscal year of the 2018-2019 biennium, as a one-time transfer, from the General Fund unappropriated surplus to the Fund for Efficient Delivery of Educational Services, Other Special Revenue account within the Department of Education.

PART VVV

Sec.VVV-1. Lease-purchase authorization; Department of Education, Learning Through Technology program. Pursuant to the Maine Revised Statutes, Title 5, section 1587,

the Department of Education may enter into financing arrangements in fiscal years 2017-18 and 2018-19 for the acquisition of portable learning devices and support systems for students and educators to support the operations of the Department of Education, Learning Through Technology program. The financing agreements may not exceed 4 years in duration and up to \$50,000,000 in principal costs for the Department of Education, Learning Through Technology program. The interest rate may not exceed 8% and the total interest costs may not exceed \$4,000,000. The annual principal and interest costs must be paid from the appropriate line category allocations in the Department of Education. The State is authorized to extend the provisions of the lease-purchase agreement on behalf of school administrative units as long as all costs of the extension are borne by the school administrative units.

PART VVV SUMMARY

This Part authorizes the Department of Education to enter into lease-purchase agreements for portable learning devices and support systems for students and educators in fiscal years 2017-18 and 2018-19.

PART WWW

Sec. WWW-1. PL2013, c. 595, Pt. H, §1, as amended by PL2015, c. 267, Pt. JJJJ, §1, is further amended to read:

Sec. H-1. Personal Services balances; Maine Health Data Organization; transfers authorized. Notwithstanding any other provision of law, in the 2014-2015, ~~and 2016-2017 bienniums,~~ and 2018-2019 bienniums, the Maine Health Data Organization upon recommendation of the State Budget Officer and approval of the Governor is authorized to transfer by financial order up to \$265,450 in each fiscal year of the 2014-2015 biennium, ~~and~~ up to \$286,000 in each fiscal year of the 2016-2017 biennium and up to \$290,000 in each fiscal year of the 2018-2019 biennium in available balances of Personal Services allocations, after all salary, benefit and other obligations are met, to the All Other line category in the Maine Health Data Organization, Other Special Revenue Funds account.

PART WWW SUMMARY

This Part authorizes the Maine Health Data Organization to transfer available Personal Services balances up to a specified amount to All Other by financial order in the Maine Health Data Organization, Other Special Revenue Funds account during the 2018-2019 biennium.

PART XXX

Sec. XXX-1. 5 MRSA §12004-G, sub-§15-A, as reenacted by PL1993, c. 631, §1, is amended to read:

Substance Abuse Driver Education \$75/Day ~~529-A MRSA §20078-A-2708-A~~
and Evaluation Programs
Appeals Board

Sec. XXX-2. 5 MRSA §20005, sub-§12-B, as amended by PL 1993, c. 410, Pt. LL, §9, is repealed.

Sec. XXX-3. 5 MRSA c. 521, sub-c. 5 is repealed.

Sec. XXX-4. 29-A MRSA §151, as amended by PL 2005, c. 573, §1, is further amended to read:

The Secretary of State shall:

1. Forms; certificates; notices. Except as otherwise prescribed in this Title, prescribe and provide suitable forms of applications, certificates of title, notices of security interests and all other notices and forms necessary to carry out the provisions of this Title;

2. Maintain offices. Maintain offices at convenient places to carry out duties related to applications for registration of and licenses for the operation of motor vehicles; ~~and~~

3. Publish abstract of laws. Publish an abstract of statutes pertaining to vehicles and rules made by the Secretary of State and the Department of Transportation pertaining to this Title, together with other information related to public safety and regulation of traffic; ~~and~~

4. Motor vehicle operator programs. Administer and oversee the operation of the State's programs related to the abuse of alcohol by motor vehicle operators.

Sec. XXX-5. 29-A MRSA c. 25 is enacted to read:

Chapter 25: Driver Education and Evaluation Program

§2701. Definitions

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

1. Alcohol-related or other drug-related motor vehicle incident. "Alcohol-related or other drug-related motor vehicle incident" means a conviction or administrative action resulting

in the suspension of a motor vehicle operator's license for a violation under former Title 29, section 1311-A; Title 29, section 1312, subsection 10-A; Title 29, section 1312-C; Title 29, section 1312-B; Title 29, section 1313-B; Title 29, section 2241, subsection 1, paragraph N; Title 29, section 2241-G, subsection 2, paragraph B, subparagraph (2); Title 29, section 2241-J; Title 29-A, section 1253; Title 29-A, section 2411; Title 29-A, section 2453; Title 29-A, section 2454, subsection 2; Title 29-A, section 2456; Title 29-A, section 2457; Title 29-A, section 2472, subsection 3, paragraph B and subsection 4; Title 29-A, section 2503; Title 29-A, sections 2521 to 2523; or Title 29-A, section 2525 or the rules adopted by the Department of the Secretary of State for the suspension of commercial drivers' licenses.

2. Client. "Client" means a person who is required to complete an alcohol and other drug education, evaluation and treatment program for an alcohol-related or drug-related motor vehicle offense.

3. Community-based service provider. "Community-based service provider" means a provider of either the treatment component or the evaluation component, or both, of the alcohol and other drug education, evaluation and treatment program certified under section 2706 or a program otherwise approved by the Driver Education and Evaluation Programs.

4. Completion of treatment. "Completion of treatment," for the purpose of recommendation to the Secretary of State concerning restoration of the driver's license to the client, means that the individual has responded to treatment to the extent that there is a substantial probability that the individual will not be operating under the influence. This substantial probability may be shown by:

A. An acknowledgement by the client of the extent of the client's alcohol or drug problem;

B. A demonstrated ability to abstain from the use of alcohol and drugs; and

C. A willingness to seek continued voluntary treatment or to participate in an appropriate self-help program, or both, as necessary.

5. First offender. "First offender" means a client who has no previous alcohol-related or drug related motor vehicle incident within a 10-year period.

6. Multiple offender. "Multiple offender" means a client who has more than one alcohol-related or drug-related motor vehicle incident within a 10-year period or has a previous incident prior to the 10-year period for which the client has not completed a Driver Education and Evaluation Program as established in section 2702.

§2702. Driver Education and Evaluation Programs

The Driver Education and Evaluation Programs are established in the Department of the Secretary of State. The Driver Education and Evaluation Programs shall administer the alcohol

and other drug education, evaluation and treatment programs as provided in this chapter and shall certify to the Secretary of State:

1. Completion of Driver Education and Evaluation Programs. Those individuals who have satisfactorily completed a program pursuant to section 2704; and

2. Completion of treatment other than Driver Education and Evaluation Programs. Those individuals who have satisfied the requirement for completion of treatment as defined in section 2071 by means other than a program pursuant to section 2704.

§2703. Funding

General Fund appropriations for the Driver Education and Evaluation Programs may not exceed \$1,700,000 in any fiscal year.

§2704. Programs and Components; Rules

The Driver Education and Evaluation Programs shall design programs and components that are age-appropriate and therapeutically appropriate. The Secretary of State shall adopt rules regarding requirements for these programs and components and any other rules necessary to implement this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§2705. Separation of Evaluation and Treatment Functions

A Driver Education and Evaluation Programs private practitioner or a counselor employed by a substance abuse facility approved or licensed by the Driver Education and Evaluation Programs providing services under this subchapter may not provide both treatment services and evaluation services for the same individual participating in programs under this subchapter unless a waiver is granted on a case-by-case basis by the Driver Education and Evaluation Programs. The practitioner or counselor providing evaluation services shall give a client the name of 3 practitioners or counselors who can provide treatment services, at least one of whom may not be employed by the same agency as the practitioner or counselor conducting the evaluation.

§2706. Certification; Recertification

All providers of the evaluation, intervention and treatment components of the Driver Education and Evaluation Programs must be certified by the Driver Education and Evaluation Programs pursuant to section 2704 of this subchapter. The certification period for individual providers and agencies is 2 years. The Secretary of State shall adopt rules requiring continuing education for recertification.

§2707. Fees

The Secretary of State shall set fees in accordance with the cost of each program. All fees must be transferred to the General Fund. The Secretary of State may waive all or part of any fee for a client who provides sufficient evidence of inability to pay.

§2708. Report

Beginning in 2018, the Secretary of State shall report annually by February 1st to the Legislature regarding the Secretary's activities under this subchapter. The report must be sent to the Executive Director of the Legislative Council.

§2709. Board of Appeals

The Driver Education and Evaluation Programs Appeals Board, established in Title 5, section 12004-G, subsection 15-A, is referred to as the "board" in this subchapter and is governed by this section.

1. Qualifications. Each member of the board must have training, education, experience and demonstrated ability in successfully treating clients who have substance abuse problems. Board members may not hold a current certificate to provide driver education, evaluation and treatment services during their terms of appointment.

2. Appointment; term; removal. The board consists of 3 members appointed by the Governor for 2-year terms; initially, however, 2 members are appointed for 2-year terms and one member for a one-year term. A vacancy occurring prior to the expiration of a term must be filled by appointment for the unexpired term. Members may be removed by the Governor for cause.

3. Facilities; staff. The Secretary of State shall provide staff support and adequate facilities for the board.

4. Chair; rules. The board shall elect annually a chair from its members. The Secretary of State shall adopt rules to carry out the purposes of this section.

5. Compensation. Each member of the board is entitled to compensation in accordance with Title 5, chapter 379.

6. Appeal from decision. A client of Driver Education and Evaluation Programs may appeal to the board as follows.

A. The client may appeal a failure to certify completion of treatment pursuant to section 2702, subsection 2.

B. The client may appeal an evaluation decision referring the client to treatment or a completion of treatment decision. A client may appeal under this paragraph only after the client has sought a 2nd opinion of the need for treatment or of satisfactory completion of treatment.

7. Appeal procedure and action. An appeal is heard and decided by one board member. The board may affirm or reverse the decision of the treatment provider or agency, require further evaluation, make a finding of completion of treatment or make an alternate recommendation. The board, after due consideration, shall make a written decision and transmit that decision to the Driver Education and Evaluation Programs and the client who appealed the case. The decision of the board is final agency action for purposes of judicial review pursuant to Title 5, chapter 375, subchapter VII.

Sec. XXX-6. Transition provisions. The following provisions govern the transfer from the Department of Health and Human Services to the Secretary of State of the administration of the Driver Education and Evaluation Programs.

1. The Secretary of State is the successor in every way to the powers, duties and functions of the Department of Health and Human Services under Title 5, chapter 521, subchapter 5.
2. All existing rules, regulations and procedures in effect, in operation or adopted by the Department of Health and Human Services or any of its administrative units or officers regarding the Driver Education and Evaluation Programs are hereby declared in effect and will continue in effect until rescinded, revised or amended by the proper authority.
3. All existing contracts, agreements and compacts currently in effect under the authority of the Department of Health and Human Services regarding the Driver Education and Evaluation Programs will continue in effect under the authority of the Secretary of State.
4. All records, property and equipment belonging to or allocated for the use of the Department of Health and Human Services for the purposes of the Driver Education and Evaluation Programs will, on the effective date of this Act, become the property of or allocated for the use of the Secretary of State.
5. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the Department of Health and Human Services used for the purposes of the Driver Education and Evaluation Programs may be used by the Secretary of State until existing supplies of those items are exhausted.

PART XXX SUMMARY

This Part transfers the administration of the Driver Education and Evaluation Programs (DEEP) and available funding from the Department of Health and Human Services to the Department of the Secretary of State.

PART YYY

Sec. YYY-1. 22 MRSA c. 1, subchapter 1-A, as amended, is repealed.

**PART YYY
SUMMARY**

This Part repeals the Maine Rx Plus Program which is an inactive program in the Department.

PART ZZZ

Sec. ZZZ-1. 22 MRSA c. 1161 is repealed.

**PART ZZZ
SUMMARY**

This Part repeals the General Assistance program.

PART AAAA

Sec. AAAA-1. 22 MRSA §851, as amended by PL 2007, c. 240, Pt. TT, §1, is repealed.

Sec. AAAA-2. 36 MRSA §5285-A, as amended by PL 2011, c. 685, §7, is repealed.

**PART AAAA
SUMMARY**

This Part reflects the elimination of the Bone Marrow Screening Fund program within the Department of Health and Human Services. This part also eliminates the option to designate a portion of an individual's tax refund be paid into the Bone Marrow Screening Fund.

PART BBBB

Sec. BBBB-1. 22 MRSA §1407, sub-§4, as enacted by PL 2007, c. 341, §1, is repealed.

**PART BBBB
SUMMARY**

This Part reflects the elimination of the Comprehensive Cancer Screening, Detection and Prevention Fund within the Department of Health and Human Services.

PART CCCC

Sec. CCCC-1. 22 MRSA §1552, sub-§4, as amended by PL 2003, c. 673, Pt. CC, §1 is further amended to read:

4. Application fees. All application fees must be deposited in ~~the General Fund~~Health Inspection Program account in Maine Center for Disease Control and Prevention program, Other Special Revenue Funds to be used by the department to defray administrative costs.

PART CCCC SUMMARY

This Part reassigns the application fee for a retail tobacco license that is now deposited in the General Fund, to the Health Inspection Program account in Maine Center for Disease Control and Prevention program, Other Special Revenue Funds to cover the costs of administering licensing for tobacco retailers.

PART DDDD

Sec. DDDD-1. 22 MRSA §1700-A, as affected by PL 2005, c. 672, §§6,8, is repealed.

Sec. DDDD-2. 36 MRSA §5290, as amended by PL 2011, c. 685, §10, is repealed.

PART DDDD SUMMARY

This Part reflects the elimination of the Maine Asthma and Lung Disease Research Fund program within the Department of Health and Human Services. This part also eliminates the option to designate a portion of an individual's tax refund be paid into the Maine Asthma and Lung Disease Research Fund.

PART EEEE

Sec. EEEE-1. 22 MRSA §3104, sub-§14, as amended by PL 2009, c. 291, §2, is repealed.

Sec. EEEE-2. 22 MRSA §3104, sub-§14-A is enacted to read:

14-A. Denial of assistance based on felony drug offense. An individual convicted of a felony drug offense after August 22, 1996 is not eligible for food assistance. As used in this subsection, "felony drug offense" means an offense that, at the time of conviction, is punishable by imprisonment for one year or more under any law of the United States or of any state and that has as an element the possession, use, or distribution of a controlled substance as defined in Section 102(6) of the Controlled Substances Act, 21 United States Code 802(6) or a scheduled

drug as defined in Title 17-A, section 1101, subsection 11. "Felony drug offense" does not include conviction of a crime under the laws of another state that is classified by laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less. This subsection applies to current recipients of and new applicants for food assistance.

Sec. EEEE-3. 22 MRSA §3762, sub-§17, as enacted in PL 2001, c. 598, §2, is repealed.

Sec. EEEE-4. 22 MRSA §3762, sub-§17-A is enacted to read:

17-A. Denial of assistance based on felony drug offense. An individual convicted of a felony drug offense after August 22, 1996 is not eligible for TANF assistance. As used in this subsection, "felony drug offense" means an offense that, at the time of conviction, is punishable by imprisonment for one year or more under any law of the United States or of any state and that has as an element the possession, use, or distribution of a controlled substance as defined in Section 102(6) of the Controlled Substances Act, 21 United States Code 802(6) or a scheduled drug as defined in Title 17-A, section 1101, subsection 11. "Felony drug offense" does not include conviction of a crime under the laws of another state that is classified by laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less. This subsection applies to current recipients of and new applicants for TANF assistance.

Sec. EEEE-5. 22 MRSA §3762, sub-§20, as reallocated by RR 2011, c. 1, §33, is repealed.

PART EEEE SUMMARY

This Part repeals provisions of the TANF and Food Supplement statutes that prohibit the Department from denying benefits based on a felony drug conviction. It also establishes a requirement that to be eligible for TANF or Food Supplement benefits, an individual must not have been convicted of a drug related felony. This part also repeals, as no longer necessary due to the eligibility requirement, the provision about the Department administering drug tests to convicted drug felons on the TANF program.

PART FFFF

Sec. FFFF-1. 22 MRSA §3762, sub-§4, as enacted by PL 1997, c. 530, Pt. A, §16, is amended to read:

4. Promoting support by both parents. The department shall enforce laws and establish policies to ensure that both parents contribute to the economic support of their child or children and to promote every child's right to economic support from both parents. Applicants for and recipients of assistance may refuse to cooperate in the establishment of paternity or child support enforcement for good cause related to domestic violence, including situations when cooperation may result in harm to the parent or child, or when the child was conceived as a result of incest or rape. Evidence supporting a good cause determination includes, but is not limited to, the

evidence specified in section ~~3785~~3785-B, ~~subsection 13~~subsections 1 and 2. The department shall notify all applicants and recipients orally and in writing of the availability of this determination. When a determination of good cause is made by the department, the department may not impose sanctions or penalties against the applicant or recipient or engage in any other activity that could subject any member of the family to harm.

Sec FFFF-2. 22 MRSA §3762, sub-§8, ¶C, as amended by PL 2009, c. 291, §6 is further amended to read:

C. The department shall make available transitional child care services to families who lose eligibility for TANF as a result of increased earnings or an increase in the number of hours worked. The department shall make available transitional child care services to families who lose eligibility for TANF as a result of increased earnings or an increase in the number of hours worked, ~~and~~ whose gross income is equal to or less than 250% of the federal poverty guidelines, and whose assets are equal to or less than \$100,000. The department may also make transitional child care services available to families in which one or both adults are working and who, although they remain financially eligible for TANF benefits, request that their benefits be terminated. The family shall pay a premium of 2% to 10% of gross income, based on the family's gross income compared to the federal poverty level in accordance with rules adopted by the department. Parents must have a choice of child care within the rate established by the department. Transitional child care services shall not be provided for more than 18 months after TANF benefits have terminated, as provided by this subsection.

Sec. FFFF -3. 22 MRSA §3762, sub-§10, ¶¶A and B, as enacted by PL 1997, c. 530, Pt. A, §16, are amended to read:

A. The department shall provide all applicants for assistance under this chapter with information both orally and in writing of the availability of services for victims of domestic violence and of the good cause determination for victims of domestic violence under section ~~3785, subsection 13~~3785-B. If an applicant requests a good cause determination under section ~~3785, subsection 13~~3785-B, the department shall promptly determine whether the applicant qualifies for good cause. An individual may not be required to participate in any TANF activity including orientation until the good cause determination is made.

B. When a determination of good cause is made under section ~~3785, subsection 13~~3785-B, the ASPIRE-TANF program may contact the individual and offer domestic violence victim services or other appropriate services on a voluntary basis.

Sec. FFFF-4. 22 MRSA §3762, sub-§18, as enacted by PL 2011, c. 380, Pt. PP, §2, is amended to read:

18. Lifetime limit on assistance. Beginning January 1, ~~2012~~2018, a family may not receive TANF assistance for longer than ~~60~~36 months except in those cases in which the department has determined that the family qualifies for an exemption or extension under rules adopted by the department. When an adult has received TANF assistance for ~~60~~36 months,

unless the adult has been exempted or granted an extension by the department, the family unit in which the adult is a member is ineligible for assistance. The department shall consider conditions or situations beyond the control of the adult recipient, including but not limited to a physical or mental condition that prevents the adult from obtaining or retaining gainful employment, being a victim of domestic violence, participating in good standing in an approved education program or a program that is expected to lead to gainful employment, being the caretaker relative in the household who is not the parent of the child or children in the assistance unit and who is required to remain at home to care for a dependent in the assistance unit and loss of employment by the adult following termination of TANF under this subsection.

The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. FFFF-5. 22 MRSA §3762, sub-§21 is enacted to read:

21. Job Readiness Requirement. Before TANF assistance may be granted to an applicant by the department, the applicant must attend a job-readiness and vocational evaluation and training program administered by the department or its designee.

Sec. FFFF-6. 22 MRSA §3762, sub-§22, is enacted to read:

22. Denial of assistance based on job quit - An applicant or recipient of TANF assistance will be denied TANF assistance as described in this subsection.

A. If an applicant or recipient of TANF has quit or has lost a job without good cause in the 30 days prior to application, during the application-processing period, or after application approval, the family will be ineligible for TANF for a period of three months. The ineligibility period includes the month employment ended and the next two months.

B. A job quit penalty is applied when an individual:

- 1. Voluntarily quits without good cause,**
- 2. Leaves the job unannounced or does not return to work without good cause, or**
- 3. Had been warned about performance or behavior by the employer, continues the objectionable conduct after the warning, and is subsequently terminated.**

C. This penalty is not applied when:

- 1. A person has terminated a self-employment enterprise, or**
- 2. There is good cause.**

D. There is no cure for the job-quit penalty. Once the penalty period begins, it continues for the full three months, even if the individual obtains employment.

Sec. FFFF-7. 22 MRSA §3763, sub-§1-A, as enacted by PL 2011, c. 380, Pt. PP, §4, is amended to read:

1-A. Partial and full termination of benefits. Benefits under this chapter must be terminated by the department under the provisions of subsection 1 and sections ~~3785 and~~ 3785-A and 3785-B as follows:

A. For a first failure to meet the conditions of a family contract, termination of benefits shall be for 60 days, and applies to the adult recipient; and the full family unit;

B. ~~For a first failure to meet the conditions of a family contract for which termination of benefits under paragraph A lasts for longer than 90 days and f~~For a 2nd and subsequent violation, termination of benefits shall be for 90 days, and applies to the adult recipient and the full family unit; and

C. Prior to the implementation of a full family unit sanction, the department shall offer the adult recipient an opportunity to claim good cause for noncompliance as described in section ~~3785~~3785-B.

Benefits that have been terminated under this subsection ~~must~~may not be restored ~~one~~until the adult recipient signs a new contract under subsection 1 and complies with the provisions of the family contract.

