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**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, 2008 and June 30, 2009**

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 B

Sec. B-1. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Accident - Sickness - Health Insurance 0455

Initiative: Reclassifications

ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND	2007-08	2008-09
Personal Services	\$10,374	\$10,526
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ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND TOTAL	\$10,374	\$10,526

ACCIDENT - SICKNESS - HEALTH INSURANCE 0455

PROGRAM SUMMARY

HP0383, LD 499, item 1, 123rd Maine State Legislature
 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, 2008 and June 30, 2009

ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND	2007-08	2008-09
Personal Services	\$10,374	\$10,526
	\$10,374	\$10,526
ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND TOTAL	\$10,374	\$10,526

Buildings and Grounds Operations 0080

Initiative: Reclassifications

GENERAL FUND	2007-08	2008-09
Personal Services	\$38,993	\$41,949
All Other	(\$38,993)	(\$41,949)
	\$0	\$0
GENERAL FUND TOTAL	\$0	\$0

BUILDINGS AND GROUNDS OPERATIONS 0080

PROGRAM SUMMARY

GENERAL FUND	2007-08	2008-09
Personal Services	\$38,993	\$41,949
All Other	(\$38,993)	(\$41,949)
	\$0	\$0
GENERAL FUND TOTAL	\$0	\$0

Central Services - Purchases 0004

Initiative: Reclassifications

POSTAL, PRINTING AND SUPPLY FUND	2007-08	2008-09
Personal Services	\$366	\$371
	\$366	\$371
POSTAL, PRINTING AND SUPPLY FUND TOTAL	\$366	\$371

CENTRAL SERVICES - PURCHASES 0004

PROGRAM SUMMARY

POSTAL, PRINTING AND SUPPLY FUND	2007-08	2008-09
Personal Services	\$366	\$371
POSTAL, PRINTING AND SUPPLY FUND TOTAL	\$366	\$371

Information Services 0155

Initiative: Reclassifications

OFFICE OF INFORMATION SERVICES FUND	2007-08	2008-09
Personal Services	\$43,631	\$54,241
OFFICE OF INFORMATION SERVICES FUND TOTAL	\$43,631	\$54,241

INFORMATION SERVICES 0155

PROGRAM SUMMARY

OFFICE OF INFORMATION SERVICES FUND	2007-08	2008-09
Personal Services	\$43,631	\$54,241
OFFICE OF INFORMATION SERVICES FUND TOTAL	\$43,631	\$54,241

Revenue Services - Bureau of 0002

Initiative: Reclassifications

GENERAL FUND	2007-08	2008-09
Personal Services	\$4,731	\$6,704
All Other	(\$4,731)	(\$6,704)
GENERAL FUND TOTAL	\$0	\$0

REVENUE SERVICES - BUREAU OF 0002

PROGRAM SUMMARY

HP0383, LD 499, item 1, 123rd Maine State Legislature
 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
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GENERAL FUND	2007-08	2008-09
Personal Services	\$4,731	\$6,704
All Other	(\$4,731)	(\$6,704)
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GENERAL FUND TOTAL	\$0	\$0

Workers' Compensation Management Fund Program 0802

Initiative: Reclassifications

WORKERS' COMPENSATION MANAGEMENT FUND	2007-08	2008-09
Personal Services	\$27,314	\$27,564
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WORKERS' COMPENSATION MANAGEMENT FUND TOTAL	\$27,314	\$27,564

WORKERS' COMPENSATION MANAGEMENT

FUND PROGRAM 0802

PROGRAM SUMMARY

WORKERS' COMPENSATION MANAGEMENT FUND	2007-08	2008-09
Personal Services	\$27,314	\$27,564
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WORKERS' COMPENSATION MANAGEMENT FUND TOTAL	\$27,314	\$27,564

**ADMINISTRATIVE AND FINANCIAL SERVICES,
 DEPARTMENT OF
 DEPARTMENT TOTALS**

	2007-08	2008-09
GENERAL FUND	\$0	\$0
POSTAL, PRINTING AND SUPPLY FUND	\$366	\$371
OFFICE OF INFORMATION SERVICES FUND	\$43,631	\$54,241
WORKERS' COMPENSATION MANAGEMENT FUND	\$27,314	\$27,564
ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND	\$10,374	\$10,526

DEPARTMENT TOTAL - ALL FUNDS	\$81,685	\$92,702
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BAXTER STATE PARK AUTHORITY

Baxter State Park Authority 0253

Initiative: Reclassifications

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$7,191	\$7,447
OTHER SPECIAL REVENUE FUNDS TOTAL	\$7,191	\$7,447

BAXTER STATE PARK AUTHORITY 0253

PROGRAM SUMMARY

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$7,191	\$7,447
OTHER SPECIAL REVENUE FUNDS TOTAL	\$7,191	\$7,447

	2007-08	2008-09
BAXTER STATE PARK AUTHORITY DEPARTMENT TOTALS		
OTHER SPECIAL REVENUE FUNDS	\$7,191	\$7,447
DEPARTMENT TOTAL - ALL FUNDS	\$7,191	\$7,447

CONSERVATION, DEPARTMENT OF

Boating Facilities Fund 0226

Initiative: Reclassifications

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$11,894	\$14,280
All Other	(\$11,894)	(\$14,280)

HP0383, LD 499, item 1, 123rd Maine State Legislature
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	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

BOATING FACILITIES FUND 0226

PROGRAM SUMMARY

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$11,894	\$14,280
All Other	(\$11,894)	(\$14,280)
	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

Forest Policy and Management - Division of 0240

Initiative: Reclassifications

	2007-08	2008-09
FEDERAL EXPENDITURES FUND		
Personal Services	\$5,044	\$5,201
All Other	(\$5,044)	(\$5,201)
	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

FOREST POLICY AND MANAGEMENT - DIVISION OF 0240

PROGRAM SUMMARY

	2007-08	2008-09
FEDERAL EXPENDITURES FUND		
Personal Services	\$5,044	\$5,201
All Other	(\$5,044)	(\$5,201)
	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

	2007-08	2008-09
CONSERVATION, DEPARTMENT OF DEPARTMENT TOTALS		
FEDERAL EXPENDITURES FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0

DEPARTMENT TOTAL - ALL FUNDS

\$0 \$0

CORRECTIONS, DEPARTMENT OF

Administration - Corrections 0141

Initiative: Reclassifications

GENERAL FUND	2007-08	2008-09
Personal Services	\$9,677	\$12,031
All Other	(\$9,677)	(\$12,031)

GENERAL FUND TOTAL	\$0	\$0
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ADMINISTRATION - CORRECTIONS 0141

PROGRAM SUMMARY

GENERAL FUND	2007-08	2008-09
Personal Services	\$9,677	\$12,031
All Other	(\$9,677)	(\$12,031)

GENERAL FUND TOTAL	\$0	\$0
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Correctional Center 0162

Initiative: Reclassifications

GENERAL FUND	2007-08	2008-09
Personal Services	\$22,111	\$23,750
All Other	(\$22,111)	(\$23,750)

GENERAL FUND TOTAL	\$0	\$0
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CORRECTIONAL CENTER 0162

PROGRAM SUMMARY

HP0383, LD 499, item 1, 123rd Maine State Legislature
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GENERAL FUND	2007-08	2008-09
Personal Services	\$22,111	\$23,750
All Other	(\$22,111)	(\$23,750)
GENERAL FUND TOTAL	\$0	\$0

Long Creek Youth Development Center 0163

Initiative: Reclassifications

GENERAL FUND	2007-08	2008-09
Personal Services	\$8,626	\$10,081
All Other	(\$8,626)	(\$10,081)
GENERAL FUND TOTAL	\$0	\$0

LONG CREEK YOUTH DEVELOPMENT CENTER 0163

PROGRAM SUMMARY

GENERAL FUND	2007-08	2008-09
Personal Services	\$8,626	\$10,081
All Other	(\$8,626)	(\$10,081)
GENERAL FUND TOTAL	\$0	\$0

Mountain View Youth Development Center 0857

Initiative: Reclassifications

GENERAL FUND	2007-08	2008-09
Personal Services	\$4,986	\$5,031
All Other	(\$4,986)	(\$5,031)
GENERAL FUND TOTAL	\$0	\$0

MOUNTAIN VIEW YOUTH DEVELOPMENT CENTER 0857

PROGRAM SUMMARY

HP0383, LD 499, item 1, 123rd Maine State Legislature
 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, 2008 and June 30, 2009

GENERAL FUND	2007-08	2008-09
Personal Services	\$4,986	\$5,031
All Other	(\$4,986)	(\$5,031)
GENERAL FUND TOTAL	\$0	\$0

State Prison 0144

Initiative: Reclassifications

GENERAL FUND	2007-08	2008-09
Personal Services	\$45,762	\$51,362
All Other	(\$45,762)	(\$51,362)
GENERAL FUND TOTAL	\$0	\$0

STATE PRISON 0144

PROGRAM SUMMARY

GENERAL FUND	2007-08	2008-09
Personal Services	\$45,762	\$51,362
All Other	(\$45,762)	(\$51,362)
GENERAL FUND TOTAL	\$0	\$0

**CORRECTIONS, DEPARTMENT OF
 DEPARTMENT TOTALS**

GENERAL FUND	2007-08	2008-09
	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Business Development 0585

Initiative: Reclassifications

HP0383, LD 499, item 1, 123rd Maine State Legislature
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GENERAL FUND	2007-08	2008-09
Personal Services	\$6,238	\$6,297
All Other	(\$6,238)	(\$6,297)
GENERAL FUND TOTAL	\$0	\$0

BUSINESS DEVELOPMENT 0585

PROGRAM SUMMARY

GENERAL FUND	2007-08	2008-09
Personal Services	\$6,238	\$6,297
All Other	(\$6,238)	(\$6,297)
GENERAL FUND TOTAL	\$0	\$0

Maine State Film Office 0590

Initiative: Reclassifications

GENERAL FUND	2007-08	2008-09
Personal Services	\$5,638	\$5,692
All Other	(\$5,638)	(\$5,692)
GENERAL FUND TOTAL	\$0	\$0

MAINE STATE FILM OFFICE 0590

PROGRAM SUMMARY

GENERAL FUND	2007-08	2008-09
Personal Services	\$5,638	\$5,692
All Other	(\$5,638)	(\$5,692)
GENERAL FUND TOTAL	\$0	\$0

**ECONOMIC AND COMMUNITY DEVELOPMENT,
 DEPARTMENT OF
 DEPARTMENT TOTALS**

2007-08	2008-09
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HP0383, LD 499, item 1, 123rd Maine State Legislature
 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, 2008 and June 30, 2009

GENERAL FUND	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

EDUCATION, DEPARTMENT OF

Learning Systems 0839

Initiative: Reclassifications

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$7,715	\$8,842
FEDERAL EXPENDITURES FUND TOTAL	\$7,715	\$8,842

LEARNING SYSTEMS 0839

PROGRAM SUMMARY

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$7,715	\$8,842
FEDERAL EXPENDITURES FUND TOTAL	\$7,715	\$8,842

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
FEDERAL EXPENDITURES FUND	\$7,715	\$8,842
DEPARTMENT TOTAL - ALL FUNDS	\$7,715	\$8,842

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Land and Water Quality 0248

Initiative: Reclassifications

GENERAL FUND	2007-08	2008-09
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Personal Services	\$3,619	\$3,652
All Other	(\$3,619)	(\$3,652)

GENERAL FUND TOTAL	\$0	\$0
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LAND AND WATER QUALITY 0248

PROGRAM SUMMARY

GENERAL FUND	2007-08	2008-09
Personal Services	\$3,619	\$3,652
All Other	(\$3,619)	(\$3,652)

GENERAL FUND TOTAL	\$0	\$0
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Maine Environmental Protection Fund 0421

Initiative: Reclassifications

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$25,502	\$28,617
All Other	\$530	\$596

OTHER SPECIAL REVENUE FUNDS TOTAL	\$26,032	\$29,213
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MAINE ENVIRONMENTAL PROTECTION FUND 0421

PROGRAM SUMMARY

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$25,502	\$28,617
All Other	\$530	\$596

OTHER SPECIAL REVENUE FUNDS TOTAL	\$26,032	\$29,213
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Performance Partnership Grant 0851

Initiative: Reclassifications

HP0383, LD 499, item 1, 123rd Maine State Legislature
 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, 2008 and June 30, 2009

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$21,036	\$24,995
All Other	\$438	\$520
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FEDERAL EXPENDITURES FUND TOTAL	\$21,474	\$25,515

PERFORMANCE PARTNERSHIP GRANT 0851

PROGRAM SUMMARY

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$21,036	\$24,995
All Other	\$438	\$520
	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	\$21,474	\$25,515

Remediation and Waste Management 0247

Initiative: Reclassifications

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$10,469	\$10,821
All Other	\$218	\$225
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,687	\$11,046

REMEDIATION AND WASTE MANAGEMENT 0247

PROGRAM SUMMARY

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$10,469	\$10,821
All Other	\$218	\$225
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,687	\$11,046

ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09

HP0383, LD 499, item 1, 123rd Maine State Legislature
 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, 2008 and June 30, 2009

GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$21,474	\$25,515
OTHER SPECIAL REVENUE FUNDS	\$36,719	\$40,259
DEPARTMENT TOTAL - ALL FUNDS	\$58,193	\$65,774

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Bureau of Child and Family Services - Regional 0452

Initiative: Reclassifications

GENERAL FUND	2007-08	2008-09
Personal Services	\$2,496	\$2,517
All Other	(\$2,496)	(\$2,517)
GENERAL FUND TOTAL	\$0	\$0

BUREAU OF CHILD AND FAMILY SERVICES - REGIONAL 0452

PROGRAM SUMMARY

GENERAL FUND	2007-08	2008-09
Personal Services	\$2,496	\$2,517
All Other	(\$2,496)	(\$2,517)
GENERAL FUND TOTAL	\$0	\$0

Health - Bureau of 0143

Initiative: Reclassifications

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$4,191	\$4,167
FEDERAL EXPENDITURES FUND TOTAL	\$4,191	\$4,167

HEALTH - BUREAU OF 0143

PROGRAM SUMMARY

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$4,191	\$4,167
FEDERAL EXPENDITURES FUND TOTAL	\$4,191	\$4,167

Maternal and Child Health 0191

Initiative: Reclassifications

FEDERAL BLOCK GRANT FUND	2007-08	2008-09
Personal Services	\$4,499	\$5,249
FEDERAL BLOCK GRANT FUND TOTAL	\$4,499	\$5,249

MATERNAL AND CHILD HEALTH 0191

PROGRAM SUMMARY

FEDERAL BLOCK GRANT FUND	2007-08	2008-09
Personal Services	\$4,499	\$5,249
FEDERAL BLOCK GRANT FUND TOTAL	\$4,499	\$5,249

Office of Integrated Access and Support - Central Office Z020

Initiative: Reclassifications

GENERAL FUND	2007-08	2008-09
Personal Services	\$6,642	\$6,702
All Other	(\$6,642)	(\$6,702)
GENERAL FUND TOTAL	\$0	\$0

**OFFICE OF INTEGRATED ACCESS AND
 SUPPORT - CENTRAL OFFICE Z020**

PROGRAM SUMMARY

GENERAL FUND	2007-08	2008-09
Personal Services	\$6,642	\$6,702
All Other	(\$6,642)	(\$6,702)
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GENERAL FUND TOTAL	\$0	\$0

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

	2007-08	2008-09
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$4,191	\$4,167
FEDERAL BLOCK GRANT FUND	\$4,499	\$5,249
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DEPARTMENT TOTAL - ALL FUNDS	\$8,690	\$9,416

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Public Information and Education, Division of 0729

Initiative: Reclassifications

GENERAL FUND	2007-08	2008-09
Personal Services	\$4,289	\$4,330
All Other	(\$4,289)	(\$4,330)
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GENERAL FUND TOTAL	\$0	\$0

PUBLIC INFORMATION AND EDUCATION,

DIVISION OF 0729

PROGRAM SUMMARY

GENERAL FUND	2007-08	2008-09
Personal Services	\$4,289	\$4,330
All Other	(\$4,289)	(\$4,330)

HP0383, LD 499, item 1, 123rd Maine State Legislature
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	\$0	\$0
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**INLAND FISHERIES AND WILDLIFE, DEPARTMENT
 OF
 DEPARTMENT TOTALS**

	2007-08	2008-09
GENERAL FUND	\$0	\$0

	\$0	\$0
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LABOR, DEPARTMENT OF

Employment Security Services 0245

Initiative: Reclassifications

	2007-08	2008-09
FEDERAL EXPENDITURES FUND		
Personal Services	\$4,174	\$7,551
All Other	(\$4,174)	(\$7,551)

	\$0	\$0
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EMPLOYMENT SECURITY SERVICES 0245

PROGRAM SUMMARY

	2007-08	2008-09
FEDERAL EXPENDITURES FUND		
Personal Services	\$4,174	\$7,551
All Other	(\$4,174)	(\$7,551)

	\$0	\$0
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Safety Education and Training Programs 0161

Initiative: Reclassifications

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$2,873	\$2,900

HP0383, LD 499, item 1, 123rd Maine State Legislature
 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, 2008 and June 30, 2009

	\$2,873	\$2,900
OTHER SPECIAL REVENUE FUNDS TOTAL		

SAFETY EDUCATION AND TRAINING PROGRAMS 0161

PROGRAM SUMMARY

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$2,873	\$2,900
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,873	\$2,900

	2007-08	2008-09
LABOR, DEPARTMENT OF		
DEPARTMENT TOTALS		
FEDERAL EXPENDITURES FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$2,873	\$2,900
DEPARTMENT TOTAL - ALL FUNDS	\$2,873	\$2,900

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Nursing - Board of 0372

Initiative: Reclassifications

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$7,087	\$7,154
All Other	\$101	\$102
OTHER SPECIAL REVENUE FUNDS TOTAL	\$7,188	\$7,256

NURSING - BOARD OF 0372

PROGRAM SUMMARY

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$7,087	\$7,154
All Other	\$101	\$102

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 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, 2008 and June 30, 2009

	\$7,188	\$7,256
OTHER SPECIAL REVENUE FUNDS TOTAL		

**PROFESSIONAL AND FINANCIAL REGULATION,
 DEPARTMENT OF
 DEPARTMENT TOTALS**

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$7,188	\$7,256
DEPARTMENT TOTAL - ALL FUNDS	\$7,188	\$7,256

PUBLIC SAFETY, DEPARTMENT OF

Fire Marshal - Office of 0327

Initiative: Reclassifications

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$2,400	\$3,202
All Other	(\$2,400)	(\$3,202)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

FIRE MARSHAL - OFFICE OF 0327

PROGRAM SUMMARY

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$2,400	\$3,202
All Other	(\$2,400)	(\$3,202)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

**PUBLIC SAFETY, DEPARTMENT OF
 DEPARTMENT TOTALS**

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$0	\$0

DEPARTMENT TOTAL - ALL FUNDS **\$0** **\$0**

SECTION TOTALS	2007-08	2008-09
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$33,380	\$38,524
OTHER SPECIAL REVENUE FUNDS	\$53,971	\$57,862
FEDERAL BLOCK GRANT FUND	\$4,499	\$5,249
POSTAL, PRINTING AND SUPPLY FUND	\$366	\$371
OFFICE OF INFORMATION SERVICES FUND	\$43,631	\$54,241
WORKERS' COMPENSATION MANAGEMENT FUND	\$27,314	\$27,564
ACCIDENT, SICKNESS AND HEALTH INSURANCE	\$10,374	\$10,526
INTERNAL SERVICE FUND		
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SECTION TOTAL - ALL FUNDS	\$173,535	\$194,337

PART C

Sec. C-1. 20-A MRSA §15689-A, sub-§13 is enacted to read:

13. Jobs for Maine's Graduates. The commissioner may expend and disburse funds for Jobs for Maine's Graduates in accordance with the provisions of chapter 226.

Sec. C-2. 20-A MRSA §15689-A, sub-§14 is enacted to read:

14. Maine School of Science and Mathematics. The commissioner may expend and disburse funds for the Maine School of Science and Mathematics in accordance with the provisions of chapter 312.

Sec. C-3. 20-A MRSA §15689-A, sub-§15 is enacted to read:

15. Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf. The commissioner may expend and disburse funds for the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf in accordance with the provisions of chapter 304.

Sec. C-4. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2007-08 is 7.34.

Sec. C-5. Total cost of funding public education from kindergarten to grade 12. The total cost of funding public education from kindergarten to grade 12 for fiscal year 2007-08 is as follows:

2007-08

TOTAL

Total Operating Allocation

Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 without transition percentage	\$1,338,387,476
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Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 95% transition percentage	\$1,271,468,102
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Transition adjustments pursuant to the Maine Revised Statutes, Title 20-A, section 15686	\$1,800,000
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Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$378,035,943
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Total Operating Allocation

Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 95% transition percentage plus transition adjustment pursuant to Title 20-A, section 15686 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,651,304,045
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Total Debt Service Allocation

Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$92,944,964
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Total Adjustments and Miscellaneous Costs

Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, sections 15689 and 15689-A	\$75,108,788
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Total Cost of Funding Public Education from Kindergarten to Grade 12

Total cost of funding public education from kindergarten to grade 12 for fiscal year 2006-07 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	\$1,819,357,797
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Sec. C-6. Local and state contributions to total cost of funding public education from kindergarten to grade 12. The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2007 and ending June 30, 2008 is calculated as follows:

2007-08

2007-08

LOCAL STATE

**Local and State Contributions to the Total
Cost of Funding Public Education from
Kindergarten to Grade 12**

Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$828,899,412	\$990,458,385
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Sec. C-7. Limit of State's obligation. If the State's continued obligation for any individual component contained in sections 5 and 6 of this Part 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 sections 5 and 6 of this Part do not lapse but must be carried forward for the same purpose.

Sec. C-8. Authorization of payments. Sections 1 to 6 of this Part 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, 2007 and ending June 30, 2008.

PART D

Sec. D-1. 20-A MRSA §15689-A, sub-§10, as amended by PL 2005, c. 519, Pt. J, §2, is further amended to read:

10. Data management and support services for essential programs and services.

The commissioner may pay costs attributed to system maintenance and staff support necessary to implement the requirements of the Essential Programs and Services Funding Act. A transfer of All Other funds from the General Purpose Aid for Local Schools account to Personal Services in the Management Information Systems account for 56.615 positions that provide professional and administrative support to general purpose aid for local schools in the department's management information systems program may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. D-2. 20-A MRSA §15689-A, sub-§12-A is enacted to read:

12-A. Learning through technology. The commissioner may pay costs attributed to staff support 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 Personal Services and All Other line categories in the Learning Through Technology General Fund account sufficient to support the Personal Services and All Other costs of one Education Team and Policy Director position, one Education Specialist III position, one Planning and Research Associate I position 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.

PART E

Sec. E-1. 20-A MRSA §15754, as amended by PL 2005, c. 386, Pt. E, §1, is repealed.

PART F

Sec. F-1. 20-A MRSA §15678, sub-§2, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

2. Ratios. 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 ~~16:~~17:1.
- C. For the high school level, the student-to-teacher ratio is ~~15:~~17:1.

PART G

Sec. G-1. Calculation and transfer; General Fund health insurance savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part A that apply against each General Fund account for all departments and agencies except legislative branch departments and agencies from savings in the cost of health insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2007-08 and 2008-09. The State Budget Officer shall provide the Joint Standing Committee on Appropriations and Financial Affairs a report of the transferred amounts no later than November 1, 2007.

PART H

Sec. H-1. Development of plan. The Department of Professional and Financial Regulation and the Department of Economic and Community Development, referred to in this section as "the departments," shall work jointly to develop a plan to merge the departments into a single department to be named the Department of Commerce. Under the plan, the Department of Commerce shall perform the duties of both the departments. The departments may request the cooperation of other agencies or entities of State Government in the development of the plan, as well as the implementation of the merger. The plan to merge the departments must be designed to:

- 1. Streamline services to businesses;
- 2. Minimize administrative overhead;
- 3. Eliminate duplication of services; and
- 4. Otherwise create efficiencies and cost savings in the provision of services.

Sec. H-2. Report. No later than October 1, 2007, the Department of Professional and Financial Regulation and the Department of Economic and Community Development shall submit a report outlining the progress on the plan to merge into a single Department of Commerce to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Business, Research and Economic Development and the Joint Standing Committee on Insurance and Financial Services. The Department of Professional and Financial Regulation and the Department of Economic and Community Development shall submit proposed legislation necessary to implement the plan to merge into a single Department of Commerce to the Second Regular Session of the 123rd Legislature no later than January 1, 2008.

PART I

Sec. I-1. 5 MRSA §935, sub-§1, ¶H, as enacted by PL 1983, c. 729, §4, is repealed.

PART J

Sec. J-1. Transfer of funds; overtime expenses. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the Department of Corrections, upon approval of the Governor, is authorized to transfer, by financial order, Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purpose of paying overtime expenses.

PART K

Sec. K-1. 5 MRSA §13110, first ¶, as enacted by PL 2003, c. 673, Pt. M, §8, is amended to read:

The office, the University of Maine System and the ~~EPSCoR steering committee~~Governor's Maine Science and Technology Advisory Council are jointly responsible for the administration of the Maine Experimental Program to Stimulate Competitive Research, referred to in this chapter as "the Maine EPSCoR Program," which is established in this section as a partnership effort between the State Government and the Federal Government to strengthen the State's science and engineering infrastructure.

Sec. K-2. 5 MRSA §13110, sub-§2, as enacted by PL 2003, c. 673, Pt. M, §8, is amended to read:

2. Policy recommendation. Through the office, the University of Maine System and the ~~EPSCoR steering committee~~Governor's Maine Science and Technology Advisory Council, the Maine EPSCoR Program may recommend to the Governor and the Legislature policies and programs essential to the strengthening of the State's science and engineering infrastructure.

Sec. K-3. 5 MRSA §13110-A, sub-§1, ¶C, as enacted by PL 2003, c. 673, Pt. M, §8, is amended to read:

C. "Research capacity committee" means the ~~EPSCoR steering committee~~Governor's Maine Science and Technology Advisory Council referred to in section 13110.

PART L

Sec. L-1. Program name change. The Maine Small Business Commission - DECD program within the Department of Economic and Community Development is renamed the Maine Small Business and Entrepreneurship Commission - DECD program.

PART M

Sec. M-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, 2009 special voluntary employee incentive programs for state employees, including a 50% workweek option, 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. M-2. Continuation of health insurance. Notwithstanding the Maine Revised Statutes, Title 5, section 285, subsection 7 and section 903, the State shall continue to pay health and dental insurance benefits for state employees who apply prior to July 1, 2009 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. M-3. Continuation of group life insurance. Notwithstanding the Maine Revised Statutes, Title 5, sections 903 and 18056 and the rules of the Maine State Retirement System, the life, accidental death and dismemberment, supplemental and dependent insurance amounts for a state employee who applies prior to July 1, 2009 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. M-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, 2009.

Sec. M-5. Lapsed balances. Notwithstanding any other provision of law, \$350,000 in fiscal year 2007-08 and \$350,000 in fiscal year 2008-09 of savings identified from the voluntary employee incentive programs in this Part lapse to the General Fund.

PART N

Sec. N-1. Transfer of Personal Services appropriation. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available balances of General Fund appropriations for Personal Services in fiscal year 2007-08 and fiscal year 2008-09 may be transferred by financial order between programs and departments within the General Fund upon recommendation of the State Budget Officer and approval of the Governor to be used for costs associated with collective bargaining agreements for state employees.

PART O

Sec. O-1. 12 MRSA §10202, sub-§9, as amended by PL 2005, c. 12, Pt. Z, §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 ~~2008-2009~~2010-2011 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 P

Sec. P-1. 35-A MRSA §116, sub-§1, as amended by PL 2005, c. 135, §1, is further amended to read:

1. Utilities subject to assessments. Every transmission and distribution, gas, telephone and water utility and ferry subject to regulation by the commission is subject to an assessment on its intrastate gross operating revenues to produce ~~a total of no more than \$5,505,000 in revenues annually~~sufficient revenue for expenditures allocated by the Legislature for operating the commission. The portion of the total assessment applicable to each category of public utility is based on an accounting by the commission of the portion of the commission's resources devoted to matters related to each category. The commission shall develop a reasonable and practicable method of accounting for resources devoted by the commission to matters related to each category of public utility. Assessments on each public utility within each category must be based on the utility's gross intrastate operating revenues. The commission shall determine the assessments annually prior to May 1st and assess each utility for its pro rata share for expenditure during the fiscal year beginning July 1st. Each utility shall pay the assessment charged to the utility on or before July 1st of each year. Any increase in the assessment that becomes effective subsequent to May 1st may be billed on the effective date of the act authorizing the increase.

A. The assessments charged to utilities under this section are just and reasonable operating costs for rate-making purposes.

B. For the purposes of this section, "intrastate gross operating revenues" means intrastate revenues derived from filed rates, except revenues derived from sales for resale.

C. Gas utilities subject to the jurisdiction of the commission solely with respect to safety are not subject to any assessment.

D. The commission may correct any errors in the assessments by means of a credit or debit to the following year's assessment rather than reassessing all utilities in the current year.

E. The commission may exempt utilities with annual intrastate gross operating revenues under \$50,000 from assessments under this section.

Sec. P-2. 35-A MRSA §116, sub-§4, as amended by PL 1997, c. 586, §4, is repealed.

PART Q

Sec. Q-1. 4 MRSA §1610-F is enacted to read:

§ 1610-F. 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 \$11,000,000 outstanding at any one time in fiscal year 2007-08 and may issue additional securities in an amount not to exceed \$6,000,000 outstanding at any one time in fiscal year 2008-09 for preliminary planning costs and capital repairs and improvements at various state facilities.

Sec. Q-2. Maine Governmental Facilities Authority; issuance of securities.

Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2 and section 1610-F, 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 \$11,000,000 in fiscal year 2007-08 and \$6,000,000 in fiscal year 2008-09 for the purpose of paying the cost, including preliminary planning costs, including but not limited to needs assessments and space planning, master planning, capital asset assessments, concept design, design development and final design including construction drawings, associated with capital repairs and improvements to state-owned facilities throughout the State as designated by the Commissioner of Administrative and Financial Services.

Sec. Q-3. Proceeds. The proceeds from the sale of the securities issued by the Maine Governmental Facilities Authority pursuant to the Maine Revised Statutes, Title 4, section 1610-F must be expended for preliminary planning costs and capital repairs and improvements to state-owned facilities.

Sec. Q-4. Debt Service - Government Facilities Authority account; balance carried forward. Notwithstanding any other provision of law, any unexpended balance in the Debt Service - Government Facilities Authority, General Fund account in the Department of Administrative and Financial Services on June 30, 2007 must be carried forward for the same purpose until June 30, 2009.

PART R

Sec. R-1. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of State, may enter into financing arrangements in fiscal years 2007-08 and 2008-09 for the acquisition of motor vehicles for the Central Fleet Management Division. The financing agreements entered into in each fiscal year may not exceed \$5,000,000 in principal costs, and a financing arrangement may not exceed 4 years in duration. The interest rate may not exceed 8%. The annual principal and interest costs must be paid from the appropriate line category allocations in the Central Fleet Management Division account.

Sec. R-2. 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, on behalf of the Department of Public Safety, may enter into financing arrangements in fiscal years 2007-08 and 2008-09 for the acquisition of motor vehicles for the State Police. The financing arrangements entered into each fiscal year may not exceed \$1,800,000 in principal costs, and a financing arrangement may not exceed 3 years in duration. The interest rate may not exceed 8%, and total interest costs with respect to the financing arrangements entered into in each fiscal year may not exceed \$300,000. The annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the Department of Public Safety General Fund and Highway Fund accounts.

Sec. R-3. 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, Office of Information Technology may enter into financing arrangements on or after January 1, 2009 for the acquisition of hardware, software and systems to support the operations of the Statewide Radio and Network System Reserve Fund, established in Title 5, section 1520. The financial agreements may not exceed 7 years in duration and \$15,000,000 in principal costs. The interest rate may not exceed 8%, and interest costs may not exceed \$3,750,000. Annual principal and interest costs must be paid from the appropriate line category allocations in the Office of Information Technology, Statewide Radio and Network System Reserve Fund.

PART S

Sec. S-1. 30-A MRSA §5681, sub-§5, ¶A, as amended by PL 2005, c. 12, Pt. E, §1, is further amended to read:

A. For months beginning before July 1, ~~2007~~2009, 5.1%; and

Sec. S-2. 30-A MRSA §5681, sub-§5, ¶B, as amended by PL 2005, c. 12, Pt. E, §1, is further amended to read:

B. For months beginning on or after July 1, ~~2007~~2009, 5.2%.

PART T

Sec. T-1. 36 MRSA §4365, as amended by PL 2005, c. 457, Pt. AA, §1 and as affected by §8, is further amended to read:

§ 4365. Rate of tax

A tax is imposed on all cigarettes imported into this State or held in this State by any person for sale at the rate of ~~100~~150 mills for each cigarette. Payment of the tax is evidenced by the affixing of stamps to the packages containing the cigarettes.

Sec. T-2. 36 MRSA §4365-F, as enacted by PL 2005, c. 457, Pt. AA, §3 and as affected by §8, is repealed.

Sec. T-3. 36 MRSA §4365-G is enacted to read:

§ 4365-G. Application of cigarette tax rate increase effective July 1, 2007

This section applies to cigarettes held for resale on July 1, 2007.

1. Stamped rate. Cigarettes stamped at the rate of 100 mills per cigarette and held for resale after June 30, 2007 are subject to tax at the rate of 150 mills per cigarette.

2. Liability. A person possessing cigarettes for resale is liable for the difference between the tax rate of 150 mills per cigarette and the tax rate of 100 mills per cigarette in effect before July 1, 2007. Stamps indicating payment of the tax imposed by this section must be affixed to all packages of cigarettes held for resale as of July 1, 2007, except that cigarettes held in vending machines as of that date do not require that stamp.

3. Vending machines. Notwithstanding any other provision of this chapter, it is presumed that all cigarette vending machines are filled to capacity on July 1, 2007 and the tax imposed by this section must be reported on that basis. A credit against this inventory tax must be allowed for cigarettes stamped at the rate of 150 mills per cigarette placed in vending machines before July 1, 2007.

4. Payment. Payment of the tax imposed by this section must be made to the assessor by October 1, 2007, accompanied by forms prescribed by the assessor.

Sec. T-4. 36 MRSA §4366-A, sub-§2, as amended by PL 2005, c. 622, §25 and as affected by §34, is further amended to read:

2. Provided to sellers. The State Tax Assessor shall provide stamps suitable to be affixed to packages of cigarettes as evidence of the payment of the tax imposed by this chapter. The assessor may permit a licensed distributor to pay for the stamps within 30 days after the date of purchase, if a bond satisfactory to the assessor in an amount not less than 50% of the sale price of the stamps has been filed with the assessor conditioned upon payment for the stamps. Such a distributor may continue to purchase stamps on a 30-day deferral basis only if it remains current with its cigarette tax obligations. The assessor may not sell additional stamps to a distributor that has failed to pay in full within 30 days for stamps previously purchased until such time as the overdue payment is received. The assessor shall sell cigarette stamps to licensed distributors at the following discounts from their face value:

- A. For stamps at the face value of 37 mills sold through September 30, 2001, 2.5%;
- B. For stamps at the face value of 50 mills sold prior to July 1, 2002, 2.16%;
- C. For stamps at the face value of 50 mills sold on or after July 1, 2002, 2.03%; and
- D. For stamps at the face value of 100 mills sold prior to July 1, 2007, 1.15%.; and
- E. For stamps at the face value of 150 mills, 0.82%.