Sec. FFFF-8. 22 MRSA §3763, sub-§8, as amended by PL 2005, c. 522, §1, is further amended to read:

8. Alternative aid. The department shall provide alternative aid to applicants who seek short-term assistance in order to obtain or retain employment. The applicants must meet the eligibility requirements established by rule adopted pursuant to section 3762, subsection 3, paragraph A, and may not have reached the applicant's lifetime limit on assistance as described in section 3762, subsection 18. The alternative aid may not exceed 3 times the value of the monthly TANF grant for which the applicant's family is eligible. An eligible applicant may receive alternative aid no more than once during any ~~12-month~~24-month period. If the family reapplies for TANF within 3 months of receiving alternative aid, the family shall repay any alternative aid received in excess of the amount that the family would have received on TANF. The method of repayment must be the same as that used for the repayment of unintentional overpayments in the TANF program.

Sec. FFFF-9. 22 MRSA §3785, as amended by PL 1997, c. 530, Pt. A, §§20 to 24, is repealed.

Sec. FFFF-10. MRSA §3785-A, first ¶, as enacted by PL 2001, c. 335, §1, is amended to read:

~~Prior to imposing a sanction against an individual, the department must complete the~~
The sanction process, which includes the following.

Sec. FFFF-11. 22 MRSA §3785-A, sub-§1, as enacted by PL 2001, c. 335, §1, is amended to read:

1. Procedures. Prior to imposing a sanction against an individual for failure to comply with Temporary Assistance for Needy Families or ASPIRE-TANF rules, the department shall:

A. Thoroughly review the circumstances of the individual; and

~~B. Provide the individual with a notice that states the basis for the sanction and a complete list of good cause reasons as set forth in section 3785;~~

~~C. Provide the individual with an opportunity to inform the department of good cause circumstances under section 3785; and~~

D. Obtain supervisory approval of the recommendation of the case manager to impose a sanction.

Sec. FFFF-12. 22 MRSA §3785-A, sub-§1-A, is enacted to read:

1-A. Notice of basis for sanction. At the time of imposing a sanction against an individual for failure to comply with Temporary Assistance for Needy Families or ASPIRE-TANF rules, the department shall provide the individual with a notice that states the basis for the sanction and the good cause reason as set forth in section 3785-B.

Sec. FFFF-13. 22 MRSA §3785-B, is enacted to read:

§3785-B. Domestic violence exception from sanctions for failure to participate

An individual may not be sanctioned under this program or Temporary Assistance for Needy Families for failure to participate in the ASPIRE-TANF program if that individual is unable to participate because of physical injuries or the psychological effects of abuse; because of legal proceedings, counseling or other activities related to abuse; because the abuser actively interferes with the individual's participation; because the location puts the individual at risk; or for other good cause related to domestic violence. Good cause for failure to participate in this program must be found when there is reasonable and verifiable evidence of domestic violence. For the purposes of this subsection, reasonable and verifiable evidence may include but is not limited to the following:

1. Records. Court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been a victim of domestic violence; or

2. Sworn statements. Sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual.

Each individual participating in an ASPIRE-TANF orientation must receive written and oral notice of what constitutes good cause for nonparticipation in ASPIRE-TANF.

Sec. FFFF-14. 22 MRSA § 3787-A is enacted to read:

§3787-A. Fund for the Payment of Federal Fines Imposed for Noncompliance with Federal Work Participation Requirements

1. Fund established. The Fund for the Payment of Federal Fines Imposed for Noncompliance with Federal Work Participation Requirements, referred to in this section as "the fund," is established within the department for the purpose of paying fines imposed on the State by the Federal Government due to the State's failure to comply with federal requirements related to the ASPIRE-TANF program.

2. Fund maintenance. By January 31st annually, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters any fines owed by the State to the Federal Government as a result of noncompliance with federal work participation requirements under the ASPIRE-TANF program. The committee, within 30 days of the commissioner's report, shall report out a bill that appropriates to the fund the amount necessary to pay any federal fines owed and may report out legislation related to the commissioner's report.

Sec. FFFF-15. 22 MRSA §3788, sub-§3, as amended by PL 2013, c. 376, §1, is further amended to read:

3. Assessment. Each participant's case manager shall conduct an initial assessment to determine that individual's education, training and employment needs based on available program resources, the participant's skills and aptitudes, the participant's need for supportive services, local employment opportunities, the existence of any good cause circumstances under section ~~3785~~3785-B and, to the maximum extent possible, the preferences of the participant. The department shall document findings in the participant's case record indicating any barriers to participation, including, but not limited to, any physical or mental health problems, including learning disabilities or cognitive impairments, or other good cause circumstances specified in section ~~3785~~3785-B.

Sec. FFFF-16. 22 MRSA §3788, sub-§3-A, as enacted by PL 2013, c. 376, §2, is amended to read:

3-A. Comprehensive screening and assessment. If upon an initial screening or at a later date it is determined that a participant has physical or mental health impairments, learning disabilities, cognitive impairments or limitations related to providing care for a household member with a disability or serious illness or a child with a serious behavioral condition, the participant must be offered the opportunity for a comprehensive assessment that may result in referral for alternative services, supports and income benefits. If the participant chooses to have a comprehensive assessment, the participant must be referred to a qualified professional to identify the strengths and needs of and barriers faced by that participant. The participant's case manager

shall ensure that any accommodation or support services necessary for the participant to participate in the assessment are made available to the participant. The participant may supplement this assessment with medical records or any other credible information related to the participant's ability to participate in program activities. An assessment under this subsection may also be initiated at the choice of the participant at any time. The individual performing this assessment shall recommend to the case manager any services, supports and programs needed to improve the economic self-sufficiency and well-being of the participant and the participant's family based on the assessment.

In coordination with the participant, the case manager shall establish a plan for the participant and the participant's family based on the assessment that includes appropriate services, supports and programs consistent with the findings and recommendations of the assessment that may include:

- A. Referral to a community agency qualified to assist the participant with services, supports, education, training and accommodations needed to reduce or overcome any barriers to achieving self-sufficiency and to fulfill the participant's personal and family responsibilities; and
- B. Assistance needed by the participant to obtain federal social security disability insurance benefits or federal supplemental security income benefits.

This subsection does not preclude a determination that the participant is temporarily unable to participate, including participation in any assessment pursuant to this subsection, due to good cause as described in section ~~3785~~3785-B. Any determination made under this subsection may be appealed in accordance with section 3762, subsection 9.

A participant who chooses to participate in a comprehensive assessment under this subsection and fails to participate without good cause may be sanctioned in accordance with section 3763, subsection 1-A, paragraph A regardless of any previous sanctions that the participant may have incurred.

The department shall provide training for case managers regarding their job responsibilities and their obligation to comply with the requirements of the federal Americans with Disabilities Act of 1990; the federal Rehabilitation Act of 1973; and the Maine Human Rights Act when interviewing and providing information to participants, when referring participants for alternative services or when considering whether the participant requires reasonable accommodations in order to participate in the ASPIRE TANF program.

Sec. FFFF-17. 22 MRSA §3788, sub-§10, ¶C, as amended by PL 2005, c. 480, §1, is repealed and the following enacted in its place:

- C. For individuals who are satisfactorily participating in an education or training program, the department shall determine the acceptability of the activity for purposes of meeting the participation requirements of this chapter using the same criteria as are used for any individual in the ASPIRE-TANF program.

Sec. FFFF-18. 22 MRSA §3788, sub-§11, ¶B, as amended by PL 1997, c. 530, Pt. A, §26, is further amended to read:

B. ASPIRE-TANF participants who are attending school or are involved in an equivalent educational program recognized by the Department of Education or a local school board are considered to be in the education, training or treatment component ~~and their participation is not limited to 24 months~~. The department shall encourage recipients younger than 20 years of age who have not completed high school to attend traditional high school.

Sec. FFFF-19. 22 MRSA §3788, sub-§11, ¶D, as enacted by PL 2001, c. 335, §3, is amended to read:

D. If a claim of disability or other good cause is made by a participant, the department shall assess the circumstances of the claim. If disability or other good cause is found to exist, the department shall offer reasonable alternative participation requirements to the extent required by federal law and document them in the participant's family contract and case record.

Sec. FFFF-20. 22 MRSA §3790, sub-§3, as repealed and replaced by PL 1999, c. 407, §1, is amended to read:

3. Program requirements. An enrollee must participate in a combination of education, training, study or work-site experience ~~for an average of 20 hours per week in a manner that meets federal work participation requirements~~ in the first 2412 months of the program. Aid under this chapter may continue beyond 2412 months if the enrollee remains in an educational program and ~~agrees to participate in either of the following options: meets federal work participation requirements~~.

~~A. Fifteen hours per week of work site experience in addition to other education, training or study; or~~

~~B. A total of 40 hours of education, training, study or work site experience.~~

~~The department shall present both options to enrollees and permit them to choose either option. For the purpose of this subsection, work-site experience includes, but is not limited to, paid employment, work study, practicums, internships, clinical placements, laboratory or field work directly related to the enrollee's employment goal or any other work activities that, as determined by the department, will enhance the enrollee's employability in the enrollee's field. In the last semester of the enrollee's educational program, work-site experience may also include resume preparation, employment research, interviews and other activities related to job placement.~~

~~The department shall make reasonable adjustments in the 1 participation requirements in this subsection for good cause. For the purpose of this subsection, "good cause" means circumstances in which the required participation would cause the enrollee to seriously compromise academic~~

~~performance. "Good cause" includes, but is not limited to, a verifiable need to take care of a family member with special needs, a physical or mental health problem, illness, accident, death or a serious personal or family problem that necessitates reduced participation or time off from education, training or work. An enrollee receiving aid under this chapter must make satisfactory progress in the enrollee's educational program. The department shall adopt rules defining satisfactory academic progress. The department may not disapprove an educational plan based solely on the length of the educational program.~~

PART FFFF SUMMARY

This Part makes the following changes to the laws governing the Temporary Assistance for Needy Families, or TANF, program:

1. It establishes asset and time limits for transitional child care of \$100,000 and 18 months, respectively.
2. It shortens the lifetime limit on TANF benefits from 60 months to 36 months.
3. It establishes the requirement for a TANF applicant to participate in a job readiness evaluation program prior to granting TANF cash benefits.
4. It establishes a minimum three month waiting period before benefits may be restored following any sanction.
5. It amends the alternative aid section to make such benefits available no more than once every 24 months, instead of once every 12 months.
6. It removes all the good cause exceptions that prevent a person from being sanctioned under the ASPIRE-TANF program for failure to participate in that program, with the exception of domestic violence.
7. It removes the 24-month limit on education training and treatment for participants in the ASPIRE-TANF program in order to eliminate the difference between Maine and federal law regarding the number of months of education and training that may qualify as countable work activities and specifies that accommodations for an individual with a disability are limited to those required by federal law. The bill amends the Parents as Scholars Program to specify that an enrollee in the program must meet federal work participation requirements.
8. It creates a job-quit penalty for receipt of TANF cash assistance if the job was quit without good cause.
9. The Part establishes the Fund for the Payment of Federal Fines Imposed for Noncompliance with Federal Work Participation Requirements in the Department of Health and Human Services. The purpose of the fund is to pay fines imposed on the State by the Federal Government due to the State's failure to comply with federal requirements related to the

ASPIRE-TANF program. The bill provides an appropriation in fiscal year 2017-18 and requires the Commissioner of Health and Human Services to report annually regarding the fines owed by the State for noncompliance to the joint standing committee of the Legislature having jurisdiction over health and human services matters, which is required to report out a bill, within 30 days of the commissioner's report, appropriating the amount necessary to pay the fines.

PART GGGG

Sec. GGGG-1. 22 MRSA §3173, 4th ¶, as repealed and replaced by PL 1979, c. 127, §144, is repealed and the following is enacted in its place:

All applications for aid under this chapter that are based on a disability shall be acted upon and a decision made within 90 days after receipt of application. All other applications for aid under this chapter shall be acted upon and a decision made within 45 days after receipt of applications. The 90-day timeframe for disability decisions will become effective upon the date the court grants relief to the Department from the 45-day decision process required by the *Polk v. Longley* consent decree.

PART GGGG SUMMARY

This Part changes the disability determination cut-off from 45 days to 90 days for applications for aid based on a disability, and it eliminates the requirement to provide state-funded temporary medical coverage. This Part also directs the Department of Health and Human Services to seek relief from the decision process required by the *Polk v. Longley* consent decree.

PART HHHH

Sec. HHHH-1. 22 MRSA §4301, sub-§3, as amended by PL 2015, c. 324, §1, is further amended to read:

3. Eligible Person. "Eligible person" means a person who is qualified to receive general assistance from a municipality according to standards of eligibility determined by the municipal officers whether or not that person has applied for general assistance. "Eligible person" does not include a person who is a fugitive from justice as defined in Title 15, section 201, subsection 4. ~~Beginning July 1, 2015, in accordance with 8 United States Code, Section 1621(d), "eligible person" means a person who is lawfully present in the United States or who is pursuing a lawful process to apply for immigration relief, except that assistance for such a person may not exceed 24 months., and it does not include noncitizens that are not eligible for federal benefits pursuant to 8 U.S.C. §§1621 and 1641.~~

**PART HHHH
SUMMARY**

This Part repeals general assistance eligibility for categories of noncitizens for which a state statute affirmatively providing eligibility is required by federal law. It also clarifies that such noncitizens are not eligible for state-funded general assistance.

PART IIII

Sec. IIII-1. 36 MRSA §2892, as amended by PL 2013, c. 368, Pt. QQ, §1, is further amended by adding at the end a new paragraph to read:

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

**PART IIII
SUMMARY**

This Part updates the base year for the hospital tax to 2014 and keeps it at that level.

PART JJJJ

Sec. JJJJ-1. 22 MRSA § 3104, sub-§1, ¶C, is enacted to read:

C. Refrain from seeking or accepting from the United States Department of Agriculture a waiver of any requirement under federal law, where that waiver is designed to or would have the effect of expanding access to benefits beyond what would otherwise be allowable under federal law.

**PART JJJJ
SUMMARY**

This Part prohibits the department from obtaining waivers from the USDA that would expand program access.

PART KKKK

Sec. KKKK-1. 22 MRSA §3104-A, as amended by PL 2013, c. 368, Pt. OO, §§1, 2, is repealed.

Sec. KKKK-2. 22 MRSA §3273, sub-§9, as enacted by PL 1997, c. 643, Pt. WW, §1, is repealed.

Sec. KKKK-3. 22 MRSA §3762, sub-§3, ¶B, sub-¶2, as amended by PL 2015, c. 267, Pt. RRRR, §2, is repealed.

PART KKKK SUMMARY

This Part does the following:

1. It repeals the provision that requires the Department of Health and Human Services to provide a food supplement program for non-citizens who would be eligible for federal SNAP benefits but for their status as aliens under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

2. It repeals the provision that requires the Department of Health and Human Services to provide supplemental security income for non-citizens who would be eligible for federal Supplemental Security Income but for their status as aliens under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

3. It repeals the provision that requires the Department of Health and Human Services to provide financial assistance to individuals who would be eligible for Temporary Assistance to Needy Families but for their status as aliens under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

PART LLLL

Sec. LLLL-1. Transition provisions. Notwithstanding any other provision of law, at the close of fiscal year 2016-17, the Department of Health and Human Services, formerly the Department of Behavioral and Developmental Services shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balances to the corresponding accounts in the Department of Health and Human Services. Additionally, all existing contracts, agreements and compacts currently in effect in the Department of Health and Human Services, formerly the Department of Behavioral and Developmental Services continue in effect.

PART LLLL SUMMARY

This Part contains transition provisions for the consolidation of programs and accounts from the Department of Health and Human Services, formerly the Department of Behavioral and Developmental Services to the Department of Health and Human Services.

PART MMMM

Sec. MMMM-1. PL 2007, c. 240, Pt. X, §2, as amended by PL 2015, c. 267, Pt. BBB, §1, is further amended to read:

Sec. X-2. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, until June 30, ~~2017~~2019, available balances of appropriations in MaineCare General Fund accounts may be transferred between accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor.

PART MMMM SUMMARY

This Part authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for the 2018-2019 biennium.

PART NNNN

Sec. NNNN-1. Department of Health and Human Services; transfer of funds for MaineCare payments authorized. Notwithstanding any provision of law, for fiscal years 2017-18 and 2018-19 only, available balances of appropriations, excluding balances in the IV-E Foster Care/Adoption Assistance and State-funded Foster Care/Adoption Assistance programs, including available balances of Personal Services appropriations from any account within the Department of Health and Human Services, may be transferred between MaineCare, MaineCare-related and non-MaineCare-related accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

Sec. NNNN-2. Transfer of Personal Services balances to All Other; state psychiatric centers. Notwithstanding any other provision of law, for fiscal years 2017-18 and 2018-19 only, the Department of Health and Human Services is authorized to transfer available balances of Personal Services appropriations in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program after all salary, benefit and other obligations are met to the All Other line category. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

PART NNNN SUMMARY

This Part does the following:

1. It authorizes the Department of Health and Human Services to transfer by financial order any available appropriations, including those in Personal Services, between MaineCare accounts.

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

PART OOOO

Sec. OOOO-1. PL 2015, c. 267, Pt. DDD, §1, is amended to read:

Sec. DDD-1. Transfer of funds. Notwithstanding any other provision of law, for fiscal year 2017-18 and 2018-19 only, dedicated family support services funds within the Department of Health and Human Services, Developmental Services – Community program may be transferred to support individuals receiving services to the Office of Aging and Disability Services Central Office program and the Long Term Care – Office of Aging and Disability Services program by financial order upon recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

PART OOOO SUMMARY

This Part authorizes the Department of Health and Human Services to transfer available balances of appropriations between the Office of Aging and Disability Services Central Office program and the Long Term Care – Office of Aging and Disability Services program for the 2018-2019 biennium.

PART PPPP

Sec. PPPP-1. Transfer of funds. Notwithstanding any other provision of law, for fiscal years 2017-18 and 2018-19 only, the Department of Health and Human Services is authorized to transfer available balances of All Other or Personal Services appropriations, after all salary, benefit and other obligations are met, in the Developmental Services - Community program account to the Personal Services line category of the Crisis Outreach Program account by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

PART PPPP SUMMARY

This Part authorizes the transfer of available Personal Services or All Other balances from the Department of Health and Human Services, Developmental Services - Community program account to the Crisis Outreach Program account for the 2018-2019 biennium.

PART QQQQ

Sec. QQQQ-1. Transfer of funds. Notwithstanding any other provision of law, for fiscal years 2017-18 and 2018-19, the Department of Health and Human Services may transfer available balances of appropriations from the State-funded Foster Care/Adoption Assistance program in the All Other line category to the Office of Child and Family Services - Central and the Office of Child and Family Services - District programs to fund expenditures in the Personal Services or All Other line category that are incurred due to the cost of administering the child welfare program. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

PART QQQQ SUMMARY

This Part authorizes the Department of Health and Human Services to transfer appropriations within the Office of Child and Family Services related to the cost of administering the child welfare program.

PART RRRR

Sec. RRRR-1. Rename Office of the Commissioner program. Notwithstanding any other provision of law, the Office of the Commissioner program within the Department of Health and Human Services is renamed the Department of Health and Human Services Central Operations program.

PART RRRR SUMMARY

This Part changes the name of the Office of the Commissioner program to the Department of Health and Human Services Central Operations program.

PART SSSS

Sec. SSSS-1. Rename the Division of Licensing and Regulatory Services. Notwithstanding any other provision of law, the Division of Licensing and Regulatory Services program within the Department of Health and Human Services is renamed the Division of Licensing and Certification program.

PART SSSS SUMMARY

This Part changes the name of the Division of Licensing and Regulatory Services program to the Division of Licensing and Certification program.

PART TTTT

Sec. TTTT-1. Emergency rule-making authority; health and human services matters. The Department of Health and Human Services is authorized to adopt emergency rules under the Maine Revised Statutes, Title 5, sections 8054 and 8073 as necessary to implement those provisions of this Act over which the department has subject matter jurisdiction for which specific authority has not been provided in any other Part of this Act without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

PART TTTT SUMMARY

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

PART UUUU

Sec. UUUU-1. 2 MRSA §6, sub-§12, as enacted by PL 2009, c. 419, §1, is repealed.

Sec. UUUU-2. 4 MRSA §1801, as enacted by PL 2009, c. 419, §2, is amended to read:

§ 1801. Maine Commission on Indigent Legal Services; established

The Maine Commission on Indigent Legal Services, established by Title 5, section 12004-G, subsection 25-A, is an independent commission whose purpose is to provide oversight of the Office of the Public Defender, ensuring efficient, high-quality representation to indigent criminal defendants, juvenile defendants and children and parents in child protective cases, consistent with federal and state constitutional and statutory obligations. The commission shall ~~work to ensure~~ oversee the delivery of indigent legal services by qualified and competent counsel in a manner that is fair and consistent throughout the State ~~and to ensure~~ while working with the Chief Public Defender to provide adequate funding ~~of for~~ a statewide system of indigent legal services, which must be provided and managed in a fiscally responsible manner, free from undue political interference and conflicts of interest.

Sec. UUUU-3. 4 MRSA §1802, as amended by PL 2013, c. 159, §10, is further amended to read:

§ 1802. Definitions

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

~~1. Assigned counsel.~~ "Assigned counsel" means a private attorney designated by the commission to provide indigent legal services at public expense.

~~1-A. Appellate counsel.~~ "Appellate counsel" means an attorney who is entitled to payment under Title 15, section 2115-A, subsection 8 or 9.

1-B. Civil party. "Civil party" means a party to a civil case described in subsection 4, paragraph B.

2. Commission. "Commission" means the Maine Commission on Indigent Legal Services under section 1801.

2-A. Conflict case. "Conflict case" means a case in which counsel in the Office of the Public Defender or contract counsel has a conflict of interest under rules adopted by the Supreme Judicial Court.

~~3. Contract counsel.~~ "Contract counsel" means a private attorney under contract with the commission to provide indigent legal services Office of the Public Defender to provide indigent legal services.

3-A. Contracted professional services. "Contracted professional services" means nonattorney services under contract with the Office of the Public Defender that are necessary for a quality defense.