Sec. T-5. 36 MRSA §4403, as amended by PL 2005, c. 627, §§8 and 9, is further amended to read:

§ 4403. Tax on tobacco products

1. Smokeless tobacco. A tax is imposed on all smokeless tobacco, including chewing tobacco and snuff, at the rate of ~~78%~~117% of the wholesale sales price beginning ~~October 1, 2005~~July 1, 2007.

2. Other tobacco. A tax is imposed on cigars, pipe tobacco and other tobacco intended for smoking at the rate of ~~20%~~30% of the wholesale sales price beginning ~~October 1, 2005~~July 1, 2007.

3. Imposition. The tax is imposed at the time the distributor brings or causes to be brought into this State tobacco products that are for sale to consumers or to retailers or for use or at the time tobacco products are manufactured or fabricated in this State for sale in this State.

4. Exclusion. The tax imposed on tobacco products does not apply to those products exported from this State or to any tobacco products ~~which~~that under laws of the United States may not be subject to taxation by this State.

PART U

Sec. U-1. 10 MRSA §1100-Y, sub-§2, ¶A, as amended by PL 2005, c. 12, Pt. Q, §1, is further amended to read:

A. For initial certification, the organization must be a private, nonprofit organization that is qualified under Section 501(c)(3) of the Internal Revenue Code, that has as one of its purposes the provision of need-based scholarships to eligible students, that meets the standards adopted by the authority by rule under subsection 7, that files reports as required by this section and that:

(1) Is affiliated with and designated by an accredited institution of higher education in this State; or

(2) Has filed as a nonprofit corporation with the Secretary of State on or before April 1, ~~2006~~2008 and continues as a nonprofit corporation in good standing with the Secretary of State.

Sec. U-2. 10 MRSA §1100-Y, sub-§7, as amended by PL 2005, c. 12, Pt. Q, §2, is further amended to read:

7. Rulemaking. The authority, after consultation with the Bureau of Revenue Services, shall establish rules for the application, eligibility and annual filing requirements necessary to implement the certification of qualified scholarship organizations pursuant to this section and may include any rules necessary to establish initial application fees and penalties, which may include monetary penalties and revocation of certification, to ensure that a qualified scholarship organization is fulfilling the requirements of this section. These rules may also include any necessary conflict-of-interest provisions pertaining to qualified scholarship organizations. The authority shall also establish any rules necessary to define postsecondary education loans that are eligible for the recruitment credits provided under Title 36, sections 2528 and 5219-V. Rules adopted pursuant to this subsection, including those setting initial application fees and penalties, are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The authority shall submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and to the joint standing committee of the Legislature having jurisdiction over taxation matters by January 30, ~~2007~~2009 on the rules and rule-making process to implement the tax credit program established pursuant to this subchapter.

Sec. U-3. 36 MRSA §2527, sub-§2, ¶B, as amended by PL 2005, c. 12, Pt. Q, §3, is further amended to read:

B. Twenty percent of the amount contributed during the taxable year to a qualified scholarship organization for need-based scholarships for tax years beginning in ~~2007~~2009; or

Sec. U-4. 36 MRSA §2527, sub-§2, ¶C, as amended by PL 2005, c. 12, Pt. Q, §3, is further amended to read:

C. Fifty percent of the amount contributed during the taxable year to a qualified scholarship organization for need-based scholarships for tax years beginning after ~~2007~~2009.

Sec. U-5. 36 MRSA §2528, sub-§1, ¶B, as amended by PL 2005, c. 12, Pt. Q, §4, is further amended to read:

B. Beginning in ~~2007~~2009, 15% of the amount of loan repayments paid during the taxable year to a creditor on behalf of an employee of the taxpayer as part of a postsecondary education loan repayment agreement between the taxpayer and the employee of the taxpayer.

Sec. U-6. 36 MRSA §5219-U, sub-§2, ¶B, as amended by PL 2005, c. 12, Pt. Q, §5, is further amended to read:

B. Twenty percent of the amount contributed during the taxable year to a qualified scholarship organization for need-based scholarships for tax years beginning in ~~2007~~2009; or

Sec. U-7. 36 MRSA §5219-U, sub-§2, ¶C, as amended by PL 2005, c. 12, Pt. Q, §5, is further amended to read:

C. Fifty percent of the amount contributed during the taxable year to a qualified scholarship organization for need-based scholarships for tax years beginning after ~~2007~~2009.

Sec. U-8. 36 MRSA §5219-V, sub-§1, ¶B, as amended by PL 2005, c. 12, Pt. Q, §6, is further amended to read:

B. Beginning in ~~2007~~2009, 15% of the amount of loan repayments paid during the taxable year to a creditor on behalf of an employee of the taxpayer as part of a postsecondary education loan repayment agreement between the taxpayer and the employee of the taxpayer.

Sec. U-9. Application. This Part applies to tax years beginning on or after January 1, 2007.

PART V

Sec. V-1. 36 MRSA §5142, sub-§3-A, as enacted by PL 2005, c. 12, Pt. MMMM, §1 and as affected by §3, is amended to read:

3-A. Gain or loss on sale of partnership interest. Notwithstanding subsection 3, the gain or loss on the sale of a partnership interest is sourced to this State in an amount equal to the gain or loss multiplied by the ratio obtained by dividing the original cost of partnership tangible property located in Maine by the original cost of partnership tangible property everywhere, determined at the time of the sale. Tangible property includes property owned or rented and is valued in accordance with section 5211, former subsection 10. If more than 50% of the value of the partnership's assets consist of intangible property, gain or loss from the sale of the partnership interest is sourced to this State in accordance with the sales factor of the partnership for its first full tax period immediately preceding the tax period of the partnership during which the partnership interest was sold. For purposes of this subsection, the sales factor of a partnership is determined in accordance with section 5211, subsections 14, 15 and 16. This subsection does not apply to the sale of a limited partner's interest in an investment partnership where more than 80% of the value of the partnership's total assets consists of intangible personal property held for investment, except that such property cannot include an interest in a partnership unless that partnership is itself an investment partnership.

If the apportionment provisions of this section do not fairly represent the extent of the partnership's business activity in this State, the taxpayer may petition for, or the State Tax Assessor may require, in respect to all or any part of the partnership's business activity the employment of any other method to effectuate an equitable apportionment to this State of the partner's income from the sale of the partnership interest.

Sec. V-2. 36 MRSA §5211, sub-§8, as amended by PL 1991, c. 502, §1 and as affected by §2, is further amended to read:

8. Formula for apportionment of income to State. All income shall be apportioned to this State by multiplying the income by a fraction, ~~the numerator of which is the property factor plus the payroll factor plus twice the sales factor, and the denominator of which is 4.~~

Sec. V-3. 36 MRSA §5211, sub-§9, as enacted by P&SL 1969, c. 154, §F, is repealed.

Sec. V-4. 36 MRSA §5211, sub-§10, as amended by PL 1999, c. 708, §43, is repealed.

Sec. V-5. 36 MRSA §5211, sub-§11, as enacted by P&SL 1969, c. 154, §F, is repealed.

Sec. V-6. 36 MRSA §5211, sub-§12, as amended by PL 2001, c. 439, Pt. D, §8 and as affected by §9, is repealed.

Sec. V-7. 36 MRSA §5211, sub-§13, as enacted by P&SL 1969, c. 154, §F, is repealed.

Sec. V-8. 36 MRSA §5211, sub-§17, ¶A, as enacted by P&SL 1969, c. 154, §F, is amended to read:

A. Separate accounting; or

Sec. V-9. 36 MRSA §5211, sub-§17, ¶B, as enacted by P&SL 1969, c. 154, §F, is repealed.

Sec. V-10. 36 MRSA §5211, sub-§17, ¶C, as enacted by P&SL 1969, c. 154, §F, is repealed.

Sec. V-11. 36 MRSA §5244, as amended by PL 1997, c. 24, Pt. C, §12 and as affected by §16, is further amended to read:

§ 5244. Combined report

The combined report required by section 5220, subsection 5, must include, both in the aggregate and by corporation, a list of the federal taxable income, the modifications provided by section 5200-A, the ~~property, payroll and sales~~ in Maine and everywhere as defined in chapter 821 and the Maine net income of the unitary business. Neither the income nor the ~~property, payroll and sales~~ of a corporation that is not required to file a federal income tax return may be included in the combined report.

Sec. V-12. Application. Those sections of this Part that amend the Maine Revised Statutes, Title 36, sections 5211 and 5244 apply to tax years beginning on or after January 1, 2007.

PART W

Sec. W-1. Transfer from unappropriated surplus at close of fiscal year 2007-08 to the Department of Health and Human Services, Medical Care - Payment to Providers account. Notwithstanding any other provision of law, at the close of fiscal year 2007-08 the State Controller shall transfer up to \$77,500,000 from the unappropriated surplus of the General Fund to the Department of Health and Human Services, Medical Care - Payment to Providers account in the General Fund after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made and as the first priority after the transfers required pursuant to the Maine Revised Statutes, Title 5, sections 1507 and 1511 and before the transfer required pursuant to the Maine Revised Statutes, Title 5, section 1536.

Sec. W-2. Priority of transfers. Transfers made in accordance with section 1 of this Part must be expended for the purposes listed in this section in the following amounts.

As the first priority, the Medical Care - Payments to Providers General Fund account must receive up to \$52,000,000 less the transfer amount received from unappropriated surplus at the close of fiscal year 2006-07 for use in fiscal year 2007-08. These transfers made must be expended for prospective interim payments to hospitals.

As the second priority, the Medical Care - Payments to Providers General Fund account must receive \$25,500,000 as the first of equal payments to be made until the sum of \$102,000,000 is reached. Transfers made to the Medical Care - Payments to Providers program must be expended for hospital settlements.

Sec. W-3. Transfer considered adjustments to appropriations. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, amounts transferred pursuant to this Part are considered adjustments to appropriations in fiscal years 2007-08 and 2008-09. These funds may be allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor.

PART X

Sec. X-1. Carrying balance; Bureau of Medical Services, General Fund account. Notwithstanding any other provision of law, any All Other line category balance in the Department of Health and Human Services, Bureau of Medical Services, General Fund account remaining on June 30, 2008 may not lapse but must be carried forward to June 30, 2009 to be used for the same purposes.

Sec. X-2. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, 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 Y

Sec. Y-1. Cost-of-living adjustments for nursing facilities. Notwithstanding any other provision of law, any unexpended balance in the Department of Health and Human Services, Nursing Facilities, Other Special Revenue Funds account as of June 30, 2007 and June 30, 2008 carries forward for the purpose of funding cost-of-living adjustments for nursing facilities licensed under the Maine Revised Statutes, Title 22, chapter 405 and residential care facilities as defined in Title 22, section 7852, subsection 14 in fiscal year 2007-08 and fiscal year 2008-09.

Sec. Y-2. Reimbursement rate. Notwithstanding any other provision of law, the Department of Health and Human Services shall provide cost-of-living adjustments to nursing facilities licensed under the Maine Revised Statutes, Title 22, chapter 405 and residential care facilities as defined in Title 22, section 7852, subsection 14 in fiscal year 2007-08 and fiscal year 2008-09 in the amount of 2%, as applied to all components of the reimbursement rate except the fixed cost component, per year per facility. If the Commissioner of Health and Human Services determines as of May 1, 2007, for fiscal year 2007-08, and May 1, 2008, for fiscal year 2008-09, that sufficient funds are not projected to be available pursuant to sections 1 and 4 of this Part to fund a 2% adjustment for fiscal year 2007-08 or fiscal year 2008-09, then the department may reduce the percentage adjustment for that fiscal year to the extent necessary

to ensure that the amount available in the Nursing Facilities, Other Special Revenue Funds account is sufficient to fund the adjustment provided. In projecting the amount available, the commissioner shall consider the projected amount to be carried forward pursuant to section 1 of this Part and the department's best reasonable estimate of the expected tax revenue growth in the fiscal year for which the adjustment will be provided. The department shall publish its calculation of the projected available funds and the resulting cost-of-living adjustment no later than May 25, 2007 for fiscal year 2007-08 and May 26, 2008 for fiscal year 2008-09.

Sec. Y-3. Increase for frontline employees. Any facility that accepts the cost-of-living adjustment authorized under this Part for fiscal year 2007-08 and fiscal year 2008-09 must provide an equal percentage increase in wages and benefits to all frontline employees in each of those years in accordance with the Department of Health and Human Services' Principles of Reimbursement for Nursing Facilities. For the purposes of this section, "frontline employees" means all employees who work in the facility, excluding the administrator. Notwithstanding any other provision of law, the amount of the cost-of-living adjustment to be recouped for any failure to comply with this section is limited to the portion of the adjustment that:

1. Applies to wage and benefit expense; and
2. Exceeds the percentage increase in wages and benefits actually provided to frontline employees during the applicable fiscal period.

Sec. Y-4. Cost-of-living funding. Except as specifically allocated to other purposes under Part A, any unexpended balances in the Department of Health and Human Services, Nursing Facilities, Other Special Revenue Funds account as of June 30, 2007 and June 30, 2008 must first be used to the extent necessary to fund the cost-of-living adjustments granted in section 2 of this Part.

PART Z

Sec. Z-1. Position transfers; transfer of funds; Department of Health and Human Services. Notwithstanding any other provision of law, in fiscal year 2007-08 and fiscal year 2008-09 the Department of Health and Human Services may transfer up to 30 Intensive Case Manager positions in the Mental Health Services - Community program, as those positions become vacant, to the Office of Integrated Access and Support program to be reorganized as Family Independence Specialist positions upon the recommendation of the State Budget Officer and approval of the Governor. Available balances of Personal Services appropriations resulting from those vacancies may be transferred within the Personal Services line category within the same fund from the Mental Health Services - Community program to the Office of Integrated Access and Support program by financial order upon the recommendation of the State Budget Officer and approval of the Governor. The department is authorized to increase the allocation in the Other Special Revenue Funds in order to allocate the cost of the Family Independence Specialist positions between the General Fund and Other Special Revenue Funds based on the permissible federal match rate. These transfers and allocation increases are considered adjustments to authorized position counts, appropriations and allocations in fiscal year 2007-08 and fiscal year 2008-09, except that General Fund amounts transferred that are not required for Personal Services costs must be transferred to the General Fund.

The Commissioner of Health and Human Services shall provide a report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs no later than January 15, 2008 and January 15, 2009 on all legislative count and amounts transferred under this section.

PART AA

Sec. AA-1. Calculation and transfer; General Fund appropriations for legal services; Department of Health and Human Services. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of the appropriations provided in Part A to the Department of Health and Human Services for legal services that applies to each applicable General Fund account in the department and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2007-08 and fiscal year 2008-09.

PART BB

Sec. BB-1. Calculation and transfer; General Fund appropriations for information technology; Department of Health and Human Services. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of appropriations provided in Part A to the Department of Health and Human Services for information technology that applies to each applicable General Fund account in the department and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2007-08 and fiscal year 2008-09.

PART CC

Sec. CC-1. Calculation and transfer; General Fund savings for managed care; Department of Health and Human Services. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part A of this Act in the Department of Health and Human Services resulting from the implementation of a managed care effort for behavioral health services that applies to each applicable General Fund account in the department and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2007-08 and fiscal year 2008-09.

PART DD

Sec. DD-1. Calculation and transfer; General Fund savings; position reductions; departmentwide reorganization; Department of Health and Human Services. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings and the position eliminations in Part A in the Department of Health and Human Services resulting from

a departmentwide reorganization that applies to each applicable General Fund account in the department and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2007-08 and fiscal year 2008-09.

PART EE

Sec. EE-1. Calculation and transfer; General Fund savings; Health and Human Services Service Center. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part A in the Department of Health and Human Services resulting from a reduction in payments to the Health and Human Services Service Center that applies to each applicable General Fund account in the department and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2007-08 and fiscal year 2008-09.

PART FF

Sec. FF-1. Atlantic Salmon Commission; jurisdiction. Notwithstanding any provision of law to the contrary, the Atlantic Salmon Commission operates under the authority and jurisdiction of the Department of Marine Resources. In order to provide enhanced management and restoration of diadromous species, the Department of Marine Resources shall establish the Bureau of Sea-run Fisheries and Habitat, which consolidates the Atlantic Salmon Commission with the Department of Marine Resources, Stock Enhancement Division.

Sec. FF-2. Implementing legislation. The Department of Marine Resources shall submit legislation to the Second Regular Session of the 123rd Legislature to implement this Part.

PART GG

Sec. GG-1. Review of transitioning to a fiscal agent model to improve efficiency and cost-effectiveness; Office of MaineCare Services. The Commissioner of Health and Human Services shall review the current organizational structure, systems and operations of the Office of MaineCare Services to transition Maine's current management information system model to a model operated by a fiscal agent. To assist with this review, the commissioner shall use staff resources from the Office of MaineCare Services and the Department of Administrative and Financial Services, Office of Information Technology. The commissioner is authorized to identify position eliminations and identify Personal Services savings available for transfer to All Other from the improvements identified from the review. Notwithstanding any other provision of law, the State Budget Officer shall transfer position counts and available balances between line categories by financial order upon approval of the Governor in order to achieve the position eliminations identified in Part A. These transfers are considered adjustments to authorized position count, appropriations and allocations in fiscal years 2007-08 and 2008-09. The commissioner and the State Budget Officer shall provide the joint standing committees of the Legislature

having jurisdiction over health and human services matters and appropriations and financial affairs a report outlining the progress towards the new organizational structure and any transferred amounts by December 15th and June 15th in each year of the 2008-2009 biennium.

PART HH

Sec. HH-1. 2 MRSA §6, sub-§4, as amended by PL 2005, c. 405, Pt. D, §3, is further amended to read:

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

~~Director, Bureau of Employee Relations;~~

Director, Bureau of Air Quality;

Director, Bureau of Land and Water Quality;

Director, Bureau of Remediation and Waste Management;

Deputy Commissioner, Environmental Protection;

Director, Office of Consumer Credit Regulation;

Director, Office of Licensing and Registration;

Administrator, Office of Securities; and

Deputy Chief of the State Police.

Sec. HH-2. 5 MRSA §947-B, sub-§1, ¶C, as enacted by PL 1991, c. 780, Pt. Y, §37, is repealed.