4. Indigent legal services. "Indigent legal services" means legal representation provided to:

A. An indigent defendant in a criminal case in which the United States Constitution or the Constitution of Maine or federal or state law requires that the State provide representation;

B. An indigent party in a civil case in which the United States Constitution or the Constitution of Maine or federal or state law requires that the State provide representation; and

C. Juvenile defendants.

"Indigent legal services" does not include the services of a guardian ad litem appointed pursuant to Title 22, section 4105, subsection 1.

5. Office of the Public Defender. "Office of the Public Defender" means the office established under section 1807, which is responsible for administering indigent legal services.

6. Retained counsel. "Retained counsel" means a private attorney under contract with the Office of the Public Defender to handle conflict cases and cases that are outside the scope of contract counsel.

7. Staff counsel. "Staff counsel" means an attorney in the Office of the Public Defender who provides indigent legal services under this chapter and is an employee of the State.

Sec. UUUU-4. 4 MRSA §1803, as enacted by PL 2009, c. 419, §2, is amended to read:

1. Members; appointment; chair. The commission consists of 5 members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and confirmation by the Legislature. The Governor shall designate one member to serve as chair of the commission. One of the members must be appointed from a list of qualified potential appointees provided by the President of the Senate. One of the members must be appointed from a list of qualified appointees provided by the Speaker of the House of Representatives. One of the members must be appointed from a list of qualified potential appointees provided by the Chief Justice of the Supreme Judicial Court.

In determining the appointments and recommendations under this subsection, the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Supreme Judicial Court shall consider input from persons and organizations with an interest in the delivery of indigent legal services.

The Chief Public Defender, or the Chief Public Defender's designee, is an ex officio, nonvoting member of the commission and may participate in all meetings of the commission.

2. Qualifications. ~~Individuals~~ Of the individuals appointed to the commission who are not attorneys, one must have a background in accounting or finance. All other individuals appointed who are not attorneys must have demonstrated a commitment to quality representation for persons who are indigent and must have the skills and knowledge required to ensure that representation is provided in each area of relevant law. ~~No more than 3 members may be attorneys engaged in the active practice of law.~~

An attorney appointed to the commission must have expertise in providing legal defense and the skills and knowledge required to ensure that quality representation is provided in each area of relevant law. No more than 3 members may be attorneys engaged in the active practice of law.

3. Terms. Members of the commission are appointed for terms of 3 years each, except that of those first appointed the Governor shall designate 2 whose terms are only one year, 2 whose terms are only 2 years and one whose term is 3 years. A member may not serve more than 2 consecutive 3-year terms plus any initial term of less than 3 years.

A member of the commission appointed to fill a vacancy occurring otherwise than by expiration of term is appointed only for the unexpired term of the member succeeded.

4. Quorum. Three members of the commission constitutes a quorum. A vacancy in the

commission does not impair the power of the remaining members to exercise all the powers of the commission.

5. Compensation. Each member of the commission is eligible to be compensated as provided in Title 5, ~~chapter 379~~section 12004-G, subsection 25-A.

6. Assistance. The Chief Public Defender or the Chief Public Defender's designee shall provide staff assistance to the commission in carrying out its functions.

Sec. UUUU-5. 4 MRSA §1804, as amended by PL 2013, c. 159, §§11 to 13 and c. 368, Pt. RRR, §1 and affected by §4, is repealed.

Sec. UUUU-6. 4 MRSA §1804-A is enacted to read:

§ 1804-A. Maine Commission on Indigent Legal Services duties and responsibilities

1. Maine Commission on Indigent Legal Services standards. The commission shall develop standards governing the delivery of indigent legal services, including:

A. Standards governing eligibility for indigent legal services. The eligibility standards must take into account the possibility of a defendant's or civil party's paying counsel in periodic installments;

B. Standards prescribing minimum experience, training and other qualifications for attorneys providing public defender services, which must include standards to ensure that attorneys are capable of providing quality representation in the case types to which they are assigned, recognizing that quality representation in each type of case requires experience and specialized training in that field;

C. Standards for weighted caseloads based on recommendations from the Chief Public Defender and reviewed every 5 years or upon the recommendation of the Chief Public Defender;

D. Standards for the evaluation of contract counsel to be reviewed every 5 years or upon the recommendation of the Chief Public Defender;

E. Standards for independent, quality and efficient representation of clients whose cases present conflicts of interest;

F. Standards for the reimbursement of expenses incurred by retained counsel;

G. Standards regarding the determination of payments to the Office of the Public Defender that may be required of a defendant or civil party under section 1808. In developing the payment standards under this paragraph, the commission shall consider among other things the rates of private counsel and the type of case; and

H. Standards considered necessary and appropriate to ensure the delivery of quality indigent legal services.

2. Maine Commission on Indigent Legal Services duties. The commission shall:

A. Oversee the Office of the Public Defender to ensure quality and efficient indigent legal services are provided;

B. Establish processes and procedures to ensure the Office of the Public Defender uses information technology and case management systems to accurately collect, record and report detailed expenditure and case load data;

C. Establish rates of compensation for retained counsel;

D. Establish contract guidelines as well as processes and procedures to review contracts entered into between the Office of the Public Defender and contract counsel using best practices for contracts providing indigent legal services. Both the contract guidelines and contract review process must be evaluated every 3 years or at the discretion of the commission;

E. Establish an application fee of no less than \$5, which may be graduated as provided under section 1808, subsection 4 based on a defendant's or civil party's ability to pay and which is administered by the Office of the Public Defender;

F. Submit to the Legislature, the Chief Justice of the Supreme Judicial Court and the Governor an annual report on the operation, needs and costs of the indigent legal services system, including an evaluation of contracts, services provided by contract counsel, retained counsel, any contracted professional services and cost containment measures;

G. Monitor and at the commission's discretion testify on legislative proposals that affect the quality and cost of the indigent legal services system. The commission may name a designee to perform this duty;

H. Prepare at the end of each legislative session a report on the relevant law changes to the indigent legal services system and the effect on the quality and cost of those changes;

I. Review the biennial budget request and any supplemental budget requests of the Chief Public Defender prior to their submission to the Department of Administrative and Financial Services, Bureau of the Budget;

J. Establish the minimum amount of malpractice insurance contract counsel and retained counsel must hold to be eligible to handle indigent defense cases;

K. Develop a program, with the assistance of the Chief Public Defender, to allow law students opportunities within the indigent legal services system consistent with those

available within the District Attorney's Offices;

L. Designate a member of the commission as a liaison to the Chief Public Defender's cost containment unit under section 1807, subsection 3, paragraph P;

M. Establish a process for a vote of no confidence in the Chief Public Defender;

N. Compile a list of grievances against the Chief Public Defender, to be provided to the Governor, if the commission takes a vote of no confidence in the Chief Public Defender under paragraph M; and

O. Perform all duties necessary and incidental to the performance of any duty set out in this chapter.

3. Maine Commission on Indigent Legal Services powers. The commission may:

A. Meet and conduct business at any place within the State;

B. Use voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed;

C. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish standards under subsection 1, paragraph B and rates of compensation for retained counsel under subsection 2, paragraph C are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A;

D. Appear in court and before other administrative bodies represented by the commission's own attorneys; and

E. Take a vote of no confidence in the Chief Public Defender and provide a list of grievances to the Governor. A vote of no confidence under this paragraph is cause for dismissal of the Chief Public Defender by the Governor in accordance with section 1807, subsection 2, paragraph A.

4. Maine Commission on Indigent Legal Services restrictions. The commission may not make decisions regarding the handling of a case.

Sec. UUUU-7. 4 MRSA §1805, as enacted by PL 2009, c. 419, §2, is repealed.

Sec. UUUU-8. 4 MRSA §1806, sub-§2, ¶E, as enacted by PL 2011, c. 260, §1, is amended to read:

E. A request for funds for expert or investigative assistance that is submitted by an indigent party or by an attorney on behalf of an indigent client is confidential. The decision of the

~~executive director of the commission hired pursuant to section 1804, subsection 1, or the executive director's~~ Chief Public Defender or the Chief Public Defender's designee, to grant or deny such a request is not confidential after a case has been completed. A case is completed when the judgment is affirmed on appeal or the period for appeal has expired.

Sec. UUUU-9. 4 MRSA §§1807 and 1808 are enacted to read:

§1807. Office of the Public Defender established; appointment and duties.

1. Establishment. The Office of the Public Defender is established. The office consists of the Chief Public Defender, who is the head of the office, 2 Deputy Public Defenders, appointed in accordance with subsection 2, and counsel selected by the Chief Public Defender in accordance with the eligibility standards set forth under section 1804-A, subsection 1, paragraph B. The responsibilities of the Office of the Public Defender are exclusively concerned with the rights of persons described in section 1802, subsection 4.

2. Chief Public Defender. The provisions of this subsection apply to the Chief Public Defender.

A. The Chief Public Defender is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and confirmation by the Legislature. The Chief Public Defender may be removed from office for cause, and Title 5, section 931, subsection 2 does not apply. The Chief Public Defender must be an attorney or judge who has spent at least 5 years in the practice of criminal law or presiding over the adjudication of criminal cases. The term of office for the Chief Public Defender is 5 years. If a vacancy occurs during the term, the replacement is appointed to fill out the remaining part of the term.

B. The Chief Public Defender shall appoint 2 Deputy Public Defenders. The Deputy Public Defenders report to the Chief Public Defender and serve at the pleasure of the Chief Public Defender. One Deputy Public Defender must be an attorney or judge who has spent a substantial part of the last 5 years in the practice of criminal law or presiding over the adjudication of criminal cases. If a vacancy occurs in the Chief Public Defender position or if the Chief Public Defender is temporarily unavailable to perform the duties of the office, this Deputy Public Defender shall assume the duties of the Chief Public Defender until the vacancy is filled or the Chief Public Defender returns to work. The 2nd Deputy Public Defender must be an attorney or judge who has spent a substantial part of the last 5 years in the practice of civil law or presiding over civil cases.

C. The salary of the Chief Public Defender is consistent with the salary of district attorneys within salary range 90 with the step within that salary range determined by the Maine Commission on Indigent Legal Services.

The salary of the Deputy Public Defenders is within salary range 36.

D. The Chief Public Defender shall contract for or hire staff, including counsel who serve at

the pleasure of the Chief Public Defender, necessary to perform the functions of the Office of the Public Defender and to implement the provisions of this chapter.

(1) The compensation of staff of the Office of the Public Defender is fixed by the Chief Public Defender but such compensation may not in the aggregate exceed the amount appropriated for those positions and may not result in an increased request to future Legislatures.

(2) Staff counsel is an employee of this State as defined in Title 5, section 20, subsection 1.

(3) Professional staff of the Chief Public Defender are not subject to the Civil Service Law.

E. The Office of the Public Defender may not represent more than one person when a conflict of interest exists under the code of professional conduct laid out by the Board of Overseers of the Bar.

F. The Chief Public Defender, Deputy Public Defenders and staff, contract counsel and retained counsel must be members in good standing of the bar of the State. A "member in good standing of the bar of the State":

(1) Is admitted to the practice of law in this State;

(2) Is presently registered with the Board of Overseers of the Bar as an active practitioner; and

(3) Has not been and is not currently disbarred or suspended from practice pursuant to chapter 17, subchapter 2 or Maine Bar Rule 7.2 or its successor.

G. The Chief Public Defender, the Deputy Public Defenders and staff counsel are designated as full-time officers of the State and may not:

(1) Appear as counsel in any civil or criminal case or controversy before the Supreme Judicial Court, Superior Courts or District Courts of the State or comparable courts in any other state or before the federal District Court or at any administrative hearing held by any state or federal agency other than in the capacity as a public defender attorney;
or

(2) Engage in the private practice of law nor be a partner or associate of any person engaged in the private practice of law nor be a member or employee of a professional association engaged in the private practice of law.

3. Chief Public Defender duties and responsibilities. The Chief Public Defender shall:

A. Provide legal representation to eligible persons consistent with federal and state constitutional and statutory obligations;

B. Use contracts in providing indigent legal services as required in this section;

C. Supervise the operation, activities, policies and procedures of the Office of the Public Defender and may expend such sums for expenses as may be necessary in the performance of the Chief Public Defender's duties, to be paid out of money appropriated by the Legislature for those purposes;

D. Be the chief legal officer of the Office of the Public Defender with the ultimate authority regarding the disposition of cases handled by the office;

E. In accordance with standards established under section 1804-A, subsection 1, paragraph A, verify or reassess indigency of a defendant or civil party the court has determined to be indigent. If the Chief Public Defender determines the defendant or civil party is not indigent in full or in part, the Chief Public Defender shall petition the court for whole or partial payment or repayment of all legal services under section 1808, subsection 2;

F. Determine when and where it is necessary to establish district offices for the Office of the Public Defender consistent with the policies and procedures of the Department of Administrative and Financial Services;

G. Coordinate the development and implementation of rules, policies, procedures, regulations and standards adopted by the commission to carry out the provisions of this chapter and comply with all applicable laws and standards;

H. Establish a trial and appellate case management system. The system must require the attorneys to record time spent on each case and to classify or describe the type of work done;

I. Work jointly with other departments and agencies, including the Department of Health and Human Services, that hold data pertinent to determining indigency and establish information sharing agreements as necessary;

J. Work jointly with other departments and agencies, including the Department of Health and Human Services, to identify opportunities to improve eligibility screening across State Government, including the use of private firms that use established, effective income and asset verification systems;

K. Prepare and submit to the commission:

(1) A proposed biennial budget for the provision of indigent legal services, including supplemental budget requests as necessary;

(2) An annual report containing pertinent data on the operation, needs and costs of the indigent legal services system and the status of information sharing as required under paragraph I, including issues preventing the agreements from being implemented;

(3) A monthly report on caseloads and the gross monthly total of bills approved for payment, including payments to contract counsel and retained counsel, and for contracted professional services, a summary of professional service requests denied and granted by the office, in accordance with section 1806, subsection 2, paragraph E and information on complaints made against counsel providing indigent legal services; and

(4) Any other information as the commission may require.

L. Develop and conduct regular training programs in compliance with the rules adopted by the commission as required by section 1804-A, subsection 1, paragraph B;

M. Assist the commission in developing standards for the delivery of quality indigent legal services;

N. Maintain proper records of all financial transactions related to the operation of the commission and the notification of eligibility and assignment of counsel and subsequent related orders as submitted by the courts of this State;

O. Serve as an ex officio, nonvoting member of the commission and attend all commission meetings. The Chief Public Defender may delegate this responsibility;

P. Establish a cost containment unit within the Office of the Public Defender to include a member of the commission designated by the commission. The cost containment unit is responsible for monitoring efforts to recoup costs under section 1808, subsection 3, identifying ways to improve cost recoupment and issuing a quarterly summary of the expenses recouped over the period and the year to date to be provided to the commission. This function may be contracted out;

Q. Establish policies and procedures for managing caseloads to implement the standards established by the commission under section 1804-A, subsection 1, paragraph C, including a method for accurately tracking and monitoring caseloads;

R. Establish procedures to handle complaints about the performance of counsel providing indigent legal services;

S. Establish a process to provide services for conflict cases first through existing contract counsel, and only at last through the use of retained counsel; and

T. Perform duties as the commission may assign or are necessary and incidental to the performance of any duty set out in this chapter.

4. Chief Public Defender powers. The Chief Public Defender may:

A. As the Chief Public Defender determines necessary, contract for the services of private attorneys in the delivery of indigent legal services, including establishment of a lawyer of the day, as provided in section 1804-A and in accordance with standards established by the commission and the contract policies established by the Department of Administrative and Financial Services. Any contract must require contract counsel and retained counsel to record time spent on each case and to classify or describe the type of work that was done;

B. Require contract counsel and retained counsel to have at least the minimum level of malpractice insurance as established in section 1804-A, subsection 2, paragraph J;

C. Delegate the legal representation of any person to any member of the Maine State Bar eligible under section 1804-A in accordance with standards established and maintained by the commission;

D. Contract for and supervise personnel necessary to perform a function of the Office of the Public Defender and to implement the provisions of this chapter;

E. Establish processes and procedures to acquire investigative or expert services that may be necessary for a case;

F. Enter into agreements with the Maine State Bar Association, local bar associations, law firms and private counsel for legal representation without compensation as a service to the State;

G. Apply for and accept on behalf of the Office of the Public Defender funds that may become available from any source, including government, nonprofit or private grants, gifts or bequests. These funds do not lapse at the end of any fiscal year but are carried forward to be used for the purpose originally intended; and

H. Sponsor training activities and charge tuition to recoup the cost of the activities.

5. Legal counsel. The Attorney General, at the request of the Chief Public Defender, shall furnish legal assistance, counsel or advice the Office of the Public Defender requires in the discharge of its duties.

A. The Attorney General may represent staff members of the Office of the Public Defender in litigation as appropriate.

B. In cases in which staff members of the Office of the Public Defender could be represented by either the Attorney General or counsel retained through malpractice insurance, the Attorney General shall determine who represents the staff members.

§1808. Indigency determinations; redeterminations; verification; collection

1. Duties. The Chief Public Defender shall establish a system to:

A. Verify the information used to determine indigency under the standards established by the commission pursuant to section 1804-A;

B. Reassess indigency during the course of representation;

C. Record the amount of time spent on each case by the attorney appointed to that case; and

D. Receive from the court collections for the costs of representation from defendants or civil parties who are partially indigent or who have been otherwise determined to be able to reimburse the Office of the Public Defender for the cost of providing counsel.

2. Determination of a defendant's or civil party's eligibility. The Chief Public Defender shall provide to the court having jurisdiction over a proceeding information used to determine indigency under the standards established by the commission pursuant to section 1804-A for guidance to the court in determining a defendant's or civil party's financial ability to obtain counsel.

If the court does not order full payment for representation by the Office of the Public Defender, the Chief Public Defender shall investigate to determine the defendant's or civil party's financial condition and ability to make repayment and petition the court for a new repayment order at any time within 7 years of the original order.

3. Partial indigency and repayment. The provisions of this subsection apply to partial indigency and repayment.

A. If the court determines, in accordance with subsection 2, that a defendant or civil party is able to pay some, but not all, of the expenses of obtaining private counsel, the court shall order the defendant or civil party to pay a fixed contribution. The defendant's or civil party's full payment must be made to the court prior to the conclusion of the proceedings, unless otherwise ordered by the court. The clerk of court shall remit such payments to the Office of the Public Defender.

B. A defendant or civil party may not be required to repay for legal services an amount greater than the rate established pursuant to section 1804-A, subsection 2, paragraph C.

C. If a defendant is incarcerated in the State Prison, an order for repayment pursuant to this subsection may be suspended until the time of the defendant's release.

D. The Chief Public Defender may enter into contracts to secure the repayment of fees and expenses paid by the State as provided for in this section.

4. Application fee. An applicant seeking indigent legal services shall pay an application fee as set forth by the commission in section 1804-A, subsection 2, paragraph E. In a case involving a juvenile the application fee is the responsibility of the parent or legal guardian except that, when a juvenile is accused of a crime against the juvenile's parent or legal guardian or when legal guardianship rests with the State, the fee is waived.

The application fee may be waived by the court. A defendant or civil party may pay the fee in a lump sum or in installments. Full payment must be made to the court prior to the conclusion of the proceedings, unless otherwise ordered by the court.

Sec. UUUU-10. 5 MRSA §931, sub-§1, ¶L-3, as amended by PL 2003, c. 646, §1, is further amended to read:

L-3. The Executive Analyst of the Board of Environmental Protection; ~~and~~

Sec. UUUU-11. 5 MRSA §931, sub-§1, ¶M, as amended by PL 1987, c. 9, §2, is further amended to read:

M. Other positions in the Executive Branch made unclassified by law; and

Sec. UUUU-12. 5 MRSA §931, sub-§1, ¶N is enacted to read:

N. The Deputy Public Defenders, staff counsel and other professional staff of the Office of the Public Defender.

Sec. UUUU-13. 5 MRSA §959, as enacted by PL 2009, c. 419, §3, is repealed.

Sec. UUUU-14. 36 MRSA §191, sub-§2, ¶ZZ is enacted to read:

ZZ. The disclosure by employees of the bureau to an authorized representative of the Office of the Public Defender for the administration of Title 4, section 1804-A, subsection 1, paragraph A for determining eligibility for indigent legal services under Title 4, chapter 37.

Sec. UUUU-15. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 4, chapter 37, in the chapter headnote, the words "Maine commission on indigent legal services" are amended to read "office of the public defender and Maine commission on indigent legal services" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

PART UUUU SUMMARY

This Part establishes a statewide public defender system to:

1. Provide effective assistance of counsel to indigent criminal defendants, juvenile defendants and children and parents in child protective cases in courts of this State;
2. Ensure that the system is free from undue political interference and conflicts of interest;

3. Provide for the delivery of public defender services by qualified and quality counsel in a manner that is fair and consistent throughout the State;

4. Establish a system that uses state employees, contracted services and other methods of providing services in a manner that is responsive to and respectful of regional and community needs and interests;

5. Ensure that quality public funding of the statewide public defender system is provided and the system is managed in a fiscally responsible manner; and

6. Ensure that a person using the services of a statewide public defender system pay reasonable costs for services provided by the system based on the person's financial ability to pay.

PART VVVV

Sec. VVVV-1. 12 MRSA §10202, sub-§9, as amended by PL 2015, c. 267, Pt. NNN, §1, is further amended to read:

9. Fiscal Stability Program. The Fiscal Stability Program is established to ensure that the general public and hunters and anglers share the cost of the fish and wildlife conservation programs of the department. To achieve this goal, beginning with the ~~2018-2019~~ 2020-2021 biennial budget and for each biennial budget thereafter, the biennial budget submitted by the executive branch must include an additional General Fund appropriation of 18% in excess of the department's requested biennial budget.

PART VVVV SUMMARY

This Part amends the fiscal stability program to begin in the 2020-2021 biennium.

PART WWWW

Sec. WWWW-1. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account. On or before August 1, 2017, the State Controller shall transfer \$39,000 from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Enforcement Operations – Inland Fisheries and Wildlife program, General Fund account for the purchase of one replacement aircraft engine. On or before August 1, 2018, the State Controller shall transfer \$43,000 from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Enforcement Operations – Inland Fisheries and Wildlife program, General Fund account for the purchase of one replacement aircraft engine.

**PART WWWW
SUMMARY**

This Part authorizes the State Controller to transfer funds from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft engine in fiscal year 2017-18 and one replacement aircraft engine in fiscal year 2018-19.

PART XXXX

Sec. XXXX-1. 4 MRSA, §6-B, as amended by PL 2003, c. 290, §1, is further amended to read:

Any Active Retired Justice of the Supreme Judicial Court, who performs judicial service at the direction and assignment of the Chief Justice of the Supreme Judicial Court, must be compensated for those services at the rate of ~~\$300375~~ per day or ~~\$175215~~ per 1/2 day, ~~provided that the total per diem compensation and retirement pension received by an Active Retired Justice of the Supreme Judicial Court in any calendar year does not exceed the annual salary of a Justice of the Supreme Judicial Court.~~provided that the annual compensation under this section shall not exceed 75% of the annual salary of an Associate Justice of the Court. An Active Retired Justice of the Supreme Judicial Court who receives compensation under this section does not accrue additional creditable service for benefit calculation purposes and is not entitled to any other employee benefit, including health, dental and life insurance.

Sec. XXXX-2. 4 MRSA §104-A, as amended by PL 2001, c. 439, Pt. DDD, §1, is further amended to read:

Any Active Retired Justice of the Superior Court, who performs judicial service at the direction and assignment of the Chief Justice of the Supreme Judicial Court, is compensated for those services at the rate of ~~\$300375~~ per day or ~~\$175215~~ per 1/2 day, ~~provided that the total per diem compensation and retirement pension received by an Active Retired Justice of the Superior Court in any calendar year does not exceed the annual salary of a Justice of the Superior Court.~~provided that the total compensation received by an Active Retired Justice of the Superior Court in any calendar year does not exceed 75% of the annual salary of a Justice of the Superior Court set pursuant to section 102. An Active Retired Justice of the Superior Court who receives compensation under this section does not accrue additional creditable service for benefit calculation purposes and is not entitled to any other employee benefit, including health, dental and life insurance.

Sec. XXXX-3. 4 MRSA, §157-D, as amended by PL 2001, c. 439, Pt. DDD, §2, is further amended to read:

Any Active Retired Judge of the District Court, who performs judicial service at the direction and assignment of the Chief Judge of the District Court, is compensated for those services at the rate of ~~\$300375~~ per day or ~~\$175215~~ per 1/2 day, ~~provided that the total per diem compensation and retirement pension received by an Active Retired Judge of the District Court~~

in any calendar year does not exceed the annual salary of a Judge of the District Court, provided that the total per diem compensation received by an Active Retired Judge of the District Court in any calendar year does not exceed 75% of the annual salary of an Associate Judge of the District Court set pursuant to section 157. An Active Retired Judge of the District Court who receives compensation under this section does not accrue additional creditable service for benefit calculation purposes and is not entitled to any other employee benefit, including health, dental and life insurance.

Sec. XXXX-4. Judges and Justice Salary Adjustment. Notwithstanding any other provisions of Title 4, beginning on July 1, 2017, the salaries of each judge or justice on the Supreme Judicial, Superior, and Districts Courts shall be increased by 3%; and beginning on July 1, 2018, the salaries of each judge or justice on the Supreme Judicial, Superior, and Districts Courts shall be increased by 6%.

PART XXXX SUMMARY

Sections 1 through 3 of this Part increase the Active Retired Justice's compensation from \$300 per day to \$375 per day and from \$175 per ½ day to \$215 per ½ day.

Section 4 of this Part provides for a raise of 3% for judges and justices of the state courts for fiscal year 2017-18 and a raise of 6% for judges and justices of the state courts for each in fiscal year 2018-19.

PART YYYY

Sec. YYYY-1. 4 MRSA, §17-A as amended by PL 2013, c. 502, Pt. V, §1, is further amended to read:

§17-A. Publications and technology

1. Informational publications and record searches. The State Court Administrator may establish a fee schedule to cover the cost of printing and distribution of publications and forms, the procedures for the sale of these publications and forms and record searches performed by Judicial Department employees.

2. Fund; fees deposited. All fees collected under this section from the sale of publications or forms must be deposited in a fund for use by the State Court Administrator to fund publications, forms and information technology. Twenty percent of fees collected for record searches under subsection 1 of this section must be deposited in the fund, and 80% of the fees collected for such record searches must be deposited in the General Fund.

3. Fees and Surcharges for Electronic Filing. The Supreme Judicial Court may by court rules or administrative orders raise or establish fees on on-line electronic case searches, electronic document delivery and case filings, and surcharges on fines to support the operating costs of maintaining an e-filing and court information management system. All revenues

collected under this subsection must be deposited in a fund to be used for the operating costs, including, but not limited to, e-Filing costs, imaging, software maintenance fees, hardware, hardware maintenance fees, and personnel costs to maintain the electronic filing and court information management system.

PART YYYY SUMMARY

This Part clarifies that the record search fee schedule established by the State Court Administrator is for those record searches performed by Judicial Department employees and refines the definition of record search fees deposited into the fund to mean fees for record searches performed by Judicial Department employees.

This Part also allows Supreme Judicial Court to raise or establish fees on on-line electronic case search, document delivery and filing for the purpose of paying the cost of maintaining an e-filing and court information management system.

PART ZZZZ

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

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

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

Sec. ZZZZ-2. 2 MRSA §6, sub-§6, as amended by PL 2005, c. 405, Pt. D, §4, is further amended to read:

6. Range 85. The salaries of the following state officials and employees are within salary range 85:

Director of the Maine Emergency Management Agency;
~~Members, Maine Unemployment Insurance Commission;~~
Deputy Commissioner of the Department of Defense, Veterans and Emergency Management;
Director of the Bureau of Maine Veterans' Services; and

Executive Analyst, Board of Environmental Protection.

Sec. ZZZZ-3. 26 MRSA §1081, sub-§2, as amended by PL 1981, c. 470, Pt. A, §144, is further amended to read:

2. Salaries. The members of the commission shall receive a fixed weekly salary set by the Commissioner of Labor in accordance with Title ~~2, section 626~~, section 1401-B, subsection 1-C, and shall be paid from the Employment Security Administration Fund.

Sec. ZZZZ-4. 26 MRSA §1081, sub-§4, is enacted to read:

4. Removal. Members must be sworn and may be removed by the Governor for inefficiency, willful neglect of duty or malfeasance in office, but only with the review and concurrence of the joint standing committee of the Legislature having jurisdiction over labor matters upon hearing in executive session or by impeachment. Before removing a commission member, the Governor shall notify the President of the Senate and the Speaker of the House of Representatives of the removal and the reasons for the removal.

Sec. ZZZZ-5. 26 MRSA §1401-B, sub-1-B, as amended by PL 2013, c. 467, §5, is further amended to read:

B. The commissioner shall appoint to serve at the commissioner's pleasure and set the salaries of the:

- (1) Deputy Commissioner;
- (2) Director of Legislative Affairs;
- (3) Director of Operations;
- (3) Director of Communications;
- (5) Director, Bureau of Labor Standards;
- (6) Director, Bureau of Employment Services;
- (7) Director, Bureau of Rehabilitation Services;
- (8) Director, Bureau of Unemployment Compensation.

Sec. ZZZZ-6. 26 MRSA §1401-B, sub§-1, ¶C, is enacted to read:

C. The commissioner shall set the salaries of:

(1) Chair, Maine Unemployment Insurance Commission; and

(2) Members, Maine Unemployment Insurance Commission.

PART ZZZZ SUMMARY

Section 1 of this Part removes the requirement that the salaries of the Director of Labor Standards and the Chair of the Maine Unemployment Insurance Commission be subject to adjustment by the Governor. This change will allow the Department of Labor to reorganize the positions to a Public Service Executive II positions, in keeping with the classification of other bureau directors in the department.

Section 2 of this Part removes the requirement that the salaries of the members of the Maine Unemployment Insurance Commission be subject to adjustment by the Governor. This change will allow the Department of Labor to reorganize it to a Public Service Executive II position.

PART AAAAA

Sec. AAAAA-1. 26 MRSA §1082, sub-§14, ¶¶ A and B, as amended by PL 1995, c. 657, §2 and affected by PL 1995, c. 657, §10, is further amended to read:

A. The Director of Unemployment Compensation or a representative of the commissioner duly authorized by the commissioner to do so shall determine whether an employing unit is an employer and whether services performed for or in connection with the business of the employing unit constitute employment, and shall give written notice of the determination to the employing unit. Unless the employing unit, within 30 calendar days after notification was mailed to its last known address, files an appeal from that determination to the Division of Administrative Hearings, the determination is final.

B. After a determination has been made under paragraph A, the Director of Unemployment Compensation or a representative of the commissioner may within one year reconsider the determination in the light of additional evidence and make a redetermination and shall give written notice of the redetermination to the employing unit. Unless the employing unit, within 30 calendar days after notification was mailed to its last known address, files an appeal from that redetermination to the Division of Administrative Hearings, the redetermination is final.

Sec. AAAAA-2. 26 MRSA §1082, sub-§14, ¶C, as amended by PL 1981, c. 470, Pt. A, §145, is repealed.

Sec. AAAAA-3. 26 MRSA §1082, sub-§14, ¶D, as amended by PL 1977, c. 694, §472, is further amended to read:

D. Appeal. The employer or the commissioner may appeal the decision of the Division of Administrative Hearings to the commission, which may affirm, modify or reverse the decision upon review of the record. The commission may hold further hearing or may remand the case to the Division of Administrative Hearings for the taking of additional evidence. Upon appeal of such determination or redetermination, the commission shall after affording the employing unit a reasonable opportunity for a fair hearing, make findings of fact and render its decision which may affirm, modify, or reverse the determination of the Director of Unemployment Compensation or its representative. Such hearings shall be conducted in accordance with Title 5, section 9051 et seq. The commission shall notify the parties to the proceeding of its findings of fact and decision, and such decision shall be subject to appeal pursuant to Title 5, section 11001 et seq. In the absence of appeal therefrom, the determination of the commission, together with the record of the proceeding under this subsection, shall be admissible in any subsequent material proceeding under this chapter, and if supported by evidence, and in the absence of fraud, shall be conclusive, except as to errors of law, upon any employing unit which was a party to the proceeding under this subsection.

Sec. AAAAA-4. 26 MRSA §1226, as amended by PL 1995, c. 657, §6, and affected by PL 1995, c. 657, §10, is further amended to read:

§1226. Appeal of determination or assessment

1. Appeal to the commission.

A. An employer may appeal determinations by the commissioner or the commissioner's designated representatives made under sections 1082(14), 1221, 1222, ~~and~~ 1225, and 1228, or an assessment made under section 1225, to ~~the commission~~ the Division of Administrative Hearings by filing an appeal, in accordance with regulations that the commission prescribes, within 30 days after notification is mailed to the employer's last known address as it appears in the records of the bureau or, in the absence of such mailing, within 30 days after the notification is delivered. If the employer fails to perfect this appeal, the assessment or determination is final as to law and fact.

B. Upon appeal from such assessment or determination the ~~commission~~ Division of Administrative Hearings shall, after affording the appellant and the commissioner's designated representative a reasonable opportunity for a fair hearing, make finding of facts and render its decision, which may affirm, modify or reverse the action of the designated representative. The conduct of the hearings shall be governed by regulations of the commission consistent with Title 5, section 9051 et seq. The ~~commission~~ Division of Administrative Hearings shall promptly notify the parties to the proceeding of its finding of facts and its decision. The decision shall be subject to appeal to the commission, which may affirm, modify or reverse the decision of the Division of Administrative Hearings based on the evidence presented or it may remand the case to the Division of Administrative Hearings for further hearing pursuant to the commission's

regulations. The decision of the commission shall be subject to appeal pursuant to Title 5, section 11001 et seq. The commissioner shall have the right to appeal a final decision of the Maine Unemployment Insurance Commission to the Superior Court.

PART AAAAA SUMMARY

This Part moves the original jurisdiction of employer unemployment appeals cases from the gubernatorial appointed Unemployment Insurance Commission to the Division of Administrative Hearings within the Bureau of Unemployment Compensation of the Maine Department of Labor to conform with federal law.

This Part also revises the statutes to meet Section 303(a)(3) of the Federal Social Security Act requires that the first level of appeals hearings must be conducted by a “merit-staffed governmental employee” in order to meet the impartial hearing requirement of section 303(a)(3). For the purposes of this provision, merit-staffed means that the individuals are subject to personnel standards based on a merit system and are not political appointees.

PART BBBB

Sec. BBBB-1. 26 MRSA §1166, sub-§3, as enacted by PL 2007, c. 352, Pt. A, §1, is repealed.

PART BBBB SUMMARY

This Part allows any unencumbered balance in the Competitive Skills Scholarship Fund to be carried forward into the subsequent year to be used for the same purpose without specific legislative approval.

PART CCCCC

Sec. CCCCC-1. 26 MRSA §1191, sub- §3, as amended by PL 2009, c. 466, §1, is further amended to read:

3. Weekly benefit for partial unemployment. Each eligible individual who is partially unemployed in any week must be paid a partial benefit for that week. The partial benefit is equal to the weekly benefit amount less the individual's weekly earnings in excess of ~~\$25~~ \$100, effective the first full benefit week beginning on or after January 1, 2018. The following amounts are not considered wages for purposes of this subsection:

A. Amounts received from the Federal Government by a member of the National Guard and organized reserve, including base pay and allowances;

B. Amounts received as a volunteer firefighter or as a volunteer emergency medical services person;

C. Amounts received as an elected member of the Legislature; and

D. Earnings for the week received as a result of participation in full-time training under the United States Trade Act of 1974 as amended by the United States Trade and Globalization Adjustment Assistance Act of 2009 up to an amount equal to the individual's most recent weekly benefit amount.

Sec. CCCCC-2. 26 MRSA §1221, sub-§§3, 4 and 4-A, as amended by PL 2015, c. 107, §§1, 2, is further amended to read:

3. Experience rating record.

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

(1) The claimant's separation from the claimant's last employer was for misconduct in connection with the claimant's employment or was voluntary without good cause attributable to the employer;

(2) The claimant has refused to accept reemployment in suitable work when offered by a previous employer, without good cause attributable to the employer;

(3) Benefits paid are not chargeable against any employer's experience rating record in accordance with section 1194, subsection 11, paragraphs B and C;

(5) Reimbursements are made to a state, the Virgin Islands or Canada for benefits paid to a claimant under a reciprocal benefits arrangement as authorized in section 1082, subsection 12, as long as the wages of the claimant transferred to the other state, the Virgin Islands or Canada under such an arrangement are less than the amount of wages for insured work required for benefit purposes by section 1192, subsection 5;

(6) The claimant was hired by the claimant's last employer to fill a position left open by a Legislator given a leave of absence under chapter 7, subchapter 5-A, and the claimant's separation from this employer was because the employer restored the Legislator to the position after the Legislator's leave of absence as required by chapter 7, subchapter 5-A;

(7) The claimant was hired by the claimant's last employer to fill a position left open by an individual who left to enter active duty in the United States military, and the claimant's separation from this employer was because the employer restored the military serviceperson to the person's former employment upon separation from military service;
or

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

A-1.

A-2. No charge shall be made to an individual employer or governmental entity for benefits paid to any individual whose base-period wages include wages for previously uncovered services as defined in section 1043, subsection 19, paragraph C to the extent that the unemployment compensation fund is reimbursed for such benefits pursuant to section 121 of PL 94-566. No charge shall be made to an employer or governmental entity for benefits paid to any individual if eligibility for such benefits would not have been established but for the use of wages paid for previously uncovered services.

B. The commissioner shall classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their "experience rating records" and shall submit in his annual report to the Governor, the results of the actual experience in payment of contributions on behalf of the individual employers and with respect to benefits charged to their "experience rating records" together with the recommendations relative to the advisability of the continuance of the rates based on benefit experience.

C.

~~C-1. Beginning March 14, 2014, for the purposes of paragraph A, the experience rating record of the most recent subject employer may not be charged with benefits paid to a claimant whose work record with such employer totaled 5 consecutive weeks or less of total or partial employment, but in such case the most recent subject employer with whom the claimant's work record exceeded 5 consecutive weeks of total or partial employment must be charged, if such employer would have otherwise been chargeable had not subsequent employment intervened.~~

D. This subsection shall apply only to employers subject to payment of contributions as provided in subsections 1 and 2.

E. An employer's experience rating record may not be relieved of charges relating to an erroneous payment from the fund if the bureau determines that:

(1) The erroneous payment was made because the employer or agent of the employer was at fault for failing to respond timely or adequately to a written or electronic request from the bureau for information relating to the claim for unemployment compensation; and

(2) The employer or agent of the employer has established a pattern of failing to respond timely or adequately to written or electronic requests from the bureau for information relating to claims for unemployment compensation.

A determination of the bureau not to relieve charges pursuant to this paragraph is subject to appeal as other determinations of the bureau with respect to the charging of employers' experience rating records.

4. Employer's experience classifications. The commissioner shall compute annually contribution rates for each employer based on his own experience rating record and shall designate a contribution rate schedule.

A. The standard rate of contributions shall be 5.4%. No contributing employer's rate may be varied from the standard rate, unless and until his experience rating record has been chargeable with benefits throughout the 24-consecutive-calendar-month period ending on the computation date applicable to such year; each contributing employer newly subject to this chapter shall pay contributions at the average contribution rate, rounded to the next higher 1/10 of 1%, on the taxable wages reported by contributing employers for the 12-month period immediately preceding the last computation date, provided such rate may not exceed 3.0% nor be less than 1%; provided that, with respect to the rate year beginning January 1, 1986, and each rate year thereafter, the rate shall not exceed 4.0% nor be less than 1% and until such time as his experience rating record has been chargeable with benefits throughout the 24-consecutive-calendar-month period ending on the computation date applicable to such year, and for rate years thereafter his contribution rate shall be determined in accordance with subsections 3 and 4.

B. Subject to paragraph A, each employer's contribution rate for the 12-month period commencing January 1st of each year is based upon the employer's experience rating record and determined from the employer's reserve ratio, which is the percent obtained by dividing the amount by which, if any, the employer's contributions credited from the time the employer first or most recently became an employer, whichever date is later, and up to and including June 30th of the preceding year, including any part of the employer's contributions due for that year paid on or before July 31st of that year, exceed the employer's benefits charged during the same period, by the employer's average annual payroll for the 36-

consecutive-month period ending June 30th of the preceding year. The employer's contribution rate is the percent shown on the line of the following table on which in column A there is indicated the employer's reserve ratio and under the schedule within which the reserve multiple falls as of September 30th of each year. The following table applies for each 12-month period commencing January 1st of each year as determined by paragraph C. ~~Notwithstanding any other provisions of this paragraph, each employer's contribution rate computed and effective as of July 1, 1981, is for the 6-month period ending December 31, 1981.~~

EMPLOYER'S CONTRIBUTION RATE IN PERCENT OF WAGES

Employer		When Reserve Multiple is:								
Reserve Ratio		2.37-	2.23-	2.09-	1.95-	1.81-	1.67-	1.53-		
Equal to or	Less	over	2.50	2.36	2.22	2.08	1.94	1.80	1.66	
more than	Than	2.50	2.50	2.36	2.22	2.08	1.94	1.80	1.66	
Column A		Schedules								
		A	B	C	D	E	F	G	H	
19.0% and over		0.5%	0.6%	0.7%	0.8%	0.9%	1.0%	1.1%	1.2%	
18.0%	19.0%	0.6%	0.7%	0.8%	0.9%	1.0%	1.1%	1.2%	1.3%	
17.0%	18.0%	0.7%	0.8%	0.9%	1.0%	1.1%	1.2%	1.3%	1.4%	
16.0%	17.0%	0.8%	0.9%	1.0%	1.1%	1.2%	1.3%	1.4%	1.5%	
15.0%	16.0%	0.9%	1.0%	1.1%	1.2%	1.3%	1.4%	1.5%	1.6%	
14.0%	15.0%	1.0%	1.1%	1.2%	1.3%	1.4%	1.5%	1.6%	1.7%	
13.0%	14.0%	1.1%	1.2%	1.3%	1.4%	1.5%	1.6%	1.7%	1.8%	
12.0%	13.0%	1.2%	1.3%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	
11.0%	12.0%	1.3%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	
10.0%	11.0%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	
9.0%	10.0%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	
8.0%	9.0%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	

7.0%	8.0%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%
6.0%	7.0%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%
5.0%	6.0%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%
4.0%	5.0%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%
3.0%	4.0%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%
2.0%	3.0%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%
1.0%	2.0%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%
.0%	1.0%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%	3.4%	3.5%
-1.0%	.0%	3.0%	3.1%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%
-2.0%	-1.0%	3.1%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%
-3.0%	-2.0%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%
-4.0%	-3.0%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%	4.0%
-5.0%	-4.0%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%	4.0%	4.1%
-6.0%	-5.0%	3.5%	3.6%	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%
-7.0%	-6.0%	3.6%	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%
-8.0%	-7.0%	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%
-9.0%	-8.0%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%
-10.0%	-9.0%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%
-11.0%	-10.0%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%
-12.0%	-11.0%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%
under	-12.0%	6.4%	6.4%	6.4%	6.4%	6.4%	6.4%	6.4%	6.4%

EMPLOYER'S CONTRIBUTION RATE IN PERCENT OF WAGES

Employer
Reserve Ratio When Reserve Multiple is:

Equal to or more than Column A		Less than	1.39- 1.52	1.25- 1.38	1.11- 1.24	.97- 1.10	.83- .96	.68- .82	.45- .67	under .45
		I	J	K	L	M	N	O	P	
19.0% and over		1.3%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.4%	
18.0%	19.0%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	2.5%	
17.0%	18.0%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.6%	
16.0%	17.0%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.7%	
15.0%	16.0%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.8%	
14.0%	15.0%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.9%	
13.0%	14.0%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	3.0%	
12.0%	13.0%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	3.1%	
11.0%	12.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%	3.2%	
10.0%	11.0%	2.2%	2.3%	2.4%	2.5%	2.5%	2.7%	2.8%	3.3%	
9.0%	10.0%	2.3%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%	3.4%	
8.0%	9.0%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%	3.0%	3.5%	
7.0%	8.0%	2.5%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%	3.6%	
6.0%	7.0%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%	3.2%	3.7%	
5.0%	6.0%	2.7%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%	3.8%	
4.0%	5.0%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%	3.4%	3.9%	
3.0%	4.0%	3.0%	3.1%	3.2%	3.3%	3.4%	3.5%	3.6%	4.1%	
2.0%	3.0%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%	4.3%	
1.0%	2.0%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%	4.0%	4.5%	
.0%	1.0%	3.6%	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%	4.7%	
-1.0%	.0%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%	4.9%	
-2.0%	-1.0%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%	5.0%	
-3.0%	-2.0%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%	4.6%	5.1%	
-4.0%	-3.0%	4.1%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%	5.2%	
-5.0%	-4.0%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%	4.8%	5.3%	
-6.0%	-5.0%	4.3%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%	5.4%	
-7.0%	-6.0%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.5%	
-8.0%	-7.0%	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%	5.6%	
-9.0%	-8.0%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%	5.2%	5.7%	
-10.0%	-9.0%	4.8%	4.9%	5.0%	5.1%	5.2%	5.3%	5.4%	5.9%	
-11.0%	-10.0%	5.0%	5.1%	5.2%	5.3%	5.4%	5.5%	5.6%	6.1%	
-12.0%	-11.0%	5.2%	5.3%	5.4%	5.5%	5.6%	5.7%	5.8%	6.3%	
under	-12.0%	6.4%	6.4%	6.4%	6.4%	6.4%	6.4%	6.4%	6.4%	

C. To designate the contribution rate schedule to be effective for a rate year, a reserve multiple must be determined. The reserve multiple must be determined by dividing the fund reserve ratio by the composite cost rate. The determination date is September 30th of each calendar year, and the schedule of contribution rates to apply for the 12-month period commencing January 1st, is determined by this reserve multiple, except that for the 1998 and 1999 rate years Schedule P is in effect.