Sec. HH-3. 5 MRSA §7035, as amended by PL 1997, c. 632, §1 is further amended by inserting after the first paragraph a new paragraph to read:

The director may name a designee to conduct employee relations activities set forth in Title 26, chapter 9-B and other proceedings such as negotiations, mediation, fact-finding, arbitration, grievance proceedings, unemployment compensation proceedings, workers' compensation proceedings, human rights proceedings and other labor relations proceedings.

PART II

Sec. II-1. Tax expenditures. In accordance with the Maine Revised Statutes, Title 5, section 1666, funding is continued for each individual tax expenditure, as defined in the Maine Revised Statutes, Title 5, section 1664, reported in the budget document submitted by the Governor on January 5, 2007.

PART JJ

Sec. JJ-1. 20-A MRSA §15689-A, sub-§8, as enacted by PL 2005, c. 12, Pt. D, §3, is amended to read:

8. Laptop program. The commissioner may pay costs attributed to the contracted support services and annual payments for a program that provides laptop computers to middle school and high school students and teachers.

PART KK

Sec. KK-1. Lease-purchase authorization; Maine Learning Technology Initiative. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services on behalf of the Department of Education may enter into financing arrangements in fiscal year 2007-08 for the acquisition of portable computer systems for high school students and teachers to support the operations of the Maine Learning Technology Initiative program. The financing agreements may not exceed 4 years in duration and \$63,000,000 in principal costs for the Maine Learning Technology Initiative program. The interest rate may not exceed 7%, and the total interest costs may not exceed \$4,815,028. 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 unit. The financing agreements may not exceed 4 years in duration and \$20,000,000 in principal costs. The interest rate may not exceed 7% and the total interest costs may not exceed \$1,505,400. The annual principal and interest costs must be paid from the appropriate line category allocations in the Department of Education.

PART LL

Sec. LL-1. 39-A MRS §154, sub-§6, as amended by PL 2003, c. 425, §2, is repealed and the following enacted in its place:

6. Assessment. Assessments levied under this section are subject to the following.

A. The assessments levied under this section may not be designed to produce more than \$6,000,000 in revenues annually beginning in the 1995-96 fiscal year, more than \$6,600,000 annually beginning in the 1997-98 fiscal year, more than \$6,735,000 beginning in the 1999-00 fiscal year, more than \$7,035,000 in the 2001-02 fiscal year, more than \$6,860,000 beginning in the 2002-03 fiscal year, more than \$8,390,000 beginning in the 2003-04 fiscal year, more than \$8,565,000 beginning in the 2004-05 fiscal year or more than \$8,525,000 beginning in the 2005-06 fiscal year. Assessments collected that exceed \$6,000,000 beginning in the 1995-96 fiscal year, \$6,600,000 beginning in the 1997-98 fiscal year, \$6,735,000 beginning in the 1999-00 fiscal year, \$7,035,000 beginning in fiscal year 2001-02, \$6,860,000 beginning in the 2002-03 fiscal year, \$8,390,000 beginning in the 2003-04 fiscal year, \$8,565,000 beginning in the 2004-05 fiscal year or \$8,525,000 beginning in the 2005-06 fiscal year by a margin of more than 10% must be refunded to those who paid the assessment. Any amount collected above the board's allocated budget and within the 10% margin must be used to create a reserve of up to 1/4 of the board's annual budget.

B. Beginning in the 2008-09 fiscal year, the assessments levied under this section must be designed to produce sufficient revenue for expenditures allocated by the Legislature for operating the board. Any amount collected above the board's allocated budget must be used to create a reserve of up to 1/4 of the board's annual budget.

C. The board, by a majority vote of its membership, may use its reserve to assist in funding its Personal Services account expenditures and All Other account expenditures and to help defray the costs incurred by the board pursuant to this Act including administrative expenses, consulting fees and all other reasonable costs incurred to administer this Act. The board shall notify the chairs and members of the joint standing committee of the Legislature having jurisdiction over labor matters whenever the board receives approval from the State Budget Officer and the Governor to use reserve funds to increase its allotment above the allocation authorized by the Legislature. Any collected amounts or savings above the allowed reserve must be used to reduce the assessment for the following fiscal year.

D. The board shall determine the assessments prior to May 1st annually and shall assess each insurance company or association and self-insured employer its pro rata share for expenditures during the fiscal year beginning the immediately following July 1st. Each self-insured employer shall pay the assessment on or before the immediately following June 1st. Each insurance company or association shall pay the assessment in accordance with subsection 3.

PART MM

Sec. MM-1. 20-A MRSA §1, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

3. Board of directors. "Board of directors" means the governing body with statutory powers and duties for a school administrative districtunit.

Sec. MM-2. 20-A MRSA §1, sub-§5, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

5. Community school district. "Community school district" means a state-approved unit of school administration composed of more than one municipality or school administrative district ~~which~~that may provide public education for any combination of kindergarten ~~through~~to grade 12. This subsection is repealed June 30, 2008.

Sec. MM-3. 20-A MRSA §1, sub-§6, as corrected by RR 1991, c. 2, §53 and amended by PL 2003, c. 545, §5, is further amended to read:

6. Cooperative board. "Cooperative board" means the governing body with statutory powers and duties for a career and technical education region. This subsection is repealed June 30, 2008.

Sec. MM-4. 20-A MRSA §1, sub-§8, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

8. District board of trustees. "District board of trustees" means a body with statutory powers and duties for a community school district. This subsection is repealed June 30, 2008.

Sec. MM-5. 20-A MRSA §1, sub-§9, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

9. District school committee. "District school committee" means the governing body with statutory powers and duties for a community school district. This subsection is repealed June 30, 2008.

Sec. MM-6. 20-A MRSA §1, sub-§14, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

14. Joint committee. "Joint committee" means the governing body with statutory powers and duties for implementing a contract for secondary education under chapter 115. This subsection is repealed June 30, 2008.

Sec. MM-7. 20-A MRSA §1, sub-§19, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

19. Municipal school unit. "Municipal school unit" means a state-approved unit of school administration composed of a single municipality. This subsection is repealed June 30, 2008.

Sec. MM-8. 20-A MRSA §1, sub-§24-B is enacted to read:

24-B. Region. "Region" means a regional learning community as set forth in chapter 103-A.

Sec. MM-9. 20-A MRSA §1, sub-§24-C is enacted to read:

24-C. Regional learning community. "Regional learning community" means a state-approved school administrative unit.

Sec. MM-10. 20-A MRSA §1, sub-§24-D is enacted to read:

24-D. Regional learning community board. "Regional learning community board" means the governing body with statutory powers and duties for a regional learning community.

Sec. MM-11. 20-A MRSA §1, sub-§25, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

25. School administrative district. "School administrative district" means a state-approved unit of school administration, composed of one or more municipalities ~~which~~^{that} must provide public education to all public school students in the district. This subsection is repealed June 30, 2008.

Sec. MM-12. 20-A MRSA §1, sub-§26, as corrected by RR 1993, c. 1, §44 and amended by PL 2003, c. 545, §5, is further amended to read:

26. School administrative unit. Until June 30, 2008, "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school administrative district, community school district or any other municipal or quasi-municipal corporation

HP0383, LD 499, item 1, 123rd Maine State Legislature
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, 2008 and June 30, 2009
responsible for operating or constructing public schools, except that it does not include a career and
technical education region. Beginning July 1, 2008, "school administrative unit" means a regional
learning community as established in chapter 103-A.

Sec. MM-13. 20-A MRSA §1, sub-§29, as enacted by PL 1981, c. 693, §§5 and 8, is amended
to read:

29. School committee. "School committee" means the governing body with statutory powers
and duties for a municipal school unit. This subsection is repealed June 30, 2008.

Sec. MM-14. 20-A MRSA §1, sub-§31, as enacted by PL 1981, c. 693, §§5 and 8, is amended
to read:

31. School union. "School union" means a union composed of school administrative units
joined for the purpose of providing joint administrative services, including a joint superintendent. This
subsection is repealed June 30, 2008.

Sec. MM-15. 20-A MRSA §1, sub-§34, as enacted by PL 1981, c. 693, §§5 and 8, is amended
to read:

34. Special school district. "Special school district" means a school district created by private
and special law for the purpose of constructing or adding to school buildings, but ~~which~~that does not have
the authority or responsibility for operating public schools. This subsection is repealed June 30, 2008.

Sec. MM-16. 20-A MRSA §1, sub-§39, as enacted by PL 1981, c. 693, §§5 and 8, is amended
to read:

39. Superintendent. "Superintendent"Until June 30, 2008, "superintendent" means the person in
a school administrative unit or school union appointed and having the authority and responsibility under
this Title and other applicable statutes. Beginning July 1, 2008, "superintendent" means the person in a
regional learning community appointed and having the authority and responsibility under this Title and
other applicable statutes.

Sec. MM-17. 20-A MRSA §1, sub-§40, as enacted by PL 1981, c. 693, §§5 and 8, is amended
to read:

40. Union committee. "Union committee" means the governing body with statutory powers
and duties for a school union. This subsection is repealed June 30, 2008.

Sec. MM-18. 20-A MRSA §1, sub-§41, as enacted by PL 1981, c. 693, §§5 and 8, is amended
to read:

41. Union school. "Union school" means a school operated by adjoining municipal school units
under a joint agreement. This subsection is repealed June 30, 2008.

Sec. MM-19. 20-A MRSA §1, sub-§44, as corrected by RR 1991, c. 2, §56 and amended
by PL 2003, c. 545, §5, is further amended to read:

44. Career and technical education region. "Career and technical education region" is defined in section 8301-A, subsection 6. This subsection is repealed June 30, 2008.

Sec. MM-20. 20-A MRSA c. 103, as amended, is repealed.

Sec. MM-21. 20-A MRSA c. 103-A is enacted to read:

CHAPTER 103-A

REGIONAL LEARNING COMMUNITIES

§ 1451. Organization of regional learning communities

It is declared the policy of the State to encourage the development of regional learning communities of sufficient size to provide:

1. Opportunity. Equitable educational opportunity for all students to demonstrate achievement of the content standards of the State's system of learning results established in section 6209;

2. Programs. Rigorous academic programs that meet the requirements of the system of learning results established in section 6209 and that prepare Maine students for college, careers and citizenship;

3. Tax rates. A greater uniformity of school tax rates; and

4. Public funds. A more effective use of the public funds expended for the support of public schools by means of:

A. The creation of regional learning communities; and

B. Administrative structures and efficiencies that permit the organized and regular delivery of uniform state-sponsored professional development programs to promote coherence and consistency in the understanding and application of the State's standards-based system for continuous improvement in student achievement.

§ 1452. Establishment of regional learning communities by region

Each regional learning community shall provide educational services, including services to children with disabilities from birth to under 6 years of age and career and technical education, in accordance with this Title, and shall develop and implement policies that encourage collaboration in administration, professional development, educational programming and the sharing of community resources for the continuous improvement of student achievement and the preparation of the students in each regional learning community for college, careers and citizenship. The regional learning communities have boundaries as follows.

1. Regional Learning Community 1. Regional Learning Community 1 includes Allagash, Cyr Plantation, Eagle Lake, Fort Kent, Frenchville, Grand Isle, Hamlin, Madawaska, New Canada, Saint Agatha, Saint Francis Plantation, Saint John Plantation, Van Buren, Wallagrass Plantation and Winterville Plantation.

2. Regional Learning Community 2. Regional Learning Community 2 includes Caribou, Caswell, Fort Fairfield, Limestone, New Sweden, Perham, Stockholm, Wade, Washburn, Westmanland and Woodland.

3. Regional Learning Community 3. Regional Learning Community 3 includes Ashland, Blaine, Bridgewater, Castle Hill, Chapman, Easton, Garfield Plantation, Mapleton, Mars Hill, Masardis, Nashville Plantation, Oxbow Plantation, Portage Lake, Presque Isle and Westfield.

4. Regional Learning Community 4. Regional Learning Community 4 includes Amity, Bancroft, Cary Plantation, Crystal, Danforth, Dyer Brook, Hammond, Haynesville, Hersey, Hodgdon, Houlton, Island Falls, Linneus, Littleton, Ludlow, Merrill, Monticello, Moro Plantation, Mount Chase, New Limerick, Oakfield, Orient, Patten, Sherman, Smyrna, Stacyville and Weston.

5. Regional Learning Community 5. Regional Learning Community 5 includes Alexander, Baileyville, Baring Plantation, Calais, Charlotte, Cooper, Crawford, Dennysville, Eastport, Grand Lake Stream Plantation, Indian Township Reservation, Meddybemps, Pembroke, Perry, Pleasant Point, Princeton, Robbinston, Talmadge and Waite.

6. Regional Learning Community 6. Regional Learning Community 6 includes Addison, Beals, Beddington, Cherryfield, Columbia, Columbia Falls, Cutler, Deblois, East Machias, Harrington, Jonesboro, Jonesport, Lubec, Machias, Machiasport, Marshfield, Milbridge, Northfield, Roque Bluffs, Wesley, Whiting and Whitneyville.

7. Regional Learning Community 7. Regional Learning Community 7 includes Bar Harbor, Blue Hill, Brooklin, Brooksville, Bucksport, Castine, Cranberry Isles, Deer Isle, Eastbrook, Ellsworth, Franklin, Frenchboro, Gouldsboro, Hancock, Isle Au Haut, Lamoine, Mariaville, Mount Desert, Orland, Otis, Penobscot, Prospect, Sedgwick, Sorrento, Southwest Harbor, Steuben, Stonington, Sullivan, Surry, Swans Island, Tremont, Trenton, Verona, Waltham and Winter Harbor.

8. Regional Learning Community 8. Regional Learning Community 8 includes Alton, Amherst, Aurora, Bangor, Bradford, Bradley, Brewer, Carmel, Clifton, Corinth, Dedham, Eddington, Glenburn, Great Pond, Greenbush, Hampden, Hermon, Holden, Hudson, Indian Island, Kenduskeag, Levant, Milford, Newburgh, Old Town, Orono, Orrington, Osborn, Stetson, Veazie and Winterport.

9. Regional Learning Community 9. Regional Learning Community 9 includes Burlington, Carroll Plantation, Chester, Codyville Plantation, Drew Plantation, East Millinocket, Edinburg, Enfield, Glenwood Plantation, Howland, Lakeville, Lee, Lincoln, Lowell, Macwahoc Plantation, Mattawamkeag, Maxfield, Medford, Medway, Millinocket, Passadumkeag, Reed Plantation, Seboeis Plantation, Springfield, Topsfield, Vanceboro, Webster Plantation, Winn and Woodville.

10. Regional Learning Community 10. Regional Learning Community 10 includes Abbot, Atkinson, Beaver Cove, Bowerbank, Brownville, Cambridge, Charleston, Corinna, Dexter, Dixmont, Dover-Foxcroft, Etna, Exeter, Garland, Greenville, Guilford, Harmony, Hartland, Kingsbury Plantation, Lagrange, Lake View Plantation, Milo, Monson, Newport, Palmyra, Parkman, Plymouth, Ripley, Saint Albans, Sangerville, Sebec, Shirley, Wellington and Willimantic.

11. Regional Learning Community 11. Regional Learning Community 11 includes Belfast, Belmont, Brooks, Frankfort, Freedom, Jackson, Knox, Liberty, Monroe, Montville, Morrill, Northport, Searsmont, Searsport, Stockton Springs, Swanville, Thorndike, Troy, Unity and Waldo.

12. Regional Learning Community 12. Regional Learning Community 12 includes Appleton, Camden, Cushing, Friendship, Hope, Islesboro, Lincolnville, Matinicus Isle Plantation, Monhegan Plantation, North Haven, Owls Head, Rockland, Rockport, Saint George, South Thomaston, Thomaston, Union, Vinalhaven, Waldoboro, Warren and Washington.

13. Regional Learning Community 13. Regional Learning Community 13 includes Anson, Athens, Bingham, Brighton Plantation, Burnham, Canaan, Caratunk, Cornville, Dennistown Plantation, Detroit, Embden, Highland Plantation, Jackman, Madison, Mercer, Moose River, Moscow, New Portland, Norridgewock, Pittsfield, Pleasant Ridge Plantation, Skowhegan, Smithfield, Solon, Starks, The Forks Plantation and West Forks Plantation.

14. Regional Learning Community 14. Regional Learning Community 14 includes Albion, Belgrade, Benton, Clinton, Fairfield, Oakland, Rome, Sidney, Waterville and Winslow.

15. Regional Learning Community 15. Regional Learning Community 15 includes Augusta, Chelsea, China, Farmingdale, Fayette, Gardiner, Hallowell, Jefferson, Manchester, Monmouth, Mount Vernon, Palermo, Pittston, Randolph, Readfield, Richmond, Somerville, Vassalboro, Wayne, West Gardiner, Whitefield, Windsor and Winthrop.

16. Regional Learning Community 16. Regional Learning Community 16 includes Alna, Arrowsic, Bath, Boothbay, Boothbay Harbor, Bremen, Bristol, Damariscotta, Dresden, Edgecomb, Georgetown, Newcastle, Nobleboro, Phippsburg, South Bristol, Southport, West Bath, Westport Island, Wiscasset and Woolwich.

17. Regional Learning Community 17. Regional Learning Community 17 includes Bowdoin, Bowdoinham, Brunswick, Durham, Freeport, Harpswell, Pownal and Topsham.

18. Regional Learning Community 18. Regional Learning Community 18 includes Auburn, Greene, Leeds, Lewiston, Lisbon, Litchfield, Mechanic Falls, Minot, Poland, Sabattus, Turner and Wales.

19. Regional Learning Community 19. Regional Learning Community 19 includes Avon, Carrabassett Valley, Chesterville, Coplin Plantation, Dallas Plantation, Eustis, Farmington, Industry, Jay, Kingfield, Lincoln Plantation, Livermore, Livermore Falls, Magalloway Plantation, New Sharon, New Vineyard, Phillips, Rangeley, Rangeley Plantation, Sandy River Plantation, Strong, Temple, Vienna, Weld and Wilton.