D. As used in this section, the words "contributions credited" and "benefits charged" mean the contributions credited to and the benefits paid and chargeable against the "experience rating record" of an employer as provided in subsection 3, including all contributions due and paid on or before July 31st following the computation date and all benefits paid and chargeable on or before the computation date.

E. The commissioner:

(1) Shall promptly notify each employer of his rate of contributions as determined for the 12-month period commencing January 1st of each year pursuant to this section. The determination shall become conclusive and binding upon the employer unless, within 15 days after the mailing of notice thereof to his last known address or in the absence of mailing, within 15 days after the delivery of the notice, the employer files an application for review and redetermination, setting forth his reasons therefor. If the commission grants the review, the employer shall be promptly notified thereof and shall be granted an opportunity for a hearing, but no employer shall have standing, in any proceedings involving his rate of contributions or contribution liability, to contest the chargeability to his "experience rating record" of any benefits paid in accordance with a determination, redetermination or decision pursuant to section 1194, except upon the ground that the services on the basis of which these benefits were found to be chargeable did not constitute services performed in employment for him and only in the event that he was not a party to the determination, redetermination or decision or to any other proceedings under this chapter in which the character of these services was determined. The employer shall be promptly notified of the commission's denial of his application, or the commission's redetermination, both of which shall be subject to appeal pursuant to Title 5, section 11001 et seq; and

(2) Shall provide each employer at least monthly with a notification of benefits paid and chargeable to his experience rating record and any such notification, in the absence of an application for redetermination filed in such manner and within such period as the commission may prescribe, shall become conclusive and binding upon the employer for all purposes. Such redetermination, made after notice and opportunity for hearing, and the commission's findings of fact in connection therewith, may be introduced in any subsequent administrative or judicial proceedings involving the determination of the rate of contributions of any employer for the 12-month period commencing January 1st of any year and shall be entitled to the same finality as is provided in this section with respect to the findings of fact made by the commission in proceedings to redetermine the contribution rates of an employer.

F. Notwithstanding any other inconsistent law, any employer, who has been notified of the employer's rate of contribution as required by paragraph E, subparagraph (1), for any year commencing January 1st, may voluntarily make payment of additional contributions, and, upon that payment, is entitled to promptly receive a recomputation and renotification of the employer's contribution rate for that year, including in the calculation the additional contributions so made. Any such additional contribution must be made during the 30-day period following the date of the mailing to the employer of the notice of the employer's

contribution rate in any year, unless, for good cause, the time of payment has been extended by the commissioner for a period not to exceed an additional 10 days.

4-A. Employer's experience classifications after January 1, 2000. For rate years commencing on or after January 1, 2000, the commissioner shall compute annually contribution rates for each employer based on the employer's own experience rating record and shall designate a schedule and planned yield.

A. The standard rate of contributions is 5.4%. A contributing employer's rate may not be varied from the standard rate unless the employer's experience rating record has been chargeable with benefits throughout the period of 24 consecutive calendar months ending on the computation date applicable to such a year. A contributing employer newly subject to this chapter shall pay contributions at a rate equal to the greater of the predetermined yield or 1.0% until the employer's experience rating record has been chargeable with benefits throughout the period of 24 consecutive calendar months ending on the computation date applicable to such a year. For rate years thereafter, the employer's contribution rate is determined in accordance with this subsection and subsection 3.

Effective January 1, 2008, the contribution rate must be reduced by the Competitive Skills Scholarship Fund predetermined yield as defined in section 1166, subsection 1, paragraph C, except that a contribution rate under this paragraph may not be reduced below 1%.

B. Subject to paragraph A, an employer's contribution rate for the 12-month period commencing January 1st of each year is based upon the employer's experience rating record and determined from the employer's reserve ratio. The employer's reserve ratio is the percent obtained by dividing the amount, if any, by which the employer's contributions, credited from the time the employer first or most recently became an employer, whichever date is later, up to and including June 30th of the preceding year, including any part of the employer's contributions due for that year paid on or before July 31st of that year, exceed the employer's benefits charged during the same period, by the employer's average annual payroll for the period of 36 consecutive months ending June 30th of the preceding year. The employer's contribution rate is determined under subparagraphs (1) to (8).

(1) The commissioner shall prepare a schedule listing all employers for whom a reserve ratio has been computed pursuant to this paragraph, in the order of their reserve ratios, beginning with the highest ratio. For each employer, the schedule must show:

- (a) The amount of the employer's reserve ratio;
- (b) The amount of the employer's annual taxable payroll; and
- (c) A cumulative total consisting of the amount of the employer's annual taxable payroll plus the amount of the annual taxable payrolls of all other employers preceding the employer on the list.

(2) The commissioner shall segregate employers into contribution categories in accordance with the cumulative totals under subparagraph (1), division (c). The contribution category is determined by the cumulative payroll percentage limits in column B. Each contribution category is identified by the contribution category number in column A that is opposite the figures in column B, which represent the percentage limits of each contribution category. If an employer's taxable payroll falls in more than one contribution category, the employer must be assigned to the lower-numbered contribution category, except that an employer may not be assigned to a higher contribution category than is assigned any other employer with the same reserve ratio.

A	B		C	D	E
Contribution Category	% of Taxable Payrolls From To		Experience Factors	Phase-in Experience Factors 2002 and 2003	Phase-in Experience Factors 2000 and 2001
1	00.00	05.00	.30	.38750	.4750
2	05.01	10.00	.35	.43125	.5125
3	10.01	15.00	.40	.47500	.5500
4	15.01	20.00	.45	.51875	.5875
5	20.01	25.00	.50	.56250	.6250
6	25.01	30.00	.55	.60625	.6625
7	30.01	35.00	.60	.65000	.7000
8	35.01	40.00	.65	.69375	.7375
9	40.01	45.00	.70	.73750	.7750
10	45.01	50.00	.75	.78125	.8125
11	50.01	55.00	.80	.82500	.8500

12	55.01	60.00	.90	.91250	.9250
13	60.01	65.00	1.00	1.00000	1.0000
14	65.01	70.00	1.10	1.08750	1.0750
15	70.01	75.00	1.25	1.21875	1.1875
16	75.01	80.00	1.40	1.35000	1.3000
17	80.01	85.00	1.60	1.52500	1.4500
18	85.01	90.00	1.90	1.78750	1.6750
19	90.01	95.00	2.20	2.05000	1.9000
20	95.01	100.00	2.60	2.40000	2.2000

(3-A) Beginning January 1, 2008, the commissioner shall compute a reserve multiple to determine the schedule and planned yield in effect for a rate year. The reserve multiple is determined by dividing the fund reserve ratio by the average benefit cost rate. The determination date is October 31st of each calendar year. The schedule and planned yield that apply for the 12-month period commencing on January 1, 2008 and every January 1st thereafter are shown on the line of the following table that corresponds with the applicable reserve multiple in column A.

A	B	C
Reserve Multiple	Schedule	Planned Yield
Over 1.58	A	0.6%
1.50 - 1.57	B	0.7%

1.42 - 1.49	C	0.8%
1.33 - 1.41	D	0.9%
1.25 - 1.32	E	1.0%
.50 - 1.24	F	1.1%
.25 - .49	G	1.2%
Under .25	H	1.3%

(4) The commissioner shall compute the predetermined yield by multiplying the ratio of total wages to taxable wages for the preceding calendar year by the planned yield.

(5) The commissioner shall determine the contribution rates effective for a rate year by multiplying the predetermined yield by the experience factors for each contribution category. Contribution category 20 in the table in subparagraph (2) must be assigned a contribution rate of at least 5.4%. The employer's experience factor is the percentage shown in column C in the table in subparagraph (2) that corresponds with the employer's contribution category in column A, ~~except that the experience factors in column E must be used to determine the contribution rates for rate years 2000 and 2001 and those in column D must be used for rate years 2002 and 2003.~~

(6) If, subsequent to the assignment of contribution rates for a rate year, the reserve ratio of an employer is recomputed and changed, the employer must be placed in the position on the schedule prepared pursuant to subparagraph (1) that the employer would have occupied had the corrected reserve ratio been shown on the schedule. The altered position on the schedule does not affect the position of any other employer.

(7) In computing the contribution rates, only the wages reported by employers liable for payment of contributions into the fund and net benefits paid that are charged to an employer's experience rating record or to the fund are considered in the computation of the average benefit cost rate and the ratio of total wages to taxable wages.

(8) Beginning January 1, 2008, all contribution rates must be reduced by the Competitive Skills Scholarship Fund predetermined yield as defined in section 1166, subsection 1, paragraph C, except that contribution category 20 under this paragraph may not be reduced below 5.4%.

C. The commissioner shall:

(1) Promptly notify each employer of the employer's rate of contributions as determined for the 12-month period commencing January 1st of each year. The determination is conclusive and binding upon the employer unless within 30 days after notice of the determination is mailed to the employer's last known address or, in the absence of mailing, within 30 days after the delivery of the notice, the employer files an application for review and redetermination, setting forth the employer's reasons. If the commission

grants the review, the employer must be promptly notified and must be granted an opportunity for a hearing. An employer does not have standing in any proceedings involving the employer's rate of contributions or contribution liability to contest the chargeability to the employer's experience rating record of any benefits paid in accordance with a determination, redetermination or decision pursuant to section 1194, except upon the ground that the services for which benefits were found to be chargeable did not constitute services performed in employment for the employer and only when the employer was not a party to the determination, redetermination or decision or to any other proceedings under this chapter in which the character of the services was determined. The employer must be promptly notified of the commission's denial of the employer's application or the commission's redetermination, both of which are subject to appeal pursuant to Title 5, chapter 375, subchapter 7; and

(2) Provide each employer at least monthly with a notification of benefits paid and chargeable to the employer's experience rating record. In the absence of an application for redetermination filed in the manner and within the period prescribed by the commission, a notification is conclusive and binding upon the employer for all purposes. A redetermination made after notice and opportunity for hearing and the commission's findings of fact may be introduced in subsequent administrative or judicial proceedings involving the determination of the rate of contributions of an employer for the 12-month period commencing January 1st of any year and has the same finality as provided in this section with respect to the findings of fact made by the commission in proceedings to redetermine the contribution rates of an employer.

D. Notwithstanding the provisions of this subsection, contributions may not be reduced by the Competitive Skills Scholarship Fund predetermined yield as defined in section 1166, subsection 1, paragraph C for any rate year in which contribution rate schedule H under paragraph B is to be in effect

PART CCCCC SUMMARY

Section 1 of this Part updates the weekly benefit for partial unemployment from \$25 to \$100 to incentivize reemployment and connection to the workforce.

Section 2 of this Part updates the experience rating and the lowest tax schedule to make Maine unemployment tax rates more equitable. The chargeability of benefit charges is revenue neutral.

PART DDDDD

Sec. DDDDD-1. Department of Labor; Vacancy review after reorganization. The Department of Labor is currently undergoing reorganizations to modernize the systems and service delivery within the Employment Security Services program and Employment Services Activity program. These reorganizations could lead to position eliminations. The Commissioner

of the Department of Labor is authorized to identify positions to be eliminated on or before June 30, 2019 and shall submit a report to the Joint Standing Committee on Appropriations and Financial Affairs.

Sec. DDDDD-2. Calculation. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings from the position eliminations and adjust by financial order upon approval of the Governor, no later than June 30, 2019. These eliminations are considered adjustments to authorized position count, appropriations and allocations.

PART DDDDD SUMMARY

This Part authorizes the Department of Labor to identify positions to eliminate as the result of ongoing reorganizations.

PART EEEEE

Sec. EEEEE-1. 12 MRSA §6301-A is enacted to read:

§6301-A. Coastal Fisheries, Research Management and Opportunity surcharges

1. Disposition of surcharges. Beginning in licensing year 2018, the following surcharges accrue to the Coastal Fisheries, Research Management, and Opportunity Fund established in subsection 9.

2. Surcharges on Resident Lobster Licenses. For resident lobster licenses issued pursuant to section 6421 subsection 1, the following surcharges apply:

- A. For a resident Class I license for applicants under 18 years of age, \$18;
- B. For a resident Class I license for applicants 18 years of age or older, \$38;
- C. For a resident Class I license for applicants 70 years of age or older, \$19;
- D. For a resident Class II license for applicants under 70 years of age, \$76;
- E. For a resident Class II license for applicants 70 years of age or older, \$38;
- F. For a resident Class III license for applicants under 70 years of age, \$114;
- G. For a resident Class III license for applicants 70 years of age or older, \$55;
- H. For a resident apprentice lobster and crab fishing license for applicants under 18 years of age, \$18;
- I. For a resident apprentice lobster and crab fishing license for applicants 18 years of age or older, \$37;
- J. For a resident apprentice lobster and crab fishing license for applicants 70 years of age or older, \$19;
- K. For a student lobster and crab fishing license, \$18; and
- L. For a noncommercial lobster and crab fishing license, \$18.

3. Surcharges on Nonresident Lobster Licenses. For nonresident lobster licenses issued pursuant to section 6421 subsection 1, the following surcharges apply:

- A. For a nonresident Class I license for applicants 18 years of age or older, \$220;
- B. For a nonresident Class I license for applicants under 18 years of age, \$108;
- C. For a nonresident Class II license, \$441;
- D. For a nonresident Class III license, \$657;
- E. For a nonresident apprentice lobster and crab fishing license for applicants under 18 years of age, \$108;
- F. For a nonresident apprentice lobster and crab fishing license for applicants 18 years or older, \$218; and
- G. For a nonresident lobster and crab landing permit, \$178.

4. Surcharges on Finfish Licenses. For licenses issued pursuant to chapter 621, the following surcharges apply:

- A. For a commercial fishing license for a resident operator issued pursuant to section 6501, subsection 1, \$15;
- B. For a commercial fishing license for a resident operator and all crew members issued pursuant to section 6501, subsection 1, \$39;
- C. For a commercial pelagic and anadromous fishing license for a resident operator issued pursuant to section 6502-A, subsection 2, \$15;
- D. For a commercial pelagic and anadromous fishing license for resident operator and all crew members issued pursuant to section 6502-A, subsection 2, \$39;
- E. For a resident elver fishing license for one device, issued pursuant to section 6505-A, subsection 1, \$17;
- F. For a resident elver fishing license for two devices, issued pursuant to section 6505-A, subsection 1, \$19;
- G. For a resident elver fishing license for one device with crew, issued pursuant to section 6505-A, subsection 1, \$32;
- H. For a resident elver fishing license for two devices with crew, issued pursuant to section 6505-A, subsection 1, \$34;
- I. For an eel harvesting license issued pursuant to section 6505-C, subsection 1, \$15; and
- J. For a sea urchin and scallop diving tender license issued pursuant to section 6535, subsection 1, \$40.

5. Surcharges on Nonresident Finfish Licenses. For nonresident licenses issued pursuant to chapter 621, the following surcharges apply:

- A. For a commercial license for a nonresident operator and all crew members commercial fishing license issued pursuant to section 6501, subsection 1, \$145;
- B. For a nonresident special tuna permit issued pursuant to section 6502, subsection 1, \$26;
- C. For a commercial pelagic and anadromous fishing license for nonresident operator and all crew members issued pursuant to section 6502-A, subsection 2, \$150;
- D. For a nonresident elver fishing license for one device, issued pursuant to section 6505-A, subsection 1, \$118;

E. For a nonresident elver fishing license for two devices, issued pursuant to section 6505-A, subsection 1, \$120;

F. For a nonresident elver fishing license for one device with crew, issued pursuant to section 6505-A, subsection 1, \$338; and

G. For a nonresident elver fishing license with for two devices crew, issued pursuant to section 6505-A, subsection 1, \$341.

6. Shellfish, Scallop, Worm and Miscellaneous License Surcharges. For licenses issued pursuant to chapter 623, the following surcharges apply:

A. For a commercial shellfish license for applicants 18 years of age or older and under 70 years of age issued pursuant to section 6601, subsection 1, \$18;

B. For a surf clam boat license issued pursuant to section 6602, subsection 5, \$80;

C. For an individual hand fishing scallop license issued pursuant to section 6701, subsection 1, \$43;

D. For a hand fishing scallop license with tender issued pursuant to section 6701, subsection 1, \$58;

E. For a scallop dragging license issued pursuant to section 6702, subsection 1, \$43;

F. For a noncommercial scallop license issued pursuant to section 6703, subsection 1, \$6;

G. For a mahogany quahog license issued pursuant to section 6731, subsection 1, \$39;

H. For a hand-raking mussel license issued pursuant to section 6745, subsection 5, \$18;

I. For a mussel boat license issued pursuant to section 746, subsection 1, \$35;

J. For a Zone 2 individual handfishing sea urchin license issued pursuant to section 6748, subsection 1, \$46;

K. For a Zone 2 handfishing sea urchin license with tender issued pursuant to section 6748, subsection 1, \$61;

L. For a Zone 1 individual handfishing sea urchin license issued pursuant to section 6748, subsection 1, \$8;

M. For a Zone 1 handfishing sea urchin license with tender issued pursuant to section 6748, subsection 1, \$15;

N. For a Zone 2 sea urchin dragging license issued pursuant to section 6748-A, subsection 1, \$46;

O. For a Zone 1 sea urchin dragging license issued pursuant to section 6748-A, subsection 1, \$8;

P. For a marine worm digger's license issued pursuant to section 6751, subsection 1, \$3;

Q. For a sea cucumber drag license issued pursuant to section 6801-A, subsection 1, \$39;

R. For a resident seaweed permit issued pursuant to section 6803, subsection 1, \$3;

S. For a resident supplemental seaweed permit issued pursuant to section 6803, 1, \$2;

T. For a resident commercial green crab license issued pursuant to section 6808, subsection 1, \$1; and

U. For a marine harvesting demonstration license issued pursuant to section 6810-A, subsection 1, \$8.

7. Shellfish, Scallop, Worm and Miscellaneous License Surcharges. For nonresident licenses issued pursuant to chapter 623, the following surcharges apply:

A. For a nonresident seaweed permit issued pursuant to section 6803, subsection 1, \$9;

B. For a nonresident supplemental seaweed permit issued pursuant to section 6803, 1, \$3; and

C. For a nonresident commercial green crab license issued pursuant to section 6808, subsection 1, \$2.

8. Wholesale and Retail License Surcharges. For licenses issued pursuant to chapter 625, the following surcharges apply:

A. For a wholesale seafood license or a wholesale seafood license with a lobster permit, sea urchin buyer's permit, shrimp permit or sea urchin processor's permit issued pursuant to section 6851, subsection 1(A), \$58;

B. For each supplemental wholesale seafood license issued pursuant to section 6851, subsection 1(B), \$12;

C. For a lobster processor license issued pursuant to section 6851-B subsection 1, 30% of the fee that is established in rule pursuant to section 6851-B subsection 2;

D. For a retail seafood license issued pursuant to section 6852 subsection 1, \$30;

E. For a marine worm dealer's license issued pursuant to section 6853, \$3;

F. For a supplemental marine worm dealer's license issued pursuant to section 6853, \$2;

G. For a lobster transportation license issued pursuant to section 6854, subsection 1(A), \$94;

H. For a supplemental lobster transportation license issued pursuant to section 6854, subsection 1(B) \$19;

I. For a shellfish transportation license issued pursuant to section 6855, subsection 1(A), \$69;

J. For a supplemental shellfish transportation license issued pursuant to section 6855, subsection 1(B), \$23;

K. For a lobster meat permit issued pursuant to section 6857, subsection 1, \$48;

L. For an elver dealer's license issued pursuant to section 6864, subsection 4, \$113; and

M. For a supplemental elver dealer's license issued pursuant to section 6864, subsection 3, \$16.

9. Coastal Fisheries, Research Management, and Opportunity Fund. The Coastal Fisheries, Research Management, and Opportunity Fund, referred to in this subsection as "the fund," is established within the department. The fund receives all funds deposited by the commissioner pursuant to this section. All money received by the fund must be used to fund scientific research, management or enforcement activities related to marine resources. Unexpended balances in the fund at the end of a fiscal year do not lapse but must be carried forward to the next fiscal year to be used for the purposes of the fund. Any interest earned on the money in the fund must be credited to the fund.