20. Regional Learning Community 20. Regional Learning Community 20 includes Andover, Bethel, Byron, Canton, Carthage, Dixfield, Gilead, Greenwood, Hanover, Mexico, Newry, Peru, Roxbury, Rumford, Upton and Woodstock.

21. Regional Learning Community 21. Regional Learning Community 21 includes Buckfield, Harrison, Hartford, Hebron, Norway, Otisfield, Oxford, Paris, Sumner, Waterford and West Paris.

22. Regional Learning Community 22. Regional Learning Community 22 includes Baldwin, Bridgton, Brownfield, Casco, Cornish, Denmark, Fryeburg, Hiram, Lovell, Naples, Parsonsfield, Porter, Sebago, Stoneham, Stow and Sweden.

23. Regional Learning Community 23. Regional Learning Community 23 includes Cape Elizabeth, Chebeague Island, Cumberland, Falmouth, Gray, Long Island, New Gloucester, North Yarmouth, Portland, South Portland and Yarmouth.

24. Regional Learning Community 24. Regional Learning Community 24 includes Buxton, Frye Island, Gorham, Hollis, Limington, Raymond, Scarborough, Standish, Westbrook and Windham.

25. Regional Learning Community 25. Regional Learning Community 25 includes Arundel, Biddeford, Dayton, Kennebunk, Kennebunkport, Old Orchard Beach and Saco.

26. Regional Learning Community 26. Regional Learning Community 26 includes Acton, Alfred, Berwick, Eliot, Kittery, Lebanon, Limerick, Lyman, Newfield, North Berwick, Oquonquit, Sanford, Shapleigh, South Berwick, Waterboro, Wells and York.

§ 1453. Application of general law

Schools operated by the regional learning communities established in accordance with this chapter are the official schools of the participating municipalities. The provisions of general law relating to public education apply to these schools. State funds for public schools, for programs for children with disabilities from birth to under 6 years of age and for career and technical education must be paid directly to the treasurer of a regional learning community.

§ 1454. Regional learning community board of directors

Regional learning community boards of directors must be established as follows.

1. Size. The size of each regional learning community board of directors must be determined by a joint meeting of all the municipalities within the regional learning community, but may not consist of fewer than 5 or more than 15 members. Each regional learning community board of directors must include at least one director from each municipality or subdistrict.

2. Term of office. In municipalities with annual elections, directors serve 3-year terms. In municipalities with biennial elections, directors serve 4-year terms. A director serves until a successor is elected and qualified.

3. Compensation. Compensation for attendance at a regional learning community board meeting must be between \$10 and \$25 per meeting. Whenever the directors recommend to increase their compensation, they shall submit their recommendation to the voters in the regional learning community for approval.

A. On notification by the regional learning community board, the municipal officers shall, at the next regular or special town meeting or city election, prepare a warrant or ballot for the purpose of voting on the proposed increase. The question must be in the following form.

"Do you favor paying a member of the regional learning community board of directors compensation at the rate of \$... for each meeting that member attends?"

B. An increase in compensation is not effective unless approved by a majority of the voters voting on the question.

4. Secretary and treasurer. The superintendent serves as secretary and treasurer of the regional learning community board and shall give a bond to the regional learning community board of a sum and with the sureties as the regional learning community board determines. The bond must be deposited with the chair. The expense of that bond must be paid by the regional learning community. The bond premium, compensation paid directors for attendance at meetings and expenses of the regional learning community must be paid from funds of the regional learning community by the treasurer on vouchers presented and certified by the superintendent and approved by a majority of the regional learning community board or a finance committee duly elected annually by that board.

5. Oath of office. Before a newly elected director's first board meeting, that director must take the following oath or affirmation before a dedimus justice or notary public.

"I do swear that I will faithfully discharge to the best of my abilities the duties incumbent on me as a regional learning board director of (name of regional learning community) according to the Constitution of Maine and laws of this State. So help me God."

A. A director shall take the oath or affirmation and return a certificate documenting that the oath has been taken to the secretary of the regional learning community to place in the regional learning community board records.

B. If a director is conscientiously scrupulous of taking an oath, the word "affirm" may be used instead of "swear" and the words "this I do under the pains and penalty of perjury" may be used instead of the words "so help me God."

6. Election of officers. The board of directors shall elect a chair and vice-chair and other officers as may be necessary.

§ 1455. Methods of representation

1. Method A: Subdistrict representation. Under the method of representation referred to as "Method A," directors represent subdistricts.

A. The subdistricts, as far as practicable, must be whole municipalities. If the municipalities are divided into subdistricts, then they must be divided into subdistricts of approximately equal size as determined by the latest Federal Decennial Census or Federal Estimated Census. The municipal officers shall provide a separate voting place for each subdistrict of the municipality.

B. The boundaries of each subdistrict must be determined by a majority vote of the reapportionment committee under section 1458. Each subdistrict must have one director, except that in a municipality composed of 2 or more subdistricts, the joint meeting may authorize the election of directors-at-large.

2. Method B: Weighted votes. Under the method of representation referred to as "Method B," directors cast weighted votes.

A. The reapportionment committee shall apportion 1,000 votes among all the members of the board. The ratio of the number of votes cast by the directors representing a municipality in relation to the number 1,000 must be the same ratio to the nearest whole number as the population of the municipality is in relation to the population of all municipalities in the regional learning community, as determined by the latest Federal Decennial Census or Federal Estimated Census.

B. To ensure the use of whole numbers, the 1,000 votes apportioned among the board members may not be increased or decreased by more than 5 votes.

C. A plan may not permit the voting power of any director to exceed by more than 2% the percentage of voting power the director would have if all 1,000 votes were apportioned equally among the directors.

D. In a municipality served by 2 or more directors, the votes cast by them must be divided equally among them. The directors are elected at large within the municipality unless otherwise provided by municipal charter.

3. Method C: At-large voting. Under the method of representation referred to as "Method C," directors are elected at large by all of the voters in the regional learning community.

4. Method D: Other. Under the method of representation referred to as "Method D," directors are elected by any method other than those set forth in subsections 1, 2 and 3 that meets the requirements of the one-person, one-vote principle.

§ 1456. Election

For the purpose of nominations, regional learning community board directors are considered municipal officials and must be nominated in accordance with Title 30-A, chapter 121 or with a municipal charter, whichever is applicable.

1. Initial meeting on regional learning community formation. On the election of the regional learning community board of directors, the clerk of each municipality within the regional learning community shall forward the names and addresses of the directors elected for that municipality to the state board with other data with regard to their election as the state board may require. On receipt of the names and addresses of all of the directors, the state board shall set a time, place and date for the first meeting of the directors and give notice to the directors in writing, sent by registered or certified mail, return receipt requested, to the addresses provided by the municipalities.

2. Special provisions. In the election for representation under the methods provided under section 1455, the following apply.

A. In an election under Method A pursuant to section 1455, subsection 1:

(1) Within 60 days, but no earlier than 45 days after notification by the board of directors of the approval or reapportionment plan under section 1458, the municipal officers shall call a special election to elect directors to serve under the plan for the regional learning community;

(2) Nomination papers must be furnished by the secretary of the regional learning community at least 10 days before the deadline for filing of nomination papers. Notwithstanding any other section of this Title, directors must be nominated by obtaining a minimum of 25 and a maximum of 50 signatures of registered voters residing within a subdistrict. The secretary shall notify the municipal officers of the names of candidates in each subdistrict;

(3) The ballots must be prepared in accordance with subparagraph (7);

(4) The clerks of each municipality shall forward to the secretary of the regional learning community the results of the vote by subdistrict;

(5) The regional learning community board shall meet and total the votes cast for each candidate within each subdistrict and shall immediately notify the clerks in each municipality, the candidates and the commissioner of the results of the vote;

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(6) The terms of the directors elected under the original municipal representation system cease on the date that the newly elected directors are sworn into office; and

(7) Notwithstanding any other provision of statute, directors must be elected by secret ballot. The ballots must be prepared for and distributed to the municipalities or subdistricts by the secretary of the regional learning community.

B. In an election under Method B pursuant to section 1455, subsection 2:

(1) Reductions in the number of directors must take place in accordance with this chapter;

(2) Additional directors must be added in accordance with this chapter; and

(3) The term of office of additional directors must be determined in accordance with this chapter.

C. In an election under Method C pursuant to section 1455, subsection 3:

(1) Nominations for directors must be made on petitions provided by the regional learning community secretary. The petitions must be signed as provided in Title 30-A, section 2528, subsection 4, or if the candidate is a voting resident in a municipality having less than 200 population, signed by at least 20% of the registered voters of that municipality;

(2) The petitions must be submitted to the registrar of voters in the respective municipalities for certification of the voting residence of the director nominated and of the voters signing the petition;

(3) The registrar of voters must return the certified petitions to the regional learning community secretary not later than 30 days prior to the date of the annual election to be held in the municipality;

(4) The ballot must be prepared and distributed by the regional learning community secretary. It must give the number of offices to be filled and list the candidates by municipalities or subdistricts in which they are resident;

(5) Notwithstanding any other provision of law, regional learning community board directors must be elected by secret ballot;

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(6) If all member municipalities do not conduct the election for directors on the same date, then all ballots cast in the elections must be impounded by the clerk of each municipality:

(a) After all municipalities have voted, the clerks and one or more election supervisors designated by the municipal officers of each municipality shall meet at an agreed upon location and tally the ballot;

(b) The tally must be completed within one day of the last member municipality election;

(c) The election supervisors shall select from among their members a chair, who shall supervise the tally of ballots; and

(d) The clerk of each municipality shall as promptly as possible after the election certify to the regional learning community board of directors the result of the voting in that municipality; and

(7) Any recount petitions must be filed with the secretary of the regional learning community and recounts must be conducted in each member municipality in accordance with the applicable laws.

§ 1457. Vacancies

1. Definition of vacancy. A vacancy on a regional learning community board occurs:

A. When the term of the office of a regional learning community board director expires;

B. When a regional learning community board director changes residency from the municipality or subdistrict from which elected. Evidence that an individual is registered to vote in a municipality is prima facie evidence of that individual's residency;

C. On the death of a regional learning community board director; or

D. When a regional learning community board director resigns.

In addition to paragraphs A, B, C and D, except in municipalities having a municipal charter, when a director is absent without excuse from 3 consecutive regular board meetings, the board may declare that a vacancy exists.

2. Regional learning community board. The regional learning community board shall notify the municipal officers of the municipalities within the regional learning community of the vacancy before the annual town meeting or before the regular city election.

3. Filling vacancies. A vacancy on a regional learning community board must be filled as follows.

A. The municipal officers of the municipality in which the director resided shall select an interim director for the municipality or subdistrict to serve until the next annual municipal election. The interim director shall serve until a successor is elected and qualified.

B. The municipal officers shall provide at the next municipal or subdistrict election for the election of a director to fill the vacancy.

§ 1458. Reapportionment

The commissioner shall determine the necessity for reapportionment.

1. Duties of commissioner. The commissioner shall determine if a regional learning community is apportioned in accordance with the one-person, one-vote principle if:

A. The commissioner receives a request by the regional learning community board of directors; or

B. The commissioner receives a petition signed by a number of regional learning community voters equal to at least 10% of the voters who voted in the last gubernatorial election in the regional learning community.

In addition to a determination initiated by a request pursuant to paragraph A or a petition pursuant to paragraph B, the commissioner may, of the commissioners' own accord, determine that a regional learning community is not apportioned according to the one-person, one-vote principle.

The commissioner shall make a determination under paragraph A or B within 30 days of receiving the request or the petition.

2. Awaiting census results. If the commissioner receives a request within 12 months before a Federal Decennial Census or Federal Estimated Census, the commissioner may wait until after the new census figures are available to make a determination under subsection 1.

3. Findings and order. If the commissioner finds the regional learning community's representation is not apportioned in accordance with the principle of one person, one vote, the commissioner shall, within 7 days of that decision, notify the superintendent of the finding and shall order the superintendent to notify the municipal officers in each municipality in the regional learning community and the regional learning community board to create a reapportionment committee. The superintendent's notification must include the commissioner's notification, the information provided pursuant to subsection 6 and the time and place for the first meeting of the committee, which must be held not later than 20 days after the notification.

4. Reapportionment committee membership. The reapportionment committee consists of one municipal officer and one citizen at large from each member municipality, chosen by the municipal officers, and one director from each municipality, chosen by the board of directors. The appointments must be made prior to the first meeting of the committee.

5. Quorum. A majority of the committee constitutes a quorum.

6. Duties of commissioner. The commissioner shall provide the superintendent with the most recent Federal Decennial Census or Federal Estimated Census figures for each municipality in the regional learning community and at least one recommended apportionment plan.

7. Duties of the reapportionment committee. The committee shall:

A. Elect a chair and secretary and may adopt suitable rules of procedure;

B. Consider and by majority vote adopt a plan including the method of representation, total number of directors and number of directors representing each municipality or subdistrict; and

C. Within 90 days of the first meeting, send a report of their plan to the state board for approval. It may, within the 90-day limit, submit alternative plans for apportionment.

8. Commissioner approval. The commissioner shall approve or disapprove the committee plan under subsection 7 within 30 days of receiving it.

9. Failure to gain commissioner approval. If a plan has not been adopted by the committee or approved by the commissioner within the time limits of subsection 7, the commissioner shall prepare a suitable plan.

10. Putting the approved plan into effect. On approval of a plan, the commissioner shall send a certified copy to the municipal officers and regional learning community board of directors. The original plan must be retained in the department files.

A. The plan takes effect immediately upon approval. The committee shall determine the terms of the directors to be elected at the next annual municipal elections so as to comply with this chapter.

B. If the approved plan requires a reduction of the number of directors to be elected in a municipality, the reduction must be achieved in accordance with this paragraph.

(1) If possible, the reduction must be achieved by the voluntary resignation of one or more of the directors.

(2) If the reduction cannot be achieved in accordance with subparagraph (1) and the plan is approved and filed less than 30 days prior to the annual municipal election, the number of open positions to be filled by the election process must be reduced to the number required by the approved plan.

(3) If the reduction cannot be achieved in accordance with subparagraph (1) or (2), or a combination of the 2, all of the remaining existing directors representing the municipality shall choose by lot which directors' terms must terminate.

C. If the approved plan requires that additional directors be elected in a municipality, the municipal officers shall fill the vacancies by appointment. A new director serves until a successor is elected and qualified at the next annual municipal election.

D. The reapportionment committee is dissolved after the approved plan is implemented.

11. Duties of present directors during reapportionment. The regional learning community board of directors, during the reapportionment of its membership, serves as legal representatives of the regional learning community until the reapportionment is completed. The board shall carry out all business of the regional learning community, including the borrowing of necessary funds that may be required during the period of reapportionment.

12. State board review of commissioner's decisions. A regional learning community board or interested parties may request that the state board reconsider decisions made by the commissioner in this section. The state board has the authority to overturn a decision made by the commissioner. In exercising this power, the state board is limited by this section.

13. Rules. The state board may adopt rules to carry out this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

§ 1459. Powers and duties

The regional learning community board of directors:

1. Regional learning community name. May select an unofficial name for the regional learning community;

2. Finance committee. May elect a finance committee of 3 or more members who must be directors;

3. Operating schools. Shall authorize and oversee the operation of elementary schools;

4. Purchase of land outside the regional learning community. May purchase land outside of the geographical limits of the regional learning community and erect a school on it if, because of the location of other schools within the regional learning community or transportation difficulties, a school within the regional learning community would not be in the best interests of the regional learning community;

5. Bylaws. Shall adopt bylaws for the regulation of the affairs of the regional learning community board and the conduct of its business; and

6. Gifts. May accept and receive money or other property, outright or in trust, for any specified benevolent or educational purpose. The regional learning community board shall comply with the following in accepting gifts.

A. If the board receives written notice from a prospective donor or a representative of the donor of a proposed gift, the board shall submit the matter to the next regular meeting of the board or shall call a special meeting. The board shall, within 10 days after the meeting, send written notice to the prospective donor or representative of its acceptance or rejection.

B. If the gift is in trust, the board shall cause the trust funds to be deposited or invested according to Title 30-A, chapter 223, subchapter 3-A.

(1) Unless prohibited by a trust instrument, the regional learning community may treat any 2 or more trust funds as a single fund for the purposes of investment.

(2) After deduction for management expenses, any interest earned or capital gains realized must be prorated among the various trust funds.

(3) Property or securities included in the corpus of a trust fund must be retained where the trust instrument so provides.

(4) Unless otherwise specified in the trust instrument, only the annual income from the trust fund may be spent.

(5) If the regional learning community fails to comply with the terms of the trust instrument, the trust fund reverts to the donor or the donor's heirs.

C. If the money or other property is a conditional gift for any specified benevolent or educational purpose, the following applies.

(1) Prior to the acceptance of a gift, the board of directors must obtain approval of the legislative body of the regional learning community.

(2) When the donor's part of the agreement respecting the execution of the conditional gift has been completed, the regional learning community shall perpetually comply with, and may raise money to carry into effect, the conditions upon which it was made.

(3) Unless otherwise specified by its terms, a conditional gift of money must be deposited or invested according to Title 30-A, chapter 223, subchapter 3-A.

§ 1460. Quorum

At least a majority of the regional learning community board of directors in number and voting power constitutes a quorum.

§ 1461. Program

A regional learning community shall maintain a program that includes kindergarten to grade 12.

1. Secondary school. A regional learning community shall provide a secondary school facility as follows.

A. A regional learning community that enrolls more than 700 pupils in grades 9 to 12 may operate more than one 4-year school.

B. Secondary school facilities may be operated as 4-year schools, a 6-year school for grades 7 to 12 or 2 or more 3-year schools, except that students living in an area remote from a public school may be provided for under section 5204.

2. Contracts for secondary school programs. In addition to the provisions for a secondary school facility set forth in subsection 1, a regional learning community may contract with a nearby regional learning community or with a private school approved for tuition purposes for all or part of its secondary school pupils. The contract may run from a period of 2 to 10 years. The contract must also comply with section 2703 and may provide for the formation of a joint committee in accordance with section 2704. A regional learning community in which a school administrative unit in existence prior to June 30, 2008 has contracted for secondary school programs is bound by the terms of that contract, unless otherwise negotiated by the parties.

§ 1462. Finances

A regional learning community may raise money, in addition to the local contribution pursuant to section 15690-A, subsection 1, for establishing and maintaining public schools, erecting buildings and providing equipment. The additional costs of operating a regional learning community must be shared among all municipalities within the regional learning community by the same local share percentages for each municipality resulting from the determination of the local contribution under section 15688.

§ 1463. Budget preparation

The regional learning community budget must be prepared as follows.

1. Preparation by regional learning community board. The regional learning community board of directors shall annually prepare a budget for:

A. Operational costs;

B. Bonds falling due;

C. Interest on bonds or other obligations;

D. Rentals and other charges in a contract; and

E. Temporary loans.

2. Distribution. At least 7 days before the regional learning community budget meeting, the board of directors shall make available to the legislative body responsible for final budget approval and residents of the regional learning community a detailed budget document. The detailed budget document must include a summary of anticipated revenues and estimated school expenditures.

§ 1464. Regional learning community budget; budget formats

1. Content. Effective July 1, 2008, a regional learning community shall include in its budget document:

A. The regional learning community's total cost of funding public education from kindergarten to grade 12, its non-state-funded debt service, if any, and any additional expenditures authorized by law;

B. A summary of anticipated revenues and estimated school expenditures for the fiscal year; and

C. The following statement, including the estimated dollar amount of state retirement payments: "This budget does not include the estimated amount of \$..... in employer share of teacher retirement costs that is paid directly by the State."

§ 1465. Actions on budget

Effective July 1, 2008, the following provisions apply to approving a regional learning community budget under this chapter.

1. Checklist required. Prior to a vote on articles dealing with regional learning community appropriations, the moderator of a regular or special regional learning community budget meeting shall require the clerk or secretary to make a checklist of the registered voters present. The number of voters listed on the checklist is conclusive evidence of the number present at the meeting.

§ 1466. Cost center summary budget format

After January 31, 2008, the format of the annual budget of a regional learning community must be in accordance with this chapter.

1. Cost center summary budget format. The regional learning community budget must consist of the following cost centers and supporting data:

A. Expenditures:

(1) Prekindergarten to grade 12 instruction;

(2) Instructional support;

(3) Leadership;

(4) Operations;

(5) Transportation; and

(6) Other commitments;

B. Revenue sources:

(1) Total education costs appropriated pursuant to section 15690, subsection 1;

(2) Non-state-funded debt service costs approved pursuant to section 15690, subsection 2, if any; and

(3) Additional local funds, if any, approved pursuant to section 15690, subsection 3, paragraph A or B;

C. A summary of total regional learning community expenditures; and

D. Other optional local data showing the amount and percentage of changes proposed in the state allocation, the local share and the total regional learning community budget and related information determined appropriate by the regional learning community board of directors.

2. Budget warrant. The warrant articles presented to the legislative body of the regional learning community for approval of the regional learning community budget must correspond to the categories of the cost center summary budget described in subsection 1. In addition to expenditure and revenue cost center summary totals, the board of directors shall provide to voters a reasonably detailed breakdown for each major subcategory within each budget category. The department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A defining and establishing the content of those informational subcategories.

3. Budget approval. A regional learning community's cost center summary budget must be approved at a regional learning community budget meeting and by a budget validation referendum as provided in section 1467.

4. Transfer between budget cost center lines. During the year for which the budget is approved using the cost center summary budget format, the regional learning community board of directors may transfer an amount not exceeding 5% of the total appropriation for any cost center to another cost center or among other cost centers without voter approval.

§ 1467. Budget validation referendum

After January 31, 2008, the procedure for approval of the annual budget of a regional learning community must be in accordance with this section and section 1466.

1. Budget validation. Following development of the annual regional learning community budget and approval at a regional learning community budget meeting as provided in section 1466, a referendum must be held in the regional learning community as provided in this section to allow the voters to validate or reject the total budget adopted at the regional learning community budget meeting.

2. Validation referendum procedures. The budget validation referendum must be held on the 3rd day, other than Saturday, Sunday or a legal holiday, following the scheduled date of the regional learning community budget meeting. The vote at referendum is for the purpose of approving or rejecting the total regional learning community budget approved at the regional learning community budget meeting. The board of directors shall provide printed information to be displayed at polling places to assist voters in voting. That information is limited to the total amounts proposed by the board of directors for each cost center summary budget category article, the amount approved at the regional learning community budget meeting and a summary of the total authorized expenditures.

3. Budget validation referendum voting. The method of calling and voting at a budget validation referendum is as provided in sections 1476 and 1477, except as otherwise provided in this subsection or as is inconsistent with other requirements of this section.

A. A public hearing is not required before the vote.

B. The warrant for a regional learning community budget meeting to be followed by a budget validation referendum may be a consolidated warrant covering both.

C. The warrant and absentee ballots must be delivered to the municipal clerk at least 7 days before the date of the regional learning community budget meeting.

D. Absentee ballots received by the municipal clerk may not be processed or counted unless received after the conclusion of the regional learning community budget meeting and before the close of the polls.

E. All envelopes containing absentee ballots received before the conclusion of the regional learning community budget meeting or after the close of the polls must be marked "rejected" by the municipal clerk.

F. The article to be voted on must be in the following form.

"Do you favor approving the (name of regional learning community) budget for the . . . school year that was adopted at the regional learning community budget meeting on . . . ?

Yes No"

4. Failure to approve budget. If the voters do not validate the budget approved in the regional learning community budget meeting at the budget validation referendum vote, the regional learning community board of directors shall hold another regional learning community budget meeting in accordance with this section and section 1466 at least 10 days after the referendum to vote on a budget approved by the board of directors. The budget approved at the regional learning community budget meeting must be submitted to the voters for validation at referendum in accordance with this section. The process must be repeated until a budget is approved at a regional learning community budget meeting and validated at referendum. If a budget is not approved and validated before July 1st of each year, section 1468 applies.

§ 1468. Failure to pass budget

If a budget for the operating of the regional learning community is not approved prior to July 1st, the latest budget as submitted by the board of directors is automatically considered the budget for operational expenses for the ensuing year until a final budget is approved, except that, when the regional learning community board delays the regional learning community budget meeting, the operating budget must be approved within 30 days of the date the commissioner notifies the regional learning community board of the amount allocated to the regional learning community under section 15689-B or the latest budget submitted by the regional learning community board of directors becomes the operating budget for the next school year.

§ 1469. Special budget meeting

The school board may call a special budget meeting when it declares an emergency exists. The voters of the regional learning community may authorize the directors at a special regional learning community budget meeting to expend additional funds from the regional learning community's undesignated fund balance or to pledge the credit of the regional learning community to obtain additional money for the operation of schools. A special budget meeting held on or after July 1, 2008 must be conducted in accordance with sections 1466 and 1467.

§ 1470. Regional learning community assessments

Regional learning community assessments must follow these procedures.

1. Warrant. In accordance with the budget approved by the voters at an annual budget meeting and in substantially the same form as the warrant of the Treasurer of State for taxes, the regional learning community board of directors shall issue its warrants to the assessors of each member municipality requiring them to assess upon the taxable estates within the municipality an amount that is that municipality's share of the regional learning community's costs.

2. Commitment. The municipal assessors shall commit the assessment to the constable or collector. Constables and collectors have the authority and powers to collect the regional learning community's taxes as is vested in them by law to collect state, county and municipal taxes.

3. Installments. The regional learning community board of directors shall notify the member municipalities of the monthly installments that will become payable during the fiscal year.

4. Payment. A municipal treasurer shall pay the amount of the tax assessed in the fiscal year against the municipality to the treasurer of the regional learning community. The payments must be paid in monthly installments on or before the 20th of each month.

5. Gifts. A municipality may use the proceeds from gifts or trust funds allocated for educational purposes to pay its share of the assessment.

6. Enforcement. If a municipal treasurer fails to pay the installment due, or any part, on the dates required, to initiate collection procedures, the treasurer of the regional learning community may notify the municipal treasurer of the failure to pay. Interest accrues on each unpaid installment at the rate established under Title 36, section 186 beginning on the 60th day after the date the installment is due under subsection 4. If payment of an installment is not made within 60 days after the due date, the treasurer of the regional learning community may initiate an action in Superior Court to compel payment of the delinquent installment. The court shall determine the amount owed by the municipality to the regional learning community and shall order the municipal treasurer to pay all delinquent installments, accrued interest and any court costs and reasonable attorney's fees incurred by the regional learning community. To ensure prompt payment of the delinquent installments, the court may require that amounts due to the municipality from the State under Title 30-A, section 5681 and Title 36, sections 578 and 685 be paid to the regional learning community until the amount determined by the court is satisfied. The court shall promptly notify the disbursing state agency of the determination and direct the agency to make the required change in payee and the amounts to be paid. If additional funds are needed to satisfy the amount determined by the court to be paid to the regional learning community, the court may order the attachment or trustee process and sale of real or personal property owned by the municipality or the attachment of the municipality's bank accounts or require property tax payments to the municipality to be turned over to the court and may pay the amount owed the regional learning community from the proceeds and return any excess to the municipality.

§ 1471. Power to borrow money

A regional learning community may borrow money as follows.

1. Regional learning community board of directors. The regional learning community board of directors may borrow money to pay for:

A. Current operating expenses of the regional learning community if the loans are repaid within 13 months of the date of borrowing and are limited to an amount reasonably required for current operating expenses;

B. School construction projects as defined in section 15901; and

C. Minor capital costs as defined in section 15672, subsection 20-A.

2. Voter approval. Bonds or notes for school construction purposes must first be approved by a majority of voters of the regional learning community voting at an election called by the regional learning community board of directors and held as provided in this chapter, except as is otherwise provided in this section.

A. Each bond or note must have inscribed upon its face the name of the regional learning community, the date it was issued, the amount of the bond or note and the annual interest rate, payable semiannually. Each bond or note must be in the form and be sold in the manner, at public or private sale, as the regional learning community board of directors determines in accordance with state law. Bonds may not be sold for less than par.

B. Notes or bonds issued by a regional learning community must be signed by the treasurer or assistant superintendent and countersigned by the chair of the regional learning community board of directors. If coupon bonds are issued, each coupon must be attested by a facsimile signature of the treasurer.

C. Each issue of bonds must mature in substantially equal annual installments so that the first installment is payable not later than 2 years and the last installment not later than 25 years after the date of issue.

3. Temporary notes. Prior to issuing authorized school construction bonds or notes, the regional learning community board of directors may borrow in anticipation of their sale by issuing temporary notes and renewal notes subject to the following.

A. The total face value amount of the temporary notes and renewal notes may not exceed at any one time the authorized outstanding amount of the school construction bonds or notes.

B. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes, the period during which the issue of bonds is outstanding plus the period of the loan represented by the temporary notes or renewal notes may not exceed 25 years.

C. Temporary notes mature not later than 3 years from the date the first temporary note is issued.

D. Temporary notes and renewal notes are legal obligations of the regional learning community.

E. The board of directors of a regional learning community that has received a certificate of approval of a school construction project pursuant to Title 20, section 3458 to be paid in accordance with the alternate method prescribed in Title 20, section 3460 may borrow in anticipation of unpaid portions of state aid and may issue temporary and renewal notes.

F. If the temporary or renewal notes in anticipation of state aid exceed the aggregate amount of state aid actually received by the regional learning community, the unexpended balance of those notes must be used for the repayment. If an outstanding balance remains, it must be included in the next annual budget and is not subject to change at the regional learning community budget meeting.

4. Early redemption. Bonds or notes issued on behalf of a regional learning community may be made subject to call for redemption, with or without premium, at the election of the regional learning community board of directors before the date fixed for final payment of those bonds or notes. When these bonds or notes are issued, they must contain provisions setting forth the method by which the option to call may be exercised, the procedure for payment in the event of call and the legal effect of making the call.

5. Regional learning community status. Notes and bonds, and loans to pay current operating expenses and contracts are legal obligations of the regional learning community. The regional learning community is a quasi-municipal corporation within the meaning of Title 30-A, section 5701 and all the provisions of that section apply to it.

6. Debt limit. The aggregate principal amount of outstanding bonds or notes issued by a regional learning community for school construction purposes may not exceed, at any one time, 10% of the total of the last preceding state valuation of all the municipalities within the regional learning community plus an amount not to exceed 4% of that total regional learning community valuation set by the state board at the time of the initial approval of the school construction project.

A. Indebtedness in excess of 10% incurred under the law as it existed prior to April 1, 1974 is validated.

B. Outstanding school indebtedness assumed by the regional learning community must be included in its limit of indebtedness, excluding contracts and notes in anticipation of state aid issued pursuant to subsection 3.

C. The percentage limit of the indebtedness for bonds or notes for school construction purposes authorized after April 27, 1967 must be fixed as of the time of authorization by the voters or, if no regional learning community meeting is held to authorize those bonds or notes, upon the expiration of 35 days following passage of a resolution of the board of directors as described in subsection 7.

D. If the issuance of bonds or notes together with all outstanding indebtedness included within the regional learning community's limit of indebtedness would cause the regional learning community's indebtedness to exceed 10% of the total of the last preceding state valuation of all the municipalities within the regional learning community, the regional learning community board of directors may not issue those bonds or notes until it has received a certificate of approval pursuant to Title 20, section 3458.

E. If a certificate of approval under Title 20, section 3458 indicates that the state board has authorized state aid to be paid in accordance with the alternate method prescribed by Title 20, section 3460, the total estimated amount of state aid payable on account of the school construction project described in the certificate of approval must be treated as outstanding school indebtedness for the purpose of computing the borrowing capacity of the regional learning community to finance that project by issuing its bonds or notes. State aid is determined by applying the applicable percentage of state aid to the total estimated cost of the project, as set forth in the certificate of approval.

7. Bonds and notes under 1% of valuation. The regional learning community board of directors may issue bonds or notes not to exceed 1% of the last preceding state valuation of all the municipalities within the regional learning community:

A. By calling a regional learning community meeting to approve the issuance of those bonds or notes; or

B. By passing a resolution to that effect, setting forth the amount of the proposed issue and the purposes for which the proceeds will be used and meeting the following requirements.

(1) The secretary of the board shall, within 5 days of the date of the passage of the resolution, cause attested copies of the resolution to be posted in 3 public and conspicuous places within each of the municipalities within the regional learning community. The secretary shall make a return of the posting stating its time and place. The return must be kept with the records of the regional learning community, and a copy of the return must be mailed to each of the municipal officers of each municipality within the regional learning community.

(2) If, within 35 days of the date of the passage of the resolution, petitions with signatures of at least 10% of the residents in the regional learning community eligible to vote on the date that the resolution was adopted are filed with the secretary requesting a vote of the regional learning community to approve or disapprove the issuance of the bonds or notes, the secretary shall immediately notify the board. The board shall call a referendum for that purpose as set forth in this chapter.

(3) The board may not authorize bonds or notes by resolution if the amount of the proposed issue, together with the amount of any other bonds or notes authorized solely by resolution and that are for the same purpose, exceeds 1% of the total of the last state valuation of all the participating municipalities.

§ 1472. Reserve fund

A regional learning community may establish a reserve fund as follows.

1. Establishment. A regional learning community may establish a reserve fund for school construction projects, financing the acquisition or reconstruction of a specific or type of capital improvement or financing the acquisition of a specific item or type of capital equipment by including a request in the regional learning community budget and receiving voter approval. The regional learning community board of directors is the trustee of the reserve fund. The reserve fund must be deposited or invested by the treasurer under the direction of the regional learning community board.

2. Deposit or investment. All regional learning community funds, including reserve funds and trust funds to the extent not prohibited by the terms of the instrument or vote creating the fund, must be deposited or invested by the treasurer under the direction of the regional learning community board of directors according to the requirements for the deposit or investment of municipal funds contained in Title 30-A, chapter 223, subchapter 3-A.

3. Expending money from reserve funds. The regional learning community board of directors may expend the sum in the reserve fund when authorized to do so by a vote of the regional learning community at a regional learning community meeting or a regional learning community budget meeting when an article for that purpose is set out in the warrant calling the meeting.

§ 1473. Bid procedure

This section applies to bids.

1. Written bids. Bids must be in writing, sealed with the outside envelope or wrapper plainly marked "Bid, not to be opened until (appropriate date)" and mailed to or filed with the superintendent.

2. Time of opening. A director on the regional learning community board or an employee of the regional learning community may not open a bid until the appointed time.

3. Public opening. At the time and place stated in the public notice, and open to the public, all bids must be opened by the superintendent or, in the superintendent's absence or disability, by any director designated for the purpose by the chairman of the board of directors.

4. Reading. If any citizens who are not regional learning community board directors or employees of the regional learning community are present or if any representatives of the press are present, bids must at the time either be made available for examination by them or must be read aloud in a manner to be heard plainly by those in attendance.

§ 1474. Void contracts

A contract made by the regional learning community board of directors in a regional learning community during the term of a member who is pecuniarily interested in that contract, either directly or indirectly, is void, unless the regional learning community board of directors has advertised for sealed bids for that contract and that advertisement for sealed bids has been published at least 5 days prior to the date set for closing of bids in a newspaper having general circulation within the regional learning community.

§ 1475. Regional learning community referendum

1. Authority to call a regional learning community referendum. The regional learning community board shall initiate a regional learning community referendum:

A. To approve the issuance of bonds or notes for school construction projects;

- B. To approve a change in the selection of a school building site;
- C. To authorize the board of directors to contract for the schooling of secondary pupils;
- D. To accept or reject a prospective gift; and
- E. To borrow funds for minor capital costs as defined in section 15672, subsection 20-A.

§ 1476. Method of calling a regional learning community referendum

A regional learning community referendum must be initiated by a warrant prepared and signed by a majority of the regional learning community board of directors. The warrant must be countersigned by the municipal officers in the municipality where the warrants are posted.