PART EEEEE SUMMARY

This Part establishes new surcharges on licenses issued by the Department of Marine Resources, equal to 30% of the General Fund portion of those license surcharges and directs the new surcharge to the newly established Coastal Fisheries, Research Management, and

Opportunity Fund, Other Special Revenue Fund account in the Bureau of Policy and Management program. The Fund must be used to fund scientific research, management and enforcement activities related to marine resources.

PART FFFFF

Sec. FFFFF-1. Rename Board of Registration for Professional Engineers program.

Notwithstanding any other provision of law, the Board of Registration for Professional Engineers program within the Department of Professional and Financial Regulation is renamed the State Board of Licensure for Professional Engineers program.

PART FFFFF SUMMARY

This Part renames the Board of Registration for Professional Engineers program within the Department of Professional and Financial Regulation to the State Board of Licensure for Professional Engineers program.

PART GGGGG

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

Chapter 393: Building Codes and Standards

§13180. Definitions

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

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

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

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

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

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

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

§13181. Division of Building Codes and Standards

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

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

- A. Providing nonbinding interpretation of the code for professionals and the general public; and
- B. Establishing and maintaining a publicly accessible website to publish general technical assistance, code updates and interpretations and post-training course schedules.

§13182. Municipal Inspection Options

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

- 1. Building officials.** Building officials and local code enforcement officers;
- 2. Interlocal agreements.** Interlocal agreements with other municipalities that share the use of building officials certified in building standards pursuant to Title 10, section 9723;
- 3. Contractual agreements.** Contractual agreements with county or regional authorities that share the use of building officials certified in building standards pursuant to Title 10, section 9723; and
- 4. Third-party inspectors.** Reports from 3rd-party inspectors certified pursuant to Title 10, section 9723 submitted to the building official prior to obtaining a certificate of occupancy in Title 25, section 2357-A that are obtained pursuant to independent contractual arrangements between the building owner and 3rd-party inspector or the municipality and 3rd-party inspector.

§13183. Maine Code Enforcement Training and Certification Fund

The Maine Code Enforcement Training and Certification Fund, referred to in this section as "the fund," is established within the Department of Economic and Community Development, Office of Community Development to fund the activities of the division under this chapter and the activities of the board under Title 10, chapter 1103 and the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A. Revenue for this fund is provided by the surcharge established by Title 25, section 2450-A and deposited to the Fund. Any balance of the fund may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal year.

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

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

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

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

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

1. Appoint committee; establish requirements. The board shall appoint a 5-member training and certification committee, referred to in this section as "the committee," to establish the training and certification requirements for municipal building officials, local code enforcement officers and 3rd-party inspectors. For purposes of this section, "3rd-party inspector" has the same meaning as set forth in Title ~~255,~~ 237413180, subsection 6.

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

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

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

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

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

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

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

The building official shall inspect each building during the process of construction so far as may be necessary to see that all proper safeguards against the catching or spreading of fire are used, that the chimneys and flues are made safe and that proper cutoffs are placed between the timbers in the walls and floorings where fire would be likely to spread, and may give such directions in writing to the owner or contractor as the building official considers necessary

concerning the construction of the building so as to render the building safe from the catching and spreading of fire. For a building official in a municipality that is enforcing the Maine Uniform Building and Energy Code pursuant to Title 10, section 9724, unless the municipality is enforcing that code by means of 3rd-party inspectors pursuant to Title 5, section ~~2373~~13182, subsection 4, the building official shall inspect each building during the process of construction for compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103.

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

A building in a municipality of more than 2,000 inhabitants may not be occupied until the building official has given a certificate of occupancy for compliance with the inspections required by section 2353-A. A building in a municipality of more than 2,000 inhabitants that has adopted or is enforcing the Maine Uniform Building and Energy Code pursuant to Title 10, section 9724 may not be occupied until the building official has given a certificate of occupancy for compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103, and in accordance with the required enforcement and inspection options provided in Title 5, section ~~2373~~13182. The building official may issue the certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector pursuant to Title 5, section ~~2373~~13182, subsection 4. The municipality has no obligation to review a report from a 3rd-party inspector for accuracy prior to issuing the certificate of occupancy. If the owner permits it to be so occupied without such certificate, the owner must be penalized in accordance with Title 30-A, section 4452. In case the building official for any cause declines to give that certificate and the builder has in the builder's own judgment complied with section 2353-A, an appeal may be taken pursuant to Title 30-A, section 4103, subsection 5 or through an alternative appeal process that has been established by ordinance pursuant to Title 10, section 9724, subsection 5. If on such appeal it is decided that section 2353-A has been complied with, the owner of the building is not liable to a fine for want of the certificate of the building official.

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

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

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

In addition to the fees established in section 2450, a surcharge of 4¢ per square foot of occupied space must be levied on the existing fee schedule for new construction, reconstruction, repairs, renovations or new use for the sole purpose of funding the activities of the Technical

Building Codes and Standards Board with respect to the Maine Uniform Building and Energy Code, established pursuant to Title 10, chapter 1103, the activities of the Division of Building Codes and Standards under chapter 314 and the activities of the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A, except that the fee for review of a plan for the renovation of a public school, including the fee established under section 2450, may not exceed \$450. Revenue collected from this surcharge must be deposited into the Uniform Building Codes and Standards Fund in the Department of Public Safety and transferred to the Department of Economic and Community Development pursuant to Title 5, section 13183.

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

Sec.GGGGG-13. Transfer balances. Notwithstanding any other provision of law, at the close of fiscal year 2016-17, the Department of Public Safety shall transfer after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Division of Building Codes and Standards program, Other Special Revenue Funds account related to the Maine Uniform Building and Energy Code pursuant to Title 10, to the Community Development Block Grant Program, Other Special Revenue Funds account within the Department of Economic and Community Development.

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

PART GGGGG SUMMARY

This Part relocates the Technical Building Codes and Standards Board from the Department of Public Safety to the Department of Economic and Community Development. This Part also authorizes the Department of Public Safety to transfer, at the end of fiscal year 2016-17, any balance remaining in the Division of Building Codes and Standards program, Other Special Revenue Funds account related to the Maine Uniform Building and Energy Code, to the Department of Economic and Community Development, Community Development Block Grant Program.

PART HHHHH

Sec. HHHHH-1. 8 MRSA §227-A, sub-§§3,4,5, 7, as amended by PL 2003, c. 521, §§1-3, are further amended to read:

3. Fees. The fee for a permit is \$30 per display and the fee for a site inspection is \$111. ~~The fee for all monitored indoor pyrotechnic events that occur outside of normal business hours is \$100.~~

4. Permits; violation. A person may not conduct a ~~fireworks~~ display in violation of the permit issued under subsection 1.

5. Penalties. The following penalties apply.

A. A person who conducts a ~~fireworks~~ display without a permit commits a Class D crime.

B. A person who conducts a ~~fireworks~~ display in violation of a permit issued under subsection 1 commits a Class E crime.

~~**7. Indoor pyrotechnics.** All indoor pyrotechnic events must be monitored by the State Fire Marshal or the State Fire Marshal's designee.~~

PART HHHHH SUMMARY

This Part eliminates the requirement that all indoor pyrotechnic events be monitored by the State Fire Marshal or the State Fire Marshal's designee and eliminates the associated fee.

PART IIIII

Sec. IIIII-1. 8 MRSA §1003, sub-§1, ¶L, as enacted by PL 2015, c.499, Pt. A, §5, is repealed and the following enacted in its place:

L. Administer and enforce Title 17 Chapters 13-A BEANO or BINGO and Chapter 62 Games of Chance.

Sec IIIII-2. 8 MRSA §1003, sub-§2, ¶¶A, B, D, and F, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by PL 2003, c. 687, §11, are amended to read:

A. Enforce the provisions of ~~this~~ all applicable chapters ~~chapter~~ and any rules adopted under ~~this~~ those chapters;

B. Hear and decide all license and registration applications under ~~this~~ all applicable chapters ~~chapter~~ and issues affecting the granting, suspension, revocation or renewal of licenses and registrations;

D. Cause the department to investigate any alleged violations of ~~this chapter~~ all applicable chapters or rules adopted under ~~this chapter~~ all applicable chapters and the direct or indirect ownership or control of any licensee;

F. Collect all licensing and registration fees and taxes imposed by ~~this chapter~~ all applicable chapters and rules adopted pursuant to ~~this~~ those chapters;

Sec IIII-3. 8 MRSA §1003, sub-§2, ¶S, as amended by PL 2015, c. 499, §6, is further amended to read:

S. Prepare and submit to the department a budget for the administration of ~~this chapter~~ all applicable chapters; and;

PART IIII SUMMARY

This Part authorizes the Gambling Control Board to administer and enforce all applicable chapters for BEANO and BINGO.

PART JJJJJ

Sec. JJJJJ-1. 17 MRSA §311, sub-§1, as amended by PL 1991, c. 796, §2, is further amended to read:

1. Beano. "Beano" means a specific kind of group game of chance, regardless of whether such a game is characterized by another name. Wherever the term "beano" is used, the word "bingo" or any other word used to characterize such a game may be interchanged. In "beano," each participant is given or sold one or more tally cards, so-called, each of which contains preprinted numbers or letters and may or may not be arranged in vertical or horizontal rows. The participant covers or marks the numbers or letters as objects similarly numbered or lettered are drawn from a receptacle and the winner or winners are determined by the sequence in which those objects are drawn. The manner in which the winner is determined must be clearly announced or displayed before any game is begun. Until July 1, 1994, a game described in this subsection is "beano" and a licensee may conduct such a game regardless of whether the manner of determining the winner is specifically described as a permissible manner of determining the winner in rules adopted by the ~~Chief of State Police~~Gambling Control Board.

Sec. JJJJJ-2. 17 MRSA §311, sub-§1-A, as enacted by PL 1999, c. 74, §1, is amended to read:

1-A. Commercial beano hall permit. "Commercial beano hall permit" means written authority from the ~~Chief of State Police~~Gambling Control Board issued to a permittee who rents or leases premises for profit to a licensee to hold, conduct or operate "beano."

Sec. JJJJJ-3. 17 MRSA §311, sub-§1-B, as enacted by PL 2001, c. 342, §1, is repealed.

Sec. JJJJJ-4. 17 MRSA §311, sub-§2-A, is enacted to read:

2-A. Gambling Control Board. “Gambling Control Board” means the Department of Public Safety, Gambling Control Board, or an authorized representative thereof.

Sec. JJJJJ-5. 17 MRSA §311, sub-§§3, 4 and 5, as enacted by PL 1975, c. 307, §2, are amended to read:

3. License. "License" shall mean that written authority from the ~~Chief of State Police~~Gambling Control Board to hold, conduct or operate the amusement commonly known as "Beano" for the entertainment of the public within the State of Maine. A location permit must accompany the license to be valid.

4. Licensee. "Licensee" shall mean any organization which has been granted a license by the ~~Chief of State Police~~Gambling Control Board to hold, conduct or operate "Beano" or "Bingo."

5. Location permit. "Location permit" shall mean that card issued by the ~~Chief of State Police~~Gambling Control Board, describing the premises or area in which "Beano" may be conducted. Such location permit must be accompanied by a license. Only such locations expressly described in the location permit shall be used for the conduct of any game.

Sec. JJJJJ-6. 17 MRSA §312, sub-§1, as enacted by PL 2003, c. 452, Pt. I, §2 and affected by PL 2003, c. 452, part X, §2, is amended to read:

1. License required. A person, firm, association or corporation may not hold, conduct or operate the amusement commonly known as "beano" or "bingo" for the entertainment of the public within the State unless that person, firm, association or corporation has obtained a license from the ~~Chief of State Police~~Gambling Control Board.

Sec. JJJJJ-7. 17 MRSA §313, as enacted by PL 1975, c. 307, §2, is amended to read:

Any organization desiring to conduct such an amusement shall apply to the ~~Chief of State Police~~Gambling Control Board for a license pursuant to the provisions set forth in this section. The application shall be on forms provided by the ~~Chief of State Police~~Gambling Control Board, shall be signed by a duly authorized officer of the organization to be licensed, shall contain the full name and address of the organization and the location where it is desired to conduct the amusement and shall bear the consent of the municipal officers of the town or city in which it is proposed to operate such amusement.

Sec. JJJJJ-8. 17 MRSA §314, first ¶, as amended by PL 2009, c. 487, Part B, §5, is further amended to read:

The ~~Chief of State Police~~Gambling Control Board may issue licenses to operate beano or bingo games to any volunteer fire department or any agricultural fair association or bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veterans' organization that was in existence and founded, chartered or organized in the State at least 2 years prior to its application for a license, when sponsored, operated and conducted for the exclusive benefit of that organization by duly authorized members. The ~~Chief of State~~

~~Police~~Gambling Control Board may also issue a license to any auxiliary associated with an organization, department or association qualified for a license under this section if the auxiliary was founded, chartered or organized in this State and has been in existence at least 2 years before applying for a license and the games are sponsored, operated and conducted for the exclusive benefit of the auxiliary by duly authorized members of the auxiliary. Proceeds from any game conducted by the auxiliary or the auxiliary's parent organization may not be used to provide salaries, wages or other remuneration to members, officers or employees of the auxiliary or its parent organization, except as provided in sections 326 and 1838. The 2 years' limitation does not apply to any organizations in this State having a charter from a national organization, or auxiliaries of those organizations, even though the organizations have not been in existence for 2 years prior to their application for a license. The 2 years' limitation does not apply to any volunteer fire department or rescue unit or auxiliary of that department or unit. A license may be issued to an agricultural fair association when sponsored, operated and conducted for the benefit of such agricultural fair association.

Sec. JJJJJ-9. 17 MRSA §314-A, sub-§1, as amended by PL 2009, c. 487, Pt. B, §6, is further amended to read:

1. Eligible organizations. ~~The Chief of State Police~~Gambling Control Board may issue licenses to operate high-stakes beano or high-stakes bingo to a federally recognized Indian tribe.

A. ~~The Chief of State Police~~Gambling Control Board may also issue, to a federally recognized tribe, licenses to sell lucky seven or other similar sealed tickets in accordance with section 324-A.

B. In conjunction with the operation of high-stakes beano, federally recognized Indian tribes holding a license under this section may advertise and offer prizes for attendance with a value of up to \$25,000 under the terms prescribed for raffles in section 1837. Any prize awarded under this paragraph may be awarded only on the basis of a ticket of admission to the high-stakes beano game and may only be awarded to a person who holds an admission ticket.

~~The Chief of State Police~~Gambling Control Board may not issue more than one license under this section to a federally recognized Indian tribe for the same period.

Sec. JJJJJ-10. 17 MRSA §314-A, sub-§1-A, as amended by PL 2009, c. 505, §1, is further amended to read:

1-A. Sealed tickets. ~~The Chief of State Police~~Gambling Control Board may also issue to any federally recognized Indian tribe licenses to sell lucky seven or other similar sealed tickets in accordance with section 324-A. The licensee may operate a dispenser to sell the lucky seven or other similar tickets. As used in this subsection, "dispenser" means a mechanical or electrical device or machine that, upon the insertion of money, credit or something of value, dispenses printed lucky seven or other similar tickets. The element of chance must be provided by the ticket itself, not by the dispenser. ~~The Chief of State Police~~Gambling Control Board may adopt rules to facilitate the use of dispensers. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. JJJJJ-11. 17 MRSA §314-A, sub-§3, as repealed and replaced by PL 1991, c. 426, §4, is amended to read:

3. Twenty-seven weekends per year. An organization licensed under this section may operate high-stakes beano games on 27 weekends per year, whether or not consecutive. For purposes of this section, a weekend consists of Saturday and the immediately following Sunday. A high-stakes beano game licensed under this section and canceled for any reason may be rescheduled at any time, as long as 5 days prior notice of the new date is given to the ~~Chief of State Police~~Gambling Control Board.

Sec. JJJJJ-12. 17 MRSA §314-A, sub-§3-B, as corrected and renumbered by RR 2015, c. 1, §10, is amended to read:

3-B. Games up to 100 days per year. An organization licensed under this section other than the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs may operate high-stakes beano games up to 100 days per year. A high-stakes beano game licensed under this section and canceled for any reason may be rescheduled at any time, as long as 5 days' prior notice of the new date is given to the ~~Chief of State Police~~Gambling Control Board.

Sec. JJJJJ-13. 17 MRSA §314-A, sub-§8, as enacted by PL 1991, c. 426, §6, is amended to read:

8. Report. Beginning January 15, 1992, any federally recognized Indian tribe licensed to conduct high-stakes beano under this section must submit a quarterly report on the operation of high-stakes beano to the joint standing committee of the Legislature having jurisdiction over legal affairs matters. The report must include information on the number of persons playing high-stakes beano during the preceding calendar quarter, the funds collected for high-stakes beano, the total amount awarded in prizes, including prizes for attendance and any other information provided to the ~~Bureau of State Police~~Gambling Control Board regarding the operation of high-stakes beano.

Sec. JJJJJ-14. 17 MRSA §315, first ¶, as repealed and replaced by PL 2011, c. 339, §1, is amended to read:

Notwithstanding sections 314 and 319, the ~~Chief of State Police~~Gambling Control Board may issue up to 10 seasonal licenses to operate beano or bingo games in a calendar year, including those designed to attract players under 16 years of age, in bona fide resort hotels as long as the conditions prescribed by this section are met. For the purposes of this section, "resort hotel" means a full-service hotel facility that offers leisure or recreational activities such as golf, tennis, water sports or horseback riding.

Sec. JJJJJ-15. 17 MRSA §315-A, first ¶, and sub-§1, as enacted by PL 2013, c. 305, §2, are amended to read:

The ~~Chief of State Police~~Gambling Control Board may issue a limited dual beano license to 2 organizations eligible for a regular license to conduct a game of beano. A limited dual beano license permits 2 organizations to conduct beano jointly on the same date and at the same

location. An organization may only conduct beano under the authority of a dual license on 2 occasions during a calendar year. The following provisions apply to licensure under this section.

1. Application. The 2 organizations wishing to conduct beano jointly shall submit an application to the ~~Chief of State Police~~Gambling Control Board in a manner prescribed by the ~~chief board~~.

Sec. JJJJJ-16. 17 MRSA §316, as amended by PL 2001, c. 538, §1, is further amended to read:

The ~~Chief of State Police~~Gambling Control Board may require such evidence as the ~~chiefboard~~ may determine necessary to satisfy the ~~chiefboard~~ that an applicant or organization licensed to conduct beano conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding that outline or otherwise explain the purpose for which organizations were founded must, upon request, be forwarded to the ~~Chief of State Police~~Gambling Control Board. The ~~Chief of State Police~~Gambling Control Board may require such evidence as the ~~chiefboard~~ may determine necessary regarding the conduct of beano by a licensee to determine compliance with this chapter.

Sec. JJJJJ-17. 17 MRSA §317, first ¶, as amended by PL 2011, c. 301, §1, is further amended to read:

The ~~Chief of State Police~~Gambling Control Board may adopt rules, not inconsistent with law, that are necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of the amusement commonly known as "Beano" or "Bingo" and for the permitting and operation of commercial beano halls. The ~~Chief of State Police~~Gambling Control Board may regulate, supervise and exercise general control over the operation of such amusement and commercial beano halls, including, but not limited to, the payment of prizes and the use of equipment. Any rule adopted by the ~~Chief of State Police~~Gambling Control Board concerning the value of prizes that may be awarded must include a provision that no single prize may exceed \$400 in value and that no more than \$1,400 in total prizes may be awarded on any one occasion except that once per calendar year on one occasion a licensee may award up to \$2,000 in total prizes. In establishing such rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A, the ~~Chief of State Police~~Gambling Control Board must, in addition to the standards set forth in other provisions of this chapter, use the following standards setting forth conduct, conditions and activity considered undesirable:

Sec. JJJJJ-18. 17 MRSA §317-A, as amended by PL 2001, c. 342, §2, is further amended to read:

1. ~~Chief of the State Police~~Gambling Control Board. The ~~Chief of the State Police~~Gambling Control Board may:

- A. Investigate all aspects of this chapter including the direct and indirect ownership or control of any licenses or commercial beano hall permits;
- B. Suspend, revoke or refuse to issue a license, after notice of the opportunity for a hearing, if the applicant, applicant's agent or employee, licensee or licensee's agent or

employee violates a provision of this chapter or Title 17-A, chapter 39 or fails to meet the statutory requirements for licensure pursuant to this chapter;

C. Immediately suspend or revoke a license if there is probable cause to believe that the licensee or the licensee's agent or employee violated a provision of Title 17-A, chapter 39;

D. Suspend or revoke a commercial beano hall permit, after notice of the opportunity for hearing, if a permittee or permittee's employee commits murder or a Class A, B or C crime or violates a provision of this chapter or Title 17-A, chapter 15, 29, 37 or 39;

E. Immediately suspend or revoke a commercial beano hall permit if there is probable cause to believe that the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of Title 17-A, chapter 15, 29, 37 or 39; and

F. Issue a subpoena in the name of the ~~State Police~~Gambling Control Board in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this chapter and is not limited to an adjudicatory hearing. This authority may not be used in the absence of reasonable cause to believe a violation has occurred. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the ~~chiefboard~~, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court.