1. Municipal officers. The warrant must direct the municipal officers within the regional learning community to call a referendum on a date and time determined by the regional learning community board of directors. A warrant must be prepared and distributed at least 30 days prior to the date of the referendum, except that a warrant for a regional learning community budget referendum held in accordance with this chapter must be prepared and distributed at least 14 days prior to the date of the referendum.

A. The warrant must be directed to a resident of the regional learning community by name, ordering the resident to notify the municipal officers of each of the municipalities within the regional learning community to call a town meeting or city election on the date specified by the regional learning community board of directors. No other date may be used. The person who serves the warrant shall make a return on the warrant stating the manner of services and the time when it was given.

B. The warrant must be served on the municipal clerk of each of the municipalities within the regional learning community by delivering an attested copy of the warrant in hand within 3 days of the date of the warrant. The municipal clerk, on receipt of the warrant, shall immediately notify the municipal officers within the municipality. The municipal officers shall forthwith meet, countersign and have the warrant posted.

C. The warrants and other notices for the referendum must be in the same manner as provided in Title 21-A, except that the regional learning community board of directors shall hold a public hearing at least 7 days before the referendum vote. At least 7 days before the public hearing, the regional learning community board of directors shall give notice of the public hearing by having a copy of the proposed referendum, together with the time and place of hearing, posted in the same manner required for posting a warrant under this section.

2. Content of the warrant. The warrant must set forth the articles to be acted on in each municipal referendum. The articles must have the following form.

A. On or after July 1, 2008, when a referendum is called for the purpose of authorizing the issuance of bonds or notes for capital outlay purposes, the articles must be substantially as follows.

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, 2008 and June 30, 2009

(1) "Do you favor authorizing the board of directors of (name of regional learning community) to issue bonds or notes in the name of this regional learning community for school construction purposes in an amount not to exceed \$..... to construct a (elementary or secondary school) to be located at..... (specifically defined lot where school is to be erected)

Yes No"

(2) "Do you favor authorizing the board of directors of (name of regional learning community) to issue bonds or notes in the name of this regional learning community for school construction or minor capital projects in an amount not to exceed \$..... for the purpose of (purpose of school construction project)

Yes No"

(3) "Do you favor authorizing the board of directors of (name of regional learning community) to use the bond issue or notes in an amount not to exceed \$..... which was voted by the regional learning community on (date) to construct a (elementary or secondary school) to be located at (specifically defined lot where school is to be located)

Yes No"

(4) "Do you favor authorizing the board of directors of (name of regional learning community) to construct a (elementary or secondary school) to be located at (specifically defined lot where school is to be located) with the total project cost not to exceed \$..... and to issue bonds or notes in the name of this regional learning community for school construction purposes in an amount not to exceed \$..... with the balance of the total project costs to be derived from (description of other sources of funds such as initial state share where approved for current fiscal year funding, proceeds from insured losses, money from federal sources, other noneducational funds, etc.)

Yes No"

B. When a regional learning community votes to change the site of its school construction project using the article in paragraph A, subparagraph (3), the date of authorization of the project is the original date the voters authorized the regional learning community board to issue bonds or notes for that project.

C. On or after July 1, 2008, when a referendum is called for the purpose of authorizing the regional learning community board to contract for the schooling of secondary pupils, the article must be as follows.

"Do you favor authorizing the board of directors of (name of regional learning community) to contract in the name of this regional learning community with (name of regional learning community or private school) for the schooling of secondary pupils for a term of years?"

Yes No"

D. On or after July 1, 2008, when a referendum is called for the purpose of authorizing a change in the method of sharing costs in the regional learning community, the article must be as follows.

"Do you favor changing the method of sharing costs in (name of regional learning community) from the present method of (describe) to the method of: (describe).

Yes No"

E. On or after July 1, 2008, when a referendum is called for the purposes of accepting or rejecting a prospective gift, the article must be as follows.

"Do you favor authorizing the board of directors of (name of regional learning community) to accept a prospective gift under the following conditions?(terms and conditions).

Yes No"

§ 1477. Referendum procedures

The following procedures apply to a regional learning community referendum.

1. Ballots. The regional learning community board of directors shall prepare and furnish the required number of ballots for carrying out the referendum as posted, including absentee ballots. The regional learning community board of directors shall prepare and furnish all other materials necessary to fulfill the requirements for voting procedures.

2. Voting. Voting must be held and conducted as follows.

A. The voting at referenda held in towns must be held and conducted in accordance with Title 30-A, sections 2524 and 2528 to 2532, even though the town has not accepted the provisions of Title 30-A, sections 2524 and 2525. The facsimile signature of the clerk under Title 30-A, section 2528, subsection 6, paragraph F must be that of the regional learning community chair of the board of directors. If a regional learning community referendum is called to be held simultaneously with any statewide election, the voting in towns must be held and conducted in accordance with Title 21-A, except that the duties of the Secretary of State must be performed by the regional learning community

board of directors and if the statewide election is a primary election, any registered voter may vote in the referendum. The absentee voting procedure of Title 21-A must be used, except that the duties of the Secretary of State must be performed by the regional learning community board of directors.

B. The voting at referenda in cities must be held and conducted in accordance with Title 21-A, including the absentee voting procedure, except that the duties of the Secretary of State must be performed by the regional learning community board of directors and if the statewide election is a primary election, any registered voter may vote in the referendum.

3. Return and counting. The return and counting of votes must be as follows.

A. The municipal clerk shall, within 24 hours of the determination of the results of the vote in the municipality, certify and send to the regional learning community board of directors the total number of votes cast in the affirmative and in the negative on each article.

B. As soon as all of the results from all of the municipalities have been returned to the regional learning community board of directors, the regional learning community board of directors shall meet and compute the total number of votes cast in all of the municipalities within the regional learning community in the affirmative and in the negative on each article.

C. If the regional learning community board of directors determines that there were more votes cast in the affirmative than in the negative on a given article, it shall declare that the article has passed.

D. If the regional learning community board of directors determines that the total number of votes cast on an article in the affirmative is equal to or less than those cast in the negative, it shall declare that the article has not passed.

E. The regional learning community board of directors shall enter its declaration and computations in its records and send certified copies to the clerk of each municipality within the regional learning community.

§ 1478. Reconsideration

The procedure to reconsider votes taken at a regional learning community referendum is as follows.

1. Time limit. The regional learning community board of directors shall, within 60 days, initiate a new regional learning community referendum to reconsider the vote of the previous referendum if, within 7 days of the first referendum, at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in the municipalities within the regional learning community petition to reconsider a prior regional learning community referendum vote.

2. Required quorum. A reconsideration referendum is not valid unless the number of persons voting in that referendum is at least equal to the number who voted in the prior regional learning community referendum.

3. Bond. If the margin of the vote being reconsidered was between 10% and 25%, the petitioners shall post a bond with the petition equal to the actual and reasonable costs of the new referendum. If the margin of the vote being reconsidered exceeded 25%, the petitioners shall post an additional bond equal to the actual and reasonable costs that may be incurred as a result of the delay of an authorization or approval granted in the prior regional learning community referendum. If the petitioners are successful, the bonds must be canceled.

§ 1479. Bonds; notes; other

All bonds, notes or other evidences of indebtedness issued for regional learning community purposes by a regional learning community for major capital expenses, bus purchases or current operating expenses, including tax or other revenue anticipation notes, are general obligations of the regional learning community.

1. Tax assessments. The municipal officers or regional learning community board of directors shall require the sums that are necessary to meet in full the principal of and interest on the bonds, notes or other evidences of indebtedness issued pursuant to this section payable in each year to be assessed and collected in the manner provided by law for the assessment and collection of taxes.

2. Reduction. The sums to be assessed and collected under subsection 1 must be reduced by the amount of an allocation of funds appropriated by the Legislature to pay the principal and interest owed by the regional learning community in a given year as certified to the regional learning community by the commissioner. The commissioner shall certify the amount due to the regional learning community within 30 days of its appropriation by the Legislature.

3. Collection. After assessment and reduction under subsection 2, the remaining sum must be paid from ad valorem taxes, which may be levied without limit as to rate or amount upon all the taxable property within the regional learning community.

§ 1480. Closing school

1. Vote; cost of election. A school in a member municipality of a regional learning community may not be closed unless the voters in the member town vote on the following article in accordance with the referendum procedure set forth in this chapter.

"Article: Do you favor authorizing the board of directors of (name of regional learning community) to close (name of school)?

Yes No"

(The election must be conducted only within that member municipality, and the costs of the election are borne by the regional learning community.)

2. Expense of keeping the school open. If the voters vote to keep the school open, the member municipality is liable for some additional expense for actual local operating costs and transportation operating costs as defined in section 15672. The determination of costs is subject to the

approval of the commissioner. The cost to be borne by the town voting to keep a school open is the amount that would be saved if the school were closed. Any additional costs that must be borne by the member municipality must be part of the article presented to the voters at the meeting to determine whether the school should remain open.

3. Costs and procedures during subsequent years. During any year subsequent to the year during which a school remains open contrary to the regional learning community board of directors' vote to close that school, as a result of a municipal referendum, the school will be open without any additional cost to the municipality except as described in paragraphs A and B.

A. If the regional learning community board of directors again votes to close the school and the voters of the member municipality again vote to keep the school open, as described in this subsection, then the school will remain open and the member municipality will be obligated to pay the additional costs as described in subsection 2.

B. If the regional learning community board of directors again votes to close the school and the voters of the member municipality fail to vote to keep the school open, then the school is closed. In this event, the school may be reopened only if the regional learning community board of directors votes to reopen the school.

4. Definition of school closing. For purposes of this section, a school closing is any action or actions by the regional learning community board of directors that have the effect of providing no instruction for any students at that school.

5. Method of payment by liable municipality. If a municipality is liable for additional expenses as determined in subsection 3, paragraph A, then the amount of this additional expense must be subtracted from the regional learning community budget before each member municipality's assessment is computed. This additional expense must be paid by the member municipality that is liable in equal monthly amounts, unless the regional learning community and that member municipality mutually agree to another method of payment.

§ 1481. State board review of commissioner's decisions

A regional learning community or other interested party may request that the state board reconsider decisions made by the commissioner under this chapter. The state board has the authority to overturn decisions made by the commissioner. In exercising this power, the state board is limited by this chapter.

§ 1482. Rules

The state board may adopt rules to carry out this chapter. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§ 1483. Transition

A regional learning community must be in full compliance with this chapter no later than July 1, 2008.

Sec. MM-22. 20-A MRSA c. 105, as amended, is repealed.

Sec. MM-23. 20-A MRSA c. 107, as amended, is repealed.

Sec. MM-24. 20-A MRSA c. 109, as amended, is repealed.

Sec. MM-25. 20-A MRSA c. 111, as amended, is repealed.

Sec. MM-26. 20-A MRSA §2705 is enacted to read:

§ 2705. Absence of contract

A student who resides in a school administrative unit that does not maintain that student's grade from kindergarten to grade 12, and that does not enter into a contract for the education of its students pursuant to this chapter, has the option of attending a public school in another school administrative unit or private school approved for the receipt of public funds pursuant to chapter 117 subject to the provisions of chapter 219. Beginning in school year 2008-2009, the same option may be exercised by a student in a regional learning community, if that option was available from the school administrative unit in existence prior to June 30, 2008 in which that student resides.

Sec. MM-27. 20-A MRSA §4102, as amended by PL 1999, c. 206, §3, is further amended by adding at the end a new paragraph to read:

This section is repealed June 30, 2008.

Sec. MM-28. 20-A MRSA §4102-A is enacted to read:

§ 4102-A. Closing of a school building

The closing of a school building by a regional learning community may occur only when:

1. Replaced by new building. The school building has been replaced by other school buildings as part of a school construction project that has been approved by the state board or the commissioner in accordance with chapter 609;

2. Condemned. The school building has been condemned and ordered closed by local or state officials for health and safety reasons; or

3. Lack of need. The building has been determined to be unnecessary or unprofitable to maintain by the governing body of the regional learning community. Before a building may be closed under this subsection, a report must be filed with the commissioner. The report must include, at a minimum:

A. A projection of the number of students in the affected area over the next 5 school years, including a projection of the educational programs that they will need;

B. The manner in which the continuation of the educational programs for the affected students will be provided;

C. The effective date on which the closing will take place;

- D. A projection of additional transportation or other related services;
- E. The existence of any other outstanding financial commitments, including debt service, related to the school building along with a retirement schedule of payments to meet the commitments;
- F. The proposed disposition of the school building;
- G. The financial impact of closing the school building; and
- H. A statement of reasons why the school building is being closed.

Before a regional learning community board of directors may close a school building pursuant to this subsection, voter approval must be obtained in accordance with section 1480.

Sec. MM-29. 20-A MRSA §7209, sub-§1, ¶E, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

E. The department, in consultation with regional sites, shall develop an action plan with timelines to achieve compliance with federal or state law. The department may assume temporary responsibilities for operations at a regional site that fails to meet compliance requirements. This paragraph is repealed June 30, 2008.

Sec. MM-30. 20-A MRSA §7209, sub-§3, ¶E, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

E. Establish a standard, statewide template for regional-site contracts with therapeutic service providers, including policies and procedures for the review of contracts, that must be included in the annual entitlement plan described in subsection 1, beginning in fiscal year 2006-07;

Sec. MM-31. 20-A MRSA §7209, sub-§3, ¶F, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

F. Refine program accountability standards for compliance with federal mandates ~~that must be included in the annual entitlement plan described in subsection 1,~~ including the development of a performance review system to monitor and improve regional-site performance through the use of efficiency ratings aligned with the accountability standards and through a compliance plan that requires the regional-site to address meeting of the unmet needs of eligible children in accordance with specific targets and time frames;

Sec. MM-32. 20-A MRSA §7209, sub-§5, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

5. Regional site board of directors. A board of directors of a regional site is responsible for governance of its activities, including the management and oversight of its general operations. Membership must include representatives of the regional offices of the Department of Health and Human Services, representatives of participating school administrative units, parents of children with disabilities and other community members as determined appropriate. A regional site board member or a board member's employer may not, during the term for which the member serves on the board, derive

any revenue from work performed for the Child Development Services System. A representative of a participating school administrative unit whose participation in the Child Development Services System is limited to work performed for the school administrative unit is exempt from the requirements of this subsection. Terms of membership and methods of appointment or election for each board of directors must be determined by the board of ~~director's~~directors' bylaws, subject to approval by the department. This subsection is repealed June 30, 2008.

Sec. MM-33. 20-A MRS §7209, sub-§7, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

7. Regional site; administration. A board of directors of a regional site shall:

- A. Hire, fire and supervise the staff of the regional site according to the job classifications, pay scales and personnel policies established by the state intermediate educational unit established under subsection 3;
- B. Enter into contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under this chapter, using forms and procedures developed by the department;
- C. Ensure data entry and reporting through June 30, 2007; and
- D. Provide fiscal management of money allocated to it, in compliance with federal and state laws and subject to proof of an annual audit.

This subsection is repealed June 30, 2008.

Sec. MM-34. 20-A MRS §7209, sub-§8, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

8. Regional site; duties and obligations. A board of directors of a regional site shall:

- A. Ensure provision of child find activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;
- B. Ensure provision of childcount activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;
- C. Ensure appropriate data collection, training, staff development and direct service provision to eligible children with disabilities, from birth to under 3 years of age, in accordance with Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;
- D. Ensure that eligible children with disabilities, from birth to under 3 years of age, receive early intervention services, in accordance with the payment provisions established by the State;
- E. Ensure that eligible children with disabilities, from 3 years of age to under 6 years of age, receive free, appropriate public education services, in collaboration with school administrative units when possible;

F. Coordinate with eligible families the development of individualized family service plans for children with disabilities from birth to 2 years of age or coordinate an individualized education program for a child 3 years of age to under 6 years of age unless an individualized family service plan is preferred; and

G. Designate local personnel for training to commit funds for free, appropriate public education. Personnel who commit funds for free, appropriate public education must be trained and certified by the state intermediate educational unit established under subsection 3. The board of directors of a regional site shall determine which trained and certified personnel may commit funds.

This subsection is repealed June 30, 2008.

Sec. MM-35. 20-A MRS §8301-A, as amended by PL 2005, c. 2, Pt. D, §23 and as affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

§ 8301-A. Definitions

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

1. Affiliated unit. "Affiliated unit" means a school administrative unit that is affiliated with another school administrative unit that operates a center. An affiliated school administrative unit may have its secondary students served by a center operated by a school administrative unit with which it is affiliated. An affiliated school administrative unit may also operate career and technical education satellite programs.

2. Budget failure. "Budget failure" means the failure of a region, by August 1st of any fiscal year, to approve a budget for the region that is at least equal to the sum of the total allocations for career and technical education of the member school administrative units in the region. This subsection is repealed June 30, 2008.

2-A. Career and technical education. "Career and technical education" means a course or program of education designed to create or improve job-related skills that is part of a secondary school curriculum and approved by the commissioner according to this chapter. ~~A school administrative unit~~regional learning community shall make career and technical education available to persons residing in the ~~school administrative unit~~regional learning community who are eligible to receive free public secondary education.

3. Center. "Center" means an administrative entity ~~established pursuant to this chapter that provides career and technical education to secondary students. Unless otherwise specifically provided for by this chapter, a center~~and is governed, operated and administered by a single school administrative unit~~the regional learning community in which the center is located.~~ A center shall make its programs available to serve secondary students from ~~school administrative units with which it is affiliated~~the

regional learning community in which it is located. A center may include within its administrative structure career and technical education satellite programs operated by school administrative units with which it is affiliated within the regional learning community.

4. Municipality. "Municipality" has the same meaning as in section 15672, subsection 21.

5. Parent. "Parent" means a parent, as defined in section 1, subsection 20, with legal custody of a minor child.

6. Region. "Region" means a quasi-municipal corporation established by the Legislature to provide career and technical education to secondary students that is comprised of all the school administrative units within the geographical boundaries set forth for each career and technical education region in section 8451. A region is governed by a cooperative board formed and operating in accordance with this chapter.