2. Licensing action after notice and opportunity for hearing. The ~~Chief of the State Police~~Gambling Control Board shall notify the applicant, licensee or permittee in writing, before a license or permit is denied, suspended or revoked pursuant to subsection 1, paragraph B or D, of the intended denial or commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's or permittee's receipt of the notice, of the duration of the suspension or revocation and of the right to a hearing pursuant to this subsection. The applicant, licensee or permittee has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the applicant's, licensee's or permittee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the applicant, applicant's agent or employee, licensee or licensee's agent or employee violated a provision of this chapter or Title 17-A, chapter 39 or the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of this chapter or Title 17-A, chapter 15, 29, 37 or 39. A request for a hearing may not be made any later than 10 days after the applicant, licensee or permittee is notified of the proposed denial, suspension or revocation. The suspension or revocation action must be stayed pending the hearing; the hearing may not be held any later than 30 days after the date the commissioner receives the request unless otherwise agreed by the parties or continued upon request of a party for cause shown.

3. Immediate suspension or revocation. A licensee whose license or permittee whose permit is immediately suspended or revoked by the ~~Chief of the State Police~~ Gambling Control Board pursuant to subsection 1, paragraph C or E must be notified in writing of the duration of the suspension or revocation and the licensee's or the permittee's right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or permittee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or the licensee's agent or employee violated a provision of Title 17-A, chapter 39 or the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of Title 17-A, chapter 15, 29, 37 or 39. A request for a hearing may not be made any later than 48 hours after the licensee or permittee is notified of the suspension or revocation. A hearing may not be held any later than 10 days after the date the commissioner receives the request.

Sec. JJJJJ-19. 17 MRSA §322, as amended by PL 1999, c. 74, §4, is further amended to read:

The ~~Chief of the State Police~~ Gambling Control Board shall require from any organization licensed to operate "Beano" or "Bingo" and any individual, corporation, partnership or unincorporated association that has a permit to operate a commercial beano hall whatever reports the ~~chiefboard~~ determines necessary for the purpose of the administration and enforcement of this chapter.

Sec. JJJJJ-20. 17 MRSA §323, first ¶, as amended by PL 1999, c. 74, §5, is further amended to read:

An organization making application to the ~~Chief of the State Police~~ Gambling Control Board to conduct or operate "Beano" or "Bingo," an organization licensed under this chapter to operate "Beano" or "Bingo," a commercial beano hall permit applicant or a commercial beano hall permittee shall permit inspection of any equipment, prizes, records or items and materials used or to be used in the conduct or operation of "Beano" or "Bingo" by the ~~Chief of the State Police~~ Gambling Control Board or the ~~chief'sboard's~~ authorized representative.

Sec. JJJJJ-21. 17 MRSA §324-A, sub-§2, ¶C, as amended by PL 2007, c. 110, §1, is further amended to read:

C. Lucky seven or similar sealed tickets may be sold when that game of chance is licensed by the ~~Chief of the State Police~~ Gambling Control Board and when a valid license certificate is properly displayed. Notwithstanding the other provisions of this section and section 312, lucky seven games may be conducted during the period beginning 2 hours before and ending 2 hours after a "beano" game.

Notwithstanding any other rule, lucky seven or other similar sealed tickets may be sold that have a sale value of \$1 or less, and a person who sells or distributes "beano" cards or materials used to play "beano" prior to the conduct of "beano" as a volunteer, as provided in this section, is permitted to play in the "beano" game.

Sec. JJJJJ-22. 17 MRSA §325, as repealed and replaced by PL 2003, c. 452, Pt. I, §11, is amended to read:

1. Violation of chapter or rules; general penalty. Except as otherwise specifically provided, a person, firm, association or corporation that violates a provision of this chapter or a rule of the ~~Chief of the State Police~~ Gambling Control Board prescribed by authority of this chapter commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

2. Commercial beano hall violations. A person, corporation, partnership or unincorporated association that rents or leases a building or facilities to hold, conduct or operate "beano" or "bingo" commits a Class E crime if that person, corporation, partnership or unincorporated association:

A. Rents or leases a building or facilities to hold, conduct or operate a "beano" or "bingo" game without a commercial beano hall permit issued by the ~~Chief of the State Police~~ Gambling Control Board; or

B. Violates a provision of this chapter or a rule adopted by the ~~Chief of the State Police~~ Gambling Control Board pursuant to this chapter.

Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

Sec. JJJJJ-23. 17 MRSA §326, sub-§1-A, ¶C, as enacted by PL 1993, c. 45, §3, are amended to read:

C. Defray the expenses or part of the expenses of a member, auxiliary member, officer or employee of the organization for a serious illness, injury or casualty loss if the licensee makes an application and the application is approved by the ~~licensing division within the Bureau of State Police~~ Gambling Control Board.

(1) An application must be made in the form and contain the information the ~~licensing division~~ board requires.

(a) In the case of serious illness or injury, the ~~licensing division~~ board may require certification by a licensed physician setting out the facts in support of the application.

(b) In the case of a casualty loss, the ~~licensing division~~ board may require statements or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.

(c) The ~~licensing division~~ board may deny an application if it appears that the person who would receive the proceeds has adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits.

Sec. JJJJJ-24. 17 MRSA §326, sub-§§1-B and 2, as enacted by PL 1993, c. 45, §3, are amended to read:

1-B. Filing. An organization that chooses to use the proceeds or part of the proceeds as allowed by subsection 1-A must file with the ~~Chief of the State Police~~ Gambling Control Board, at least quarterly, a form for the disposition of funds prescribed by the ~~Chief of the State~~

~~Police~~Gambling Control Board detailing all payments made. Every statement on the form must be made under oath by an officer of the organization.

2. Rules. The rules adopted pursuant to section 317 must contain standards governing payments made under this section. Payments under subsection 1-A, paragraph A may not exceed 20% of the revenue generated by the games and the rules must limit payments to reasonable compensation, taking into account the nature of the services rendered, comparable wage rates, the size of the organization and other revenues, the size of the games and the revenue generated by the games. The ~~Chief of the State Police~~Gambling Control Board may disallow any excessive payment of proceeds, may suspend an organization's license for excessive payment of proceeds and may condition the restoration of an organization's license on the repayment of an excessive payment of proceeds by the organization.

Sec. JJJJ-25. 17 MRSA §327, as enacted by PL 1997, c. 232, §1, is amended to read:

The ~~Chief of the State Police~~Gambling Control Board shall adopt rules that allow a licensee to establish a nonsmoking area within the room or outdoor area where the operator calls the numbers. Visibility and access between the smoking and nonsmoking areas may not be impeded except that a doorway may be installed. Both the smoking and nonsmoking areas must have a public address system and a master board, electric flashboard or chalkboard visible to all players. A member of the licensee must be present during the game in both the smoking and the nonsmoking areas. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

Sec. JJJJ-26. 17 MRSA §328, sub-§§1-5, as enacted by PL 1999, c. 74, §7, are amended to read:

1. Permit required. An individual, corporation, partnership or unincorporated association may not rent or lease space for profit to a licensee to hold, conduct or operate "Beano" or "Bingo" unless a commercial beano hall permit is obtained from the ~~Chief of the State Police~~Gambling Control Board.

2. Application. An individual, corporation, partnership or unincorporated association desiring to rent or lease space for profit for the purpose given in subsection 1 shall apply to the ~~Chief of the State Police~~Gambling Control Board for a commercial beano hall permit. The application must be on forms provided by the ~~Chief of the State Police~~Gambling Control Board, must contain the full name and address of the individual or entity seeking to be permitted and the location of the building or facility to be rented or leased. An applicant who is an individual shall list the individual's name and address. An applicant that is a corporation, partnership or unincorporated association shall also list the names and addresses of any owners with a 10% or greater interest in the corporation, partnership or unincorporated association seeking the permit.

A. The applicant shall submit 2 fingerprint cards bearing the legible rolled and flat impression of the fingerprints of the owner, if the owner is an individual, of any owner who owns or controls a 50% or greater interest in the corporation, partnership or the unincorporated association, and, of the manager, if the manager is not the owner as previously described, prepared by a state or local public law enforcement agency to be forwarded to the State Bureau of Identification for the purpose of conducting state and national criminal history record checks.

3. Renewal; change of ownership or manager. A permittee seeking to renew a permit shall submit an application, but is not required to submit additional fingerprint cards. The permittee is required to notify the ~~Chief of the State Police~~Gambling Control Board of any change in ownership or management of the commercial beano hall. The ~~Chief of the State Police~~Gambling Control Board may require additional information or fingerprint submission subsequent to a change in ownership or management.

4. Use of criminal history record. The ~~Chief of the State Police~~Gambling Control Board may use state and federal criminal history record information for the purpose of screening applicants. The ~~Chief of the State Police~~Gambling Control Board may refuse to issue or renew a permit for an individual, corporation, partnership or unincorporated association if an owner or manager has been found guilty of murder or a Class A, B or C crime or a violation of this chapter or Title 17-A, chapter 15, 29, 37 or 39 or a similar law in another state or jurisdiction, unless that conduct is not punishable as a crime under the laws of that state or other jurisdiction in which it occurred.

5. Duration of permit and fee. The ~~Chief of the State Police~~Gambling Control Board may issue a commercial beano hall permit for a calendar year for a fee of \$500.

Sec. JJJJJ-27. 17-A MRSA §951, as amended by PL 2009, c. 487, Pt. B, §10, is further amended to read:

Any person licensed by the ~~Chief of the State Police~~Gambling Control Board as provided in Title 17, chapter 13-A or chapter 62, or authorized to operate or conduct a raffle pursuant to Title 17, section 1837, is exempt from the application of the provisions of this chapter insofar as that person's conduct is within the scope of the license.

PART JJJJJ SUMMARY

This Part moves the oversight of beano and bingo games from the Chief of the State Police to the Gambling Control Board.

PART KKKKK

Sec. KKKKK-1. 17 MRSA §1831, sub-§2, as enacted by 2009, c. 487, Pt. A, §2, is repealed.

Sec. KKKKK-2. 17 MRSA §1831, sub-§5-A, is enacted to read:

5-A. Gambling Control Board. “Gambling Control Board” or “board” means the Department of Public Safety, Gambling Control Board, or an authorized representative thereof.

Sec. KKKKK-3. 17 MRSA §1831, sub-§8, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

8. Licensee. "Licensee" means a firm, corporation, association or organization licensed by the ~~Chief of the State Police~~Gambling Control Board to operate a game of chance.

Sec. KKKKK-4. 17 MRSA §1832, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

1. License required. Except as provided in section 1833, a person, firm, corporation, association or organization may not hold, conduct or operate a game of chance without a license issued by the ~~Chief of the State Police~~Gambling Control Board in accordance with this section. A license is not required when a game of chance constitutes social gambling.

2. Eligible organizations. Notwithstanding other provisions of law, the ~~Chief of the State Police~~Gambling Control Board may issue a license to operate a game of chance to an organization that submits a completed application as described in subsection 5 and has been founded, chartered or organized in this State for a period of not less than 2 consecutive years prior to applying for a license and is:

- A. An agricultural society;
- B. A bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic or religious organization;
- C. A volunteer fire department; or
- D. An auxiliary of any of the organizations in paragraphs A to C.

3. Must be 18 years of age. The ~~Chief of the State Police~~Gambling Control Board may not accept an application from or issue a license under this section to a representative of an eligible organization who is not 18 years of age or older.

4. Municipal approval required. An eligible organization described in subsection 2 applying for a license to conduct a game of chance shall obtain written approval from the local governing authority where the game of chance is to be operated or conducted. This written approval must be submitted with the application to the ~~Chief of the State Police~~Gambling Control Board as described in subsection 5.

5. Application. An eligible organization described in subsection 2 wishing to operate or conduct a game of chance shall submit an application to the ~~Chief of the State Police~~Gambling Control Board. The application must be in a form provided by the ~~Chief of the State Police~~Gambling Control Board and must be signed by a duly authorized officer of the eligible organization. The application must include the full name and address of the organization, a full description of the game of chance, the location where the game is to be conducted and any other information determined necessary by the ~~Chief of the State Police~~Gambling Control Board for the issuance of a license to operate a game of chance, including but not limited to membership lists, bylaws and documentation showing the organization's nonprofit status or charitable designation.

6. Multiple licenses. The ~~Chief of the State Police~~Gambling Control Board may issue more than one license to conduct or operate a game of chance simultaneously to an eligible

organization described in subsection 2. Each game of chance must have a separate license, the nature of which must be specified on the license.

7. Agricultural fairs. Notwithstanding any provision in this chapter to the contrary, in addition to games of chance, the ~~Chief of the State Police~~ Gambling Control Board may issue a license to conduct or operate games of chance known as "penny falls" or "quarter falls" at any agricultural fair, as long as the net revenue from those games is retained by the licensed agricultural society.

8. Electronic video machines. The ~~Chief of the State Police~~ Gambling Control Board may issue a game of chance license to operate an electronic video machine to any eligible organization described in subsection 2.

A. An electronic video machine licensed under this section may only be operated for the exclusive benefit of the licensee, except that up to 50% of the gross proceeds from the operation of the machine may be paid to the distributor as a rental fee and for service and repair of the machine. Notwithstanding other provisions of this chapter, a licensee may rent an electronic video machine from a distributor.

B. No more than 5 electronic video machines may be operated on the licensee's premises. A separate games of chance license is required for the operation of each electronic video machine.

C. A licensee may operate an electronic video machine only on the licensee's premises.

D. Two or more licensees may not share the use of any premises for the operation of electronic video machines.

E. A distributor or employee of the distributor may not be a member of the licensed organization.

F. An electronic video machine licensed under this subsection may not be operated in a manner that meets the definition of illegal gambling machine as described in Title 17-A, section 952, subsection 5-A.

Sec. KKKKK-5. 17 MRSA §1834, sub-§2, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

2. Operation of games of chance. Except for electronic video games and games of cards as provided in this section, the fee for a license to operate a game of chance is \$15 for each week computed on a Monday to Sunday basis or for a portion of a week. The fee for a license issued for a calendar month is \$60 and the fee for licenses issued for a calendar year is \$700.

The ~~Chief of the State Police~~ Gambling Control Board may issue any combination of weekly or monthly licenses for the operation of games of chance. Except for games of cards as provided in subsection 4, licenses to conduct any authorized game of chance may be issued for a period of up to 12 months on one application.

Sec. KKKKK-6. 17 MRSA §1834, sub-§3, as amended by PL 2009, c. 652, Pt. C, §2, and affected by PL 2009, c. 652, Pt. C, §4, is further amended to read:

3. Operation of electronic video machines. The fee for a game of chance license to operate an electronic video machine in accordance with section 1832, subsection 8 is \$15 for each week computed on a Monday to Sunday basis or for a portion of a week. The fee for a license issued for a calendar month is \$60.

The ~~Chief of the State Police~~Gambling Control Board may issue any combination of weekly or monthly licenses for the operation of electronic video machines. A license or combination of licenses to operate an authorized electronic video machine may be issued for a period of up to 12 months.

Sec. KKKKK-7. 17 MRSA §1835, sub-§§3 and 4, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

3. Games conducted at agricultural fair by members of the agricultural society or a bona fide nonprofit. Games of chance operated and conducted solely by members of an agricultural society or games of chance operated and conducted by members of bona fide nonprofit organizations on the grounds of the agricultural society and during the annual fair of the agricultural society may use cash, tickets, tokens or other devices approved by the ~~Chief of the State Police~~Gambling Control Board by rule.

Notwithstanding any other provision of this section, the tickets, tokens or other devices approved by the ~~Chief of the State Police~~Gambling Control Board must be unique to the agricultural society and may be in denominations of 25¢, 50¢ or \$1. The tickets, tokens or devices approved by the ~~Chief of the State Police~~Gambling Control Board may be sold and redeemed only by a person who has been a member or active volunteer of the agricultural society for at least 2 fair seasons. The agricultural society has the burden of proof for demonstrating the qualification of members or active volunteers.

An agricultural society that uses tokens shall provide records and reports as required by section 1839.

4. Persons under 18 years of age; exception. Except as provided in this subsection, a licensee, game owner or operator may not permit a person under 18 years of age to take part in a game of chance, and a person under 18 years of age may not sell chances, except in relation to charitable, religious or recognized youth associations. Notwithstanding any rule to the contrary, upon receiving an application on a form provided by the ~~Chief of the State Police~~Gambling Control Board and a determination by the ~~chiefboard~~ that a game of chance licensed to be conducted at a festival-style event is designed to attract players under 18 years of age and awards a nonmonetary prize valued at less than \$10 for every chance played, the chief may permit:

- A. Persons under 18 years of age to conduct or operate the game of chance; and
- B. Persons under 18 years of age to play the game of chance without being accompanied by an adult.

Nothing in this subsection permits games of chance to be operated without a license.

Sec. KKKKK-8. 17 MRSA §1835, sub-§8, as enacted by PL 2013, c. 149, §1, is amended to read:

8. Wager limit exception. Notwithstanding subsection 1, an organization that is licensed to conduct games of chance in accordance with this chapter is permitted to accept wagers up to \$50 per hand for a poker run. The organization must inform the ~~Chief of the State Police~~Gambling Control Board 30 days in advance of the date when the organization intends to conduct a poker run with an increased wager limit. An organization is limited to 2 poker run events per calendar year in which wagers up to \$50 per hand are permitted. For the purposes of this subsection, "poker run" means a game of chance using playing cards that requires a player to travel from one geographic location to another in order to play the game.

Sec. KKKKK-9. 17 MRSA §1836, first ¶, as amended by PL 2011, c. 325, §1, is further amended to read:

The ~~Chief of the State Police~~Gambling Control Board may issue a license under this section to an organization eligible to conduct beano games under chapter 13-A and games of chance under this chapter to conduct up to 2 tournament games per month. For purposes of this section, "tournament game" means a game of chance played using a deck of cards with rules similar to poker or other card games.

Sec. KKKKK-10. 17 MRSA §1836, sub-§§1 and 2, as enacted by PL 2009, c. 487, §2, is amended to read:

1. Local governing authority approval. An organization applying for a tournament game license must first receive approval by the local governing authority where the game is to be conducted. Proof of approval from the local governing authority must be provided to the ~~Chief of the State Police~~Gambling Control Board upon application for a tournament game license.

2. License application. An organization ~~must~~ shall submit a license application to the ~~Chief of the State Police~~Gambling Control Board on a form provided by the ~~Chief of the State Police~~Gambling Control Board. The license application must specify one or more charitable organizations that the proceeds of the tournament game are intended to benefit. For the purposes of this section, "charitable organization" means a person or entity, including a person or entity in a foreign state as defined in Title 14, section 8502, that is or purports to be organized or operated for any charitable purpose or that solicits, accepts or obtains contributions from the public for any charitable, educational, humane or patriotic purpose.

Sec. KKKKK-11. 17 MRSA §1836, sub-§4-A, as enacted by PL 2015, c. 163, §1, is amended to read:

4-A. Exception for super cribbage tournament. Notwithstanding any provision of this section to the contrary, the ~~Chief of the State Police~~Gambling Control Board may issue up to 3 licenses per year for the conduct of a super cribbage tournament. For the purposes of this subsection, "cribbage" means a card game that uses a board and pegs to keep score and of which the characteristic feature is a crib into which players discard cards from their dealt hand to create a crib of 4 cards unseen by other players that will be ultimately part of the dealer's hand. The license fee for a super cribbage tournament is \$75. A super cribbage tournament must be conducted in the same manner as prescribed for a tournament game by this section except as follows.

- A. The super cribbage tournament may be conducted by a nationally chartered organization that organizes tournament-style cribbage games and that is exempt from taxation under the United States Internal Revenue Code, Section 501(c)(3) so long as the principal organizer has been a member of that organization for a period of not less than 3 years.
- B. The minimum number of players required is 50.
- C. The maximum entry fee allowed is \$100 per player.
- D. The super cribbage tournament need not be held on premises owned by the licensee.
- E. The super cribbage tournament may be conducted over a period of up to 72 hours.
- F. Notwithstanding subsection 2, 50% of the proceeds of the super cribbage tournament after prizes are paid must be paid to a bona fide charitable organization, other than the licensee, listed on the tournament application submitted to the ~~Chief of the State Police~~ Gambling Control Board.

This subsection is repealed September 30, 2017.

Sec. KKKKK-12. 17 MRSA §1836, sub-§6, as amended by PL 2011, c. 325, §5, is further amended to read:

6. Cost of administration; surplus. The ~~Chief of the State Police~~ Gambling Control Board may retain, from license fees collected in accordance with subsection 3-A, only an amount necessary to defray the costs of administering this section. All fees collected in excess of the amount necessary to defray the costs of administration must be allocated as follows:

- A. Forty percent to the Fractionation Development Center; and
- B. Sixty percent to the General Fund.

Sec. KKKKK-13. 17 MRSA §1837, sub-§2, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

2. Special raffles; prizes more than \$10,000 but not more than \$75,000. The following provisions apply to special raffles licensed under this subsection.

- A. The ~~Chief of the State Police~~ Gambling Control Board may issue one special raffle license per year to any organization, department or class eligible to hold a raffle under subsection 1. The special raffle license entitles the licensee to hold one raffle in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$75,000. A raffle licensed under this paragraph may be structured as a progressive raffle that is divided into a maximum of 12 multiple drawings with previous entries rolled into subsequent drawing pots and with the final drawing to be held within 12 months of the first. Drawings must be used to randomly select a smaller group to be eligible for the final prize to be awarded after the final drawing. Section 1835, subsection 1 does not apply to raffles licensed under this section.
- B. The ~~Chief of the State Police~~ Gambling Control Board may not issue a license under this subsection to hold a raffle in which the holder of a winning chance receives a cash prize worth more than \$10,000.

C. All tickets sold pursuant to a special raffle license must be purchased from a licensed distributor or licensed printer. Tickets must be sequentially numbered and have printed on their faces the following information: the name of the special raffle licensee; a description of the prize or prizes; the price of the ticket; and the date, time and place of the drawing. Any organization, department or class listed in subsection 1 that conducts a raffle under this section shall retain all unsold raffle tickets for 6 months after the raffle drawing and make those tickets available for inspection at the request of the ~~Chief of the State Police~~Gambling Control Board.

Sec. KKKKK-14. 17 MRSA §1837, sub-§4, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

4. Raffle tickets sold by volunteers. Notwithstanding section 1835, subsection 2, tickets for raffles licensed in accordance with this section may be sold by persons other than members of the licensed organization as long as the persons selling the tickets are uncompensated volunteers for the organization and the names of the volunteers who sell the tickets are provided to the ~~Chief of the State Police~~Gambling Control Board within 10 days of issuance of the raffle license.

Sec. KKKKK-15. 17 MRSA §1838, sub-§§2 and 3, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

2. Exception. Notwithstanding subsection 1, a licensee may use the proceeds of a game of chance to:

A. Defray the expenses or part of the expenses that further the purpose for which the organization is formed, except that the proceeds may not be:

- (1) Used to purchase alcohol or to defray the cost of activities where alcohol is served; or
- (2) Paid directly to organization members except as specifically allowed in this section; and

B. Defray the expenses or part of the expenses of a member, auxiliary member, officer or employee of the organization for a serious illness, injury or casualty loss if the licensee makes an application pursuant to this section and the application is approved by the ~~licensing division within the Bureau of State Police~~Gambling Control Board. An application must be made in the form and contain the information the ~~licensing division~~board requires.

- (1) In the case of serious illness or injury, the ~~licensing division~~board may require certification by a licensed physician in support of the application.
- (2) In the case of a casualty loss, the ~~licensing division~~board may require statements or reports from a law enforcement agency, rescue or other emergency services personnel or an insurance agency to support the application.
- (3) The ~~licensing division~~board may deny an application if it appears that the person who would receive the proceeds has adequate means of financial support, including, but not limited to, insurance or workers' compensation benefits.

3. Rules. The ~~Chief of the State Police~~Gambling Control Board shall adopt routine technical rules in accordance with Title 5, chapter 375 to carry out this section.

Sec. KKKKK-16. 17 MRSA §1839, sub-§§2, 3, 4, and 6, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

2. Records required for licensee employing tokens. If a licensee employs tokens to account for revenue from games of chance and if the licensee maintains direct control over the sale and redemption of the tokens and keeps accurate records of all tokens used, then the ~~chiefboard~~ may by rule alter or reduce the record-keeping requirements of subsection 1 to the extent that a licensee's use of tokens renders those records unnecessary for adequate control of the licensee's games.

3. Disposition of funds reports. Within 10 business days after the last day of any period during which a licensed game of chance is conducted with other than an annual license or within 10 business days after the end of each calendar month during which a licensed game of chance is conducted with an annual license, the licensee shall file with the ~~Chief of the State Police~~Gambling Control Board a disposition of funds form prescribed and furnished by the ~~Chief of the State Police~~Gambling Control Board, detailing for the period the total receipts and expenditures of the game and the disposition of funds. Every statement must be made under oath by an officer of the licensee or by the member in charge of the conduct of the game.

4. Disposition of funds reports from licensee using tokens. If tokens are employed to account for revenue from games of chance, then the licensee shall report the number of tokens sold, the number redeemed and the disposition of funds from the proceeds of sale in addition to such other information as the ~~chiefboard~~ may require under subsection 3.

6. Location. All records maintained by a licensee pursuant to this section and pursuant to the rules adopted under this chapter must be kept and maintained on the premises where the game of chance has been conducted or at the primary business office of the licensee, which must be designated by the licensee in the license application. These records must be open to inspection by the ~~Chief of the State Police or the chief's representative~~Gambling Control Board, and a licensee may not refuse the ~~Chief of the State Police or the chief's representative~~Gambling Control Board permission to inspect or audit the records. Refusal to permit inspection or audit of the records does not constitute a crime under this chapter but constitutes grounds for revocation of license.

Sec. KKKKK-17. 17 MRSA §1840, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

1. Printers licensed. A printer in the State may not print materials to be used in the conduct of a licensed game of chance unless licensed by the ~~Chief of the State Police~~Gambling Control Board. A printer licensed under this section may act as a distributor without having to be licensed as a distributor as long as neither the printer nor anyone on the printer's behalf acts as a seller for services connected with a game of chance outside of the confines of the printer's premises described in that printer's license. If that printer or someone else acts as a seller for the printer's services in connection with a game of chance outside of the premises described on that

printer's license, either that printer or any person or persons acting on that printer's behalf must be licensed as a distributor under subsection 2.

The applicant for a printer's license, or, if the applicant is a firm, corporation, association or other organization, its resident manager, superintendent or official representative shall file an application with the ~~Chief of the State Police~~Gambling Control Board on a form provided by the ~~Chief of the State Police~~Gambling Control Board. The ~~Chief of the State Police~~Gambling Control Board shall furnish to each applicant a current copy of this chapter and the rules adopted under section 1843 and to each licensee a copy of any changes or additions to this chapter and the rules adopted under section 1843.

2. Distributors licensed. A distributor may not sell, lease, market or otherwise distribute gambling apparatus or implements unless licensed by the ~~Chief of the State Police~~Gambling Control Board, except that a license is not required for the sale, marketing or distribution of raffle tickets when the holder of the winning chance receives something of value worth less than \$10,000.

A nonresident manufacturer or distributor of gambling apparatus or implements doing business in the State must have an agent in this State who is licensed as a distributor. A distributor may not sell, market or otherwise distribute gambling apparatus or implements to a person or organization, except to persons or organizations licensed to operate or conduct games of chance under section 1832, licensed to conduct a special raffle under section 1837, subsection 2 or eligible to conduct a raffle pursuant to section 1837, subsection 1. A distributor may not lease or loan or otherwise distribute free of charge any gambling apparatus or implements to an organization eligible to operate a game of chance, except that a distributor may lease gambling apparatus or implements to an agricultural society licensed to operate games of chance on the grounds of the agricultural society and during the annual fair of the agricultural society as long as the distributor does not charge the agricultural society an amount in excess of 50% of the gross revenue from any licensed game of chance.

A licensee shall acquire gambling apparatus and implements from a distributor licensed under this section, unless the gambling apparatus or implements are printed, manufactured or constructed by the licensed organization. At no time may any licensee print, manufacture or construct any gambling apparatus or implements for distribution to any other licensee. The applicant for a distributor's license, or, if the applicant is a firm, corporation, association or other organization, its resident manager, superintendent or official representative shall file an application with the ~~Chief of the State Police~~Gambling Control Board on a form provided by the ~~Chief of the State Police~~Gambling Control Board. The ~~Chief of the State Police~~Gambling Control Board shall furnish to each applicant a current copy of this chapter and the rules adopted under section 1843 and to each licensee a copy of any changes or additions to this chapter and the rules adopted under section 1843.

3. Sales agreements. A distributor shall forward to the ~~Chief of the State Police~~Gambling Control Board, prior to delivery of any gambling machine to the purchaser, a copy of all sales agreements, sales contracts or any other agreements involving the sale of any gambling machine. The terms of the sales contract must include, but are not limited to, the name of seller, name of purchaser, address of seller, address of purchaser, description of the gambling machine including serial number and model name and number, total sale price, any arrangement or terms for payments and the date of final payment.

Any change, modification or alteration of these agreements must be reported to the ~~Chief of the State Police~~Gambling Control Board by the purchaser within 6 days of the change, modification or alteration.

4. Service agreements. With the sale of any gambling machine involving a service agreement, the distributor shall forward to the ~~Chief of the State Police~~Gambling Control Board a copy of the agreement prior to delivery of the machine. The terms of the service agreements must include, but are not limited to, the name of seller, name of purchaser, address of seller, address of purchaser, description of machine to be serviced including serial number and model name and number and all prices and payments for that service.

Any change, modification or alteration of the agreement must be reported to the ~~Chief of the State Police~~Gambling Control Board by the purchaser within 6 days of the change, modification or alteration.

5. Agricultural societies; lease agreements. When a gambling apparatus or implement is leased as provided in subsection 2 to an agricultural society, the distributor shall forward to the ~~Chief of the State Police~~Gambling Control Board a copy of the lease agreement prior to delivery of the gambling apparatus or implement. The terms of the lease must include, but are not limited to, the name of the lessor; address of the lessor; name of the lessee; address of the lessee; description of the gambling apparatus or implement; serial number, model name or number of the gambling apparatus or implement; and all prices and payments for the lease. Each lease must be for a specific period of time no longer than the duration of the annual fair of that lessee, and each gambling apparatus must have its own separate lease. Gambling apparatus or implements leased under this section:

A. May be operated only for the exclusive benefit of the agricultural society, except that the agricultural society may pay a distributor up to 50% of gross gaming revenue in accordance with subsection 2; and

B. Must bear the name and address of the distributor.

6. Reports. At the end of each calendar month, a distributor or printer shall file with the ~~Chief of the State Police~~Gambling Control Board a report indicating:

A. The names and addresses of all persons or organizations to which the distributor or printer has distributed equipment and the dates of the distribution;

B. A description of the equipment distributed, including serial number and model name and number; and

C. The quantities of any equipment distributed.

7. Retention and inspection of records. A distributor or printer shall maintain and keep for a period of 3 years, on the premises of the distributor or printer, any records that may be necessary to substantiate the reports required by this section or by the rules adopted under this chapter. The records must be open to inspection, and a licensee may not refuse the ~~Chief of the State Police or the chief's representative~~Gambling Control Board permission to inspect or audit the records. Refusal to permit inspection or audit of the records does not constitute a crime under this chapter but constitutes grounds for revocation of license.

8. Reports generally. The ~~Chief of the State Police~~Gambling Control Board shall require from any licensed printer or distributor, or from any organization authorized to operate a game of chance, whatever reports determined necessary by the ~~chief~~board for the purpose of the administration and enforcement of this chapter.

Sec. KKKKK-18. 17 MRSA §1842, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

1. Investigation. The ~~Chief of the State Police~~Gambling Control Board shall investigate or cause to be investigated all complaints made to the ~~chief~~board and all violations of this chapter or the rules adopted pursuant to section 1843.

2. Refusal to issue, modify or renew; modification; suspension; revocation. Each of the following is grounds for an action to refuse to issue, modify or renew or to modify, suspend or revoke the license of a distributor or printer licensed under this chapter:

A. The distributor or printer or its resident manager, superintendent or official representative made or caused to be made a false statement of material fact in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;

B. The distributor or printer or its resident manager, superintendent or official representative violated any provision of this chapter or any rule adopted by the ~~Chief of the State Police~~Gambling Control Board under section 1843.

(1) Except as provided in subparagraph (2), the ~~Chief of the State Police~~Gambling Control Board shall give written notice of any violation to the distributor or printer who then has 14 days to comply. Failure to comply within the 14-day period is grounds for an action under this section.

(2) If a distributor or printer violates section 1840, subsection 1 or 2, the ~~Chief of the State Police~~Gambling Control Board is not required to give the notice or allow the compliance period provided in subparagraph (1); or

C. The distributor or printer or its resident manager, superintendent or official representative has been:

(1) Convicted of a crime under this chapter or Title 17-A, chapter 39; or

(2) Convicted within the prior 10 years of any crime for which imprisonment for more than one year may be imposed.

3. ~~Chief of the State Police~~Gambling Control Board. The ~~Chief of the State Police~~Gambling Control Board may:

A. Investigate all aspects of this chapter including the direct and indirect ownership or control of any licenses;

B. Suspend, revoke or refuse to issue a license, after notice and the opportunity for a hearing, if the applicant, applicant's agent or employee, licensee or licensee's agent or employee violates a provision of this chapter or Title 17-A, chapter 39 or fails to meet the statutory requirements for licensure pursuant to this chapter;

C. Immediately suspend or revoke a license if there is probable cause to believe that the licensee or the licensee's agent or employee violated section 1832, subsection 8, paragraph C; section 1841, subsection 2; or a provision of Title 17-A, chapter 39;

D. Issue a subpoena in the name of the ~~State Police~~Gambling Control Board in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this chapter and is not limited to an adjudicatory hearing. This authority may not be used in the absence of reasonable cause to believe a violation has occurred. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the ~~chief board~~, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court; and

E. Require such evidence as the ~~chief board~~ determines necessary to satisfy the ~~chief board~~ that an applicant or organization licensed to conduct games of chance conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding that outline or otherwise explain the purpose for which an organization was founded, must, upon request, be forwarded to the ~~Chief of the State Police~~Gambling Control Board. The ~~Chief of the State Police~~Gambling Control Board may require of any licensee or of any person operating, conducting or assisting in the operation of a licensed game of chance evidence as the ~~chief board~~ may determine necessary to satisfy the ~~chief board~~ that the person is a duly authorized member of the licensee or a person employed by the licensee as a bartender as required by section 1835, subsection 2. Upon request, this evidence must be forwarded to the ~~Chief of the State Police~~Gambling Control Board. The ~~Chief of the State Police~~Gambling Control Board may require such evidence as the ~~chief board~~ may determine necessary regarding the conduct of games of chance by a licensee to determine compliance with this chapter.

4. Licensing actions after notice and opportunity for hearing. The ~~Chief of the State Police~~Gambling Control Board shall notify the applicant or licensee in writing, before a license is denied, suspended or revoked pursuant to subsection 3, paragraph B, of the intended denial or commencement date of the suspension or revocation, which may not be made any sooner than 96 hours after the licensee's receipt of the notice, of the duration of the suspension or revocation and of the right to a hearing pursuant to this subsection. The applicant or licensee has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the applicant's or licensee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the applicant, applicant's agent or employee or the licensee or licensee's agent or employee violated a provision of this chapter or Title 17-A, chapter 39. A request for a hearing may not be made any later than 10 days after the applicant or licensee is notified of the proposed denial, suspension or revocation. The suspension or

revocation must be stayed pending the hearing; the hearing may not be held any later than 30 days after the date the commissioner receives the request unless otherwise agreed by the parties or continued upon request of a party for cause shown.

5. Immediate suspension or revocation. A licensee whose license is immediately suspended or revoked by the ~~Chief of the State Police~~Gambling Control Board pursuant to subsection 3, paragraph C must be notified in writing of the duration of the suspension or revocation and the licensee's right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or the licensee's agent or employee violated section 1832, subsection 8, paragraph C; section 1841, subsection 2; or a provision of Title 17-A, chapter 39. A request for a hearing may not be made any later than 48 hours after the licensee is notified of the suspension or revocation. A hearing may not be held any later than 10 days after the date the commissioner receives the request.

6. Access to premises. A person, firm, corporation, association or organization making application to the ~~Chief of the State Police~~Gambling Control Board to conduct or operate a game of chance or any such person, firm, corporation, association or organization authorized under this chapter to conduct or operate a game of chance shall permit inspection of any equipment, prizes, records or items and materials used or to be used in the conduct or operation of a game of chance by the ~~Chief of the State Police or the chief's authorized representative~~Gambling Control Board.

A firm, corporation, association or organization licensed to conduct or operate a game of chance shall permit at any time the Department of Public Safety or the city or town fire inspectors of the municipality in which the licensed game is being conducted to enter and inspect the licensed premises.

Sec. KKKKK-19. 17 MRSA §1843, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

The ~~Chief of the State Police~~Gambling Control Board may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of games of chance. The ~~Chief of the State Police~~Gambling Control Board may regulate, supervise and exercise general control over the operation of such games. In establishing such rules, the ~~Chief of the State Police~~Gambling Control Board ~~must shall~~, in addition to the standards set forth in other provisions of this chapter, set forth conduct, conditions and activity considered undesirable, including:

- 1. Fraud.** The practice of any fraud or deception upon a participant in a game of chance;
- 2. Unsafe premises.** The conduct of a game of chance in or at premises that may be unsafe due to fire hazard or other such conditions;

3. Advertising and solicitation. Advertising that is obscene or solicitation on a public way of persons to participate in a game of chance;

4. Organized crime. Infiltration of organized crime into the operation of games of chance or into the printing or distributing of gambling materials;

5. Disorderly persons. Presence of disorderly persons in a location where a game of chance is being conducted;

6. Leasing of equipment. Leasing of equipment by a licensee used in the operation of games of chance not in accordance with this chapter; and

7. Bona fide nonprofit organization. The establishment of organizations that exist primarily to operate games of chance and do not have a bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or public safety purpose.

The ~~Chief of the State Police~~Gambling Control Board shall provide a mechanism for individuals and businesses to request a determination from the ~~State Police~~Gambling Control Board as to whether a particular game, contest, scheme or device qualifies as a game of chance or a game of skill.

Sec. KKKKK-20. 17 MRSA §1837 is enacted to read:

§1847. Authority to administer and enforce, and make necessary technical changes to, existing games of chance rules and regulations.

Notwithstanding any other provision of law, games of chance rules and regulations that have been promulgated by the Bureau of State Police pursuant to Title 17, chapter 62 may be administered and enforced by the Gambling Control Board upon the effective date of this Act. To the extent necessary to make such rules and regulations consistent with the intent of this Act, the Gambling Control Board may make technical amendments to the rules and regulations without having to engage in rulemaking pursuant to the Maine Administrative Procedures Act.

**PART KKKKK
SUMMARY**

This Part transfers the authority to issue games of chance licenses from the Chief of the State Police to the Gambling Control Board.

PART LLLLL

Sec. LLLLL-1. 25 MRSA, §2396, sub-§7, as amended by PL 2003, c. 42, §1, is further amended to read:

7. Other duties. The performance of such other duties as are set forth in this and other sections of the statutes and as may be conferred or imposed from time to time by law. The State

Fire Marshal, the State Fire Marshal's deputy and investigators appointed under this Title shall carry out those functions that the Commissioner of Public Safety may direct and in so doing have the same enforcement powers and duties throughout the State as sheriffs have in their respective counties. Fire Inspectors for the purpose of enforcing Title 25, section 2452, relating to statewide enforcement powers of the Life Safety Code (NFPA101), shall have duties equivalent to those of a sheriff, or a sheriff's deputy, including the right to execute or serve criminal and civil violation process against offenders.

PART LLLLL SUMMARY

This Part authorizes Fire Inspectors in the State Fire Marshal's Office to execute or serve criminal and civil violation process against offenders of the Life Safety Code (NFPA101).

PART MMMMM

Sec. MMMMM-1. 25 MRSA §2450, first ¶, as amended by PL 2009, c. 364, §3, is further amended to read:

The Commissioner of Public Safety shall adopt, in accordance with requirements of the Maine Administrative Procedure Act, a schedule of fees for the examination of all plans for construction, reconstruction or repairs submitted to the Department of Public Safety. ~~The fee schedule for new construction or new use is 5¢ per square foot for occupied spaces and 2¢ per square foot for bulk storage occupancies, except that a fee for review of a plan for new construction by a public school may not exceed \$450. The fee schedule for reconstruction, repairs or renovations is based on the cost of the project and may not exceed \$450, except as provided in section 2450-A.~~ Except for projects reviewed by a municipality pursuant to section 2448-A, the fees must be credited to a special revenue account to defray expenses in carrying out this section. Any balance of the fees may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal years. For projects reviewed by a municipality that include occupied spaces, a 1¢ fee per square foot must be remitted to the Department of Public Safety and a 4¢ fee per square foot must be paid to the municipality.

PART MMMMM SUMMARY

This Part amends the fee schedule for construction, reconstruction or repairs submitted to the Department of Public safety by eliminating the fee schedule.

PART NNNNN

Sec. NNNNN-1. 5 MRSA, §1666, ¶4, as amended by PL 2013, c. 354, Pt. F, §2, is repealed.

Sec. NNNNN-2. 25 MRSA, §1509-A, as amended by PL 2013, c. 368, Pt. EEE, §1, is further amended to read:

Beginning in fiscal year ~~2013-14~~2017-18, state funding for the Department of Public Safety, Bureau of State Police must be provided as follows:

1. Highway Fund. ~~Thirty five percent must be allocated from the Highway Fund pursuant to Title 23, section 1653; and~~

2. General Fund. ~~Sixty five~~ One hundred percent must be appropriated from the General Fund.

PART NNNNN SUMMARY

This Part repeals the section of law that requires the Department of Public Safety, Bureau of State Police program, to determine activities that may be eligible for funding from the Highway Fund and changes the allocation of positions and All Other in the Bureau of State Police program from thirty-five percent Highway Fund and sixty-five percent General Fund to one hundred percent General Fund.

PART OOOOO

Sec. OOOOO-1. Transfer; Gambling Control Board; General Fund.

Notwithstanding any other provision of law, the State Controller shall transfer \$1,000,000 in unexpended funds from the Gambling Control Board program, Other Special Revenue Funds account in the Department of Public Safety to the General Fund unappropriated surplus by the close of fiscal year 2018-19.

PART OOOOO SUMMARY

This Part allows the State Controller to transfer balances from Gambling Control Board program, Other Special Revenue Funds account in the Department of Public Safety at the end of fiscal year 2018-19 to the General Fund unappropriated surplus.

PART PPPPP

Sec. PPPPP-1. 4 MRSA §1610-K is enacted to read:

§1610-K. Additional securities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed \$100,000,000 outstanding at any one time for capital repairs and improvements to buildings within the University of Maine System.

Sec. PPPPP-2. Maine Governmental Facilities Authority; issuance of securities. Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2 and section 1610-K, and notwithstanding the limitation contained in Title 4, section 1606, subsection 2 regarding the amount of securities that may be issued, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$100,000,000. Proceeds must be used for the purpose of paying the costs associated with capital repairs and improvements to property of the University of Maine System.

**PART PPPPP
SUMMARY**

This Part will support the statewide construction, renovation and rehabilitation of the facilities and capital infrastructure necessary to allow to the University of Maine System to carry out its three-part mission of teaching, research and public service. This Part will fund capital needs and investment at the University as already is done to support other public facility and capital infrastructure needs in Maine, such as the facilities of the state's Legislative, Judicial and Executive branch and K-12.