7. Residence. "Residence" means, with reference to a person's eligibility to receive career and technical education, the school administrative unit in which is located the legal residence of the person's parent if the person has not reached 18 years of age, the legal residence of the person after the person reaches 18 years of age or the legal residence of the person after the person becomes an emancipated minor. A federal reservation is considered part of the school administrative unit in which it is located.

8. Satellite program. "Satellite program" means a program providing delivered at a site different from a career and technical education center that provides career and technical education to secondary students that and is operated, under section 8403-A, by a school administrative unit affiliated with a center regional learning community.

9. State subsidy. "State subsidy" has the same meaning as in section 15672, subsection 31-A.

10. Unit. "Unit" means a school administrative unit.

Sec. MM-36. 20-A MRS § 8305-A, as corrected by RR 2003, c. 2, § 43, is amended to read:

§ 8305-A. Eligibility

1. General right. A person eligible to receive free public secondary education may, consistent with this section and department rules:

A. Receive career and technical education from a center, satellite program or region regional learning community that serves the person's residence; or

B. Receive career and technical education from a center, satellite program or region regional learning community outside of the geographical area that serves the person's residence, subject to the approval of the commissioner and the governing bodies of the sending unit regional learning community and receiving center, satellite program or region regional learning community.

2. Admission standards. A ~~region, center or satellite program~~regional learning community shall determine, in accordance with its published admission standards, whether to admit a person to such a ~~region, center or satellite~~its program. Unless otherwise specifically provided for in this chapter, priority to enroll in any career and technical education course of study offered by a ~~region, center or satellite program~~regional learning community must be given first to persons eligible to receive a free public secondary education who are residents of municipalities served by that ~~region, center or satellite program~~regional learning community.

3. Adult participation in career and technical education courses. Persons who are 20 years of age or older and who otherwise comply with the requirements of this section may receive career and technical education in a career and technical education course if, after all other eligible persons have been enrolled in that course, space exists to accommodate participation by persons who are 20 years of age or older. A ~~region, center or satellite program~~regional learning community may charge reasonable fees to persons who are 20 years of age or older and who receive career and technical education pursuant to this section.

Sec. MM-37. 20-A MRSA §8306, sub-§2, as corrected by RR 2003, c. 2, §44, is amended to read:

2. Regional learning community plans. The state board shall approve a plan for the provision of career and technical education by each ~~center or region~~regional learning community. The plans must be prepared by each ~~center or region~~regional learning community at the time of its organization or reorganization, approved by the ~~school board or cooperative board~~ governing each ~~center or region~~regional learning community, and include:

- A. A survey of the career and technical education needs nationally, statewide and in the geographic area served by the ~~center or region~~regional learning community;
- B. A survey of employment opportunities nationally, statewide and in the geographic area served by the ~~center or region~~regional learning community;
- C. A description of the programs to be offered by the ~~center or region~~regional learning community;
- C-1. A description of the manner in which academic courses will be used to augment trade-oriented skill courses for career and technical education students at the ~~center or region~~regional learning community;
- D. A description of each geographic area served by the ~~center or region~~regional learning community and the location of each career and technical education program to serve those areas; and
- E. A description of the manner in which the career and technical education programs offered by the ~~center or region~~regional learning community address the career and technical education needs in the geographic area served by the ~~center or region~~regional learning community and employment opportunities nationally, statewide and in the geographic area served by the ~~center or region~~regional learning community.

Sec. MM-38. 20-A MRSA §8306, sub-§5, as corrected by RR 2003, c. 2, §45, is amended to read:

5. Reorganizing centers and regions. The state board may, in compliance with section 8307:

- A. Change existing boundaries of centers and regions;
- B. Change the status of a center to a region or a region to a center;
- C. Dissolve existing regions or centers;
- D. Create new regions or centers; or
- E. Create alternative organizational methods of delivering career and technical education.

This subsection is repealed June 30, 2008.

Sec. MM-39. 20-A MRSA §8306-A, 2nd ¶, as corrected by RR 2003, c. 2, §46, is amended to read:

A program or course of career and technical education may not be offered by a ~~region, center or affiliated unit~~ regional learning community unless approved by the commissioner in compliance with rules adopted pursuant to this chapter.

Sec. MM-40. 20-A MRSA §8307-A, as corrected by RR 2003, c. 2, §§47-50, is repealed.

Sec. MM-41. 20-A MRSA §8351, as amended by PL 2005, c. 2, Pt. D, §24 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

§ 8351. State aid for career and technical education centers and career and technical education regions

State aid for centers and regions must be administered in accordance with chapters 606-B and 609 and Title 20, section 3457. This section is repealed June 30, 2008.

Sec. MM-42. 20-A MRSA §8353, as corrected by RR 2003, c. 2, §51, is amended to read:

§ 8353. Tuition for students sent out of state

If a ~~unit~~ regional learning community that serves a student's residence determines that that student would be better served by receiving career and technical education, on a tuition basis, at an out-of-state secondary level career and technical school that is located closer to that student's residence than a Maine ~~center, satellite program or region~~ regional learning community serving that student's residence, the State shall subsidize the ~~unit~~ regional learning community the same amount for that student as would have been incurred by such a ~~center, satellite program or region~~ regional learning community providing the same or similar career and technical education to the student.

Sec. MM-43. 20-A MRSA §8354, as corrected by RR 2003, c. 2, §§52-54, is amended to read:

§ 8354. Tuition computation for out-of-state students

The tuition charge for each out-of-state student receiving career and technical education ~~at a center, satellite program or region~~ in a regional learning community is determined as follows.

1. Primary method. The per student tuition charge is determined by:

A. Adding the amounts paid by the ~~center, satellite program or region~~ municipalities in the regional learning community during the previous fiscal year for:

(1) Teachers' salaries;

(2) Fuel;

(3) Janitorial services;

(4) Textbooks;

(5) Reference books;

(6) School supplies for desk and laboratory use;

(7) Public utility services;

(8) Replacement of instructional equipment;

(9) Insurance;

(10) Compensation for the career and technical education director and the career and technical education director's assistants;

(11) Employee fringe benefits; and

(12) Electricity services provided by competitive electricity providers or other entities authorized by the Public Utilities Commission to provide electricity services;

B. Adjusting the amounts in paragraph A by the allowable percentages set forth in section 5805, subsection 1, paragraph D; and

C. Dividing this sum by the average number of all regularly enrolled students at the center, ~~satellite program or region~~ in the regional learning community on October 1st and April 1st of the previous fiscal year.

2. Alternate method. When the cost of fuel, janitorial services, public utility services, electricity services or insurance for facilities used to provide career and technical education can not be separated from similar costs for other facilities not used to provide career and technical education, the costs of facilities used to provide career and technical education are determined by prorating the square footage of floor space used to provide career and technical education to the total amount of floor space at the facilities.

Sec. MM-44. 20-A MRSA §8401, as amended by PL 1991, c. 655, §8, is further amended to read:

§ 8401. Career and technical education centers

Centers ~~shall~~ must operate within the regional learning community established in chapter 103-A at Augusta, Bath, Biddeford, the former School Administrative District No. 61(Bridgton), Caribou, the former School Administrative District No. 46(Dexter), Ellsworth, the former School Administrative District No. 9(Farmington), the former School Administrative District No. 27 (Fort Kent), Lewiston, Madawaska, Portland, the former School Administrative District No. 1(Presque Isle), Sanford, the former School Administrative District No. 54(Skowhegan), the former School Administrative District No. 24(Van Buren), Waterville and Westbrook. ~~School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department are authorized to enter into a cooperative agreement to provide for the construction and operation of a center in School Administrative District No. 33.~~

Sec. MM-45. 20-A MRSA §8403-A, sub-§8 is enacted to read:

8. Repeal. This section is repealed June 30, 2008.

Sec. MM-46. 20-A MRSA §8404, sub-§5 is enacted to read:

5. Repeal. This section is repealed June 30, 2008.

Sec. MM-47. 20-A MRSA §8405, first ¶, as amended by PL 1991, c. 518, §16, is further amended to read:

A ~~unit~~ regional learning community operating a center shall employ a certified vocational director.

Sec. MM-48. 20-A MRSA §8451, sub-§1, as corrected by RR 2003, c. 2, §60, is amended to read:

1. Legislative intent. It is the intent of the Legislature that each career and technical education region shall provide career and technical education in accordance with this chapter and shall function as an extension of the secondary schools located within the region's boundaries. This subsection is repealed June 30, 2008.

Sec. MM-49. 20-A MRSA §8451-A, as amended by PL 2005, c. 2, Pt. D, §27 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

§ 8451-A. Programs

A region shall provide programs of career and technical education. Programs of career and technical education are eligible to receive state subsidy pursuant to chapters 606-B and 609. All programs of career and technical education offered by a region must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the community college or college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of career and technical education may also include alternative educational programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A. This section is repealed June 30, 2008.

Sec. MM-50. 20-A MRSA §8452, as corrected by RR 2003, c. 2, §62, is amended by adding at the end a new paragraph to read:

This section is repealed June 30, 2008.

Sec. MM-51. 20-A MRSA §8453-A, sub-§4 is enacted to read:

4. Repeal. This section is repealed June 30, 2008.

Sec. MM-52. 20-A MRSA §8454, sub-§4 is enacted to read:

4. Repeal. This section is repealed June 30, 2008.

Sec. MM-53. 20-A MRSA §8455, as corrected by RR 1991, c. 2, §63 and amended by PL 2003, c. 545, §5, is further amended to read:

§ 8455. Career and technical education region considered a political subdivision

A career and technical education region is a political subdivision within the meaning of Title 5, section 19002, subsection 6, and a quasi-municipal corporation within the meaning of Title 30-A, section 5701, and all the provisions of those sections apply to it. This section is repealed June 30, 2008.

Sec. MM-54. 20-A MRSA §8456, as amended by PL 1991, c. 716, §6 and PL 2003, c. 545, §5, is further amended to read:

§ 8456. Voter approval of cooperative board articles

A region shall vote on articles submitted by the cooperative board using the procedures set forth in sections 1351 to 1354. For such purposes, references in those sections to "school administrative district" or "district" mean career and technical education region; references in those sections to "board of directors," "board," "school board," "school directors" or "school director" mean cooperative board; and references in those sections to "they" mean either, as appropriate in the context, cooperative board or members of the cooperative board. This section is repealed June 30, 2008.

Sec. MM-55. 20-A MRSA §8457, sub-§6 is enacted to read:

6. Repeal. This section is repealed June 30, 2008.

Sec. MM-56. 20-A MRSA §8458, as corrected by RR 2003, c. 2, §64, is further amended to read:

§ 8458. Career and technical education director; chief administrative officer

1. Employment of career and technical education director. The ~~cooperative~~regional learning community board shall employ a certified career and technical education director who shall administer, in compliance with this section, the provision of career and technical education in the ~~region~~regional learning community.

4. Appointment of chief administrative officer. The ~~cooperative~~regional learning community board shall appoint a chief administrative officer who shall administer the ~~region~~career and technical education program in compliance with policy set by the ~~cooperative~~regional learning community board, nominate teachers and other employees for employment by the ~~region~~regional learning community and perform such other duties as are assigned to the chief administrative officer by the ~~cooperative~~regional learning community board. The ~~cooperative~~regional learning community board shall appoint as the chief administrative officer either:

- A. The career and technical education director; or
- B. The superintendent of a ~~unit~~ in the ~~region~~regional learning community.

5. Appointment of treasurer and secretary. ~~The cooperative board may appoint the career and technical education director or the chief administrative officer as treasurer or secretary, or both, of the cooperative board.~~

Sec. MM-57. 20-A MRSA §8459, as amended by PL 1991, c. 518, §26 and PL 2005, c. 397, Pt. D, §3, is further amended by adding at the end a new paragraph to read:

This section is repealed June 30, 2008.

Sec. MM-58. 20-A MRSA §8460, as corrected by RR 2003, c. 2, §§65 and 66, is amended by adding at the end a new paragraph to read:

This section is repealed June 30, 2008.

Sec. MM-59. 20-A MRSA §8461, sub-§4 is enacted to read:

4. Repeal. This section is repealed June 30, 2008.

Sec. MM-60. 20-A MRSA §8462, sub-§3 is enacted to read:

3. Repeal. This section is repealed June 30, 2008.

Sec. MM-61. 20-A MRSA §8463, as amended by PL 1991, c. 518, §29, is further amended by adding at the end a new paragraph to read:

This section is repealed June 30, 2008.

Sec. MM-62. 20-A MRSA §8464, as amended by PL 1991, c. 518, §29 and PL 2005, c. 397, Pt. D, §3, is further amended by adding at the end a new paragraph to read:

This section is repealed June 30, 2008.

Sec. MM-63. 20-A MRSA §8465, as amended by PL 1993, c. 742, §1 and PL 2003, c. 545, §5, is further amended by adding at the end a new paragraph to read:

This section is repealed June 30, 2008.

Sec. MM-64. 20-A MRSA §8466, sub-§3 is enacted to read:

3. Repeal. This section is repealed June 30, 2008.

Sec. MM-65. 20-A MRSA §8467, sub-§3 is enacted to read:

3. Repeal. This section is repealed June 30, 2008.

Sec. MM-66. 20-A MRSA §8468, sub-§4 is enacted to read:

4. Repeal. This section is repealed June 30, 2008.

Sec. MM-67. 20-A MRSA §15671-A, sub-§5, as amended by PL 2005, c. 519, Pt. AAAA, §2, is further amended to read:

5. Exceeding maximum state and local spending target. If the sum of a school administrative unit's required local contribution determined pursuant to section 15688, subsection 3-A plus the state contribution as calculated pursuant to section 15688, subsection 3-A, paragraph D, plus any state funds resulting from a transition adjustment pursuant to section 15686, plus any additional local amount proposed to be raised pursuant to section 15690, subsection 3 exceeds the school administrative unit's maximum state and local spending target established pursuant to subsection 4, the following provisions govern approval of that additional amount.

A. The article approving the additional amount must conform to the requirements of section 15690, subsection 3, paragraph B. Notwithstanding section 1304, subsection 6; section 1701, subsection 7; Title 30-A, section 2528, subsection 5, or any other provision of law, municipal charter provision or ordinance, voter approval of the article, whether in town meeting, district meeting or other voting process established by law, municipal charter or ordinance, including, but not limited to, any vote on the article initiated by voter petition, must be by referendum or written ballot.

B. In a municipality where the responsibility for final adoption of the school budget is vested by the municipal charter in a council, this paragraph applies, except that the petition and referendum provisions apply only if the municipal charter does not otherwise provide for or prohibit a petition and referendum process with respect to the matters described in this paragraph.

(1) A majority of the entire membership of the school board or committee must approve the additional amount in a regular budget meeting.

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(2) An article approving the additional amount must conform to the requirements of section 15690, subsection 3, paragraph B and be approved by a majority of the entire membership of the council in a vote taken in accordance with section 15690, subsection 5 or, if the council votes not to approve the article, by a majority of voters voting in a referendum called pursuant to subparagraph (4).

(3) If an article is approved by the council pursuant to subparagraph (2), the voters may petition for a referendum vote on the same article in accordance with subparagraph (4). If a petition is filed in accordance with subparagraph (4), the vote of the council is suspended pending the outcome of the referendum vote. Upon approval of the article by a majority of the voters voting in that referendum, the article takes effect. If the article is not approved by a majority of the voters voting in that referendum, the article does not take effect. Subsequent to the vote, the school committee or board may again propose an additional amount, subject to the requirements of this section.

(4) If a written petition, signed by at least 10% of the number of voters voting in the last gubernatorial election in the municipality, requesting a vote on the additional amount is submitted to the municipal officers within 30 days of the council's vote pursuant to subparagraph (2), the article voted on by the council must be submitted to the legal voters in the next regular election or a special election called for the purpose. The election must be held within 45 days of the submission of the petition. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters and absentee ballots must be prepared and made available at least 14 days prior to the date of the referendum. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion on the article. The results must be declared by the municipal officers and entered upon the municipal records.

This subsection is repealed June 30, 2008.

Sec. MM-68. 20-A MRSA §15671-A, sub-§6, is enacted to read:

6. Exceeding maximum state and local spending target. Beginning July 1, 2008, if the sum of a school administrative unit's required local contribution determined pursuant to section 15688, subsection 3-A plus the state contribution as calculated pursuant to section 15688, subsection 3-A, paragraph D, plus any state funds resulting from a transition adjustment pursuant to section 15686, plus any additional local amount proposed to be raised pursuant to section 15690-A, subsection 3 exceeds the school administrative unit's maximum state and local spending target established pursuant to subsection 4, the governing body must approve the additional amount pursuant to section 15690-A, subsection 3, paragraph B.

Sec. MM-69. 20-A MRSA §15679, sub-§2, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

2. Students-to-staff ratios. In calculating the salary and benefit costs pursuant to this section, the commissioner shall utilize the following student-to-staff ratios.

A. For the elementary school level and the middle school level:

- (1) The student-to-education technician ratio is 100:1;
- (2) The student-to-guidance staff ratio is 350:1;
- (3) The student-to-librarian ratio is 800:1;
- (4) The student-to-media assistant ratio is 500:1;
- (5) The student-to-health staff ratio is 800:1;
- (6) The student-to-school administrative staff ratio is 305:1. Beginning in the 2008-2009 school year, the calculation must include an allocation for at least one principal for each school; and
- (7) The student-to-clerical staff ratio is 200:1.

B. For the high school level:

- (1) The student-to-education technician ratio is 250:1;
- (2) The student-to-guidance staff ratio is 250:1;
- (3) The student-to-librarian ratio is 800:1;
- (4) The student-to-media assistant ratio is 500:1;
- (5) The student-to-health staff ratio is 800:1;
- (6) The student-to-school administrative staff ratio is 315:1. Beginning in the 2008-2009 school year, the calculation must include an allocation for at least one principal for each school; and

(7) The student-to-clerical staff ratio is 200:1.

Sec. MM-70. 20-A MRSA §15688, sub-§2, as amended by PL 2005, c. 2, Pt. D, §54 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

2. Member municipalities in school administrative districts or community school districts; total costs. For each municipality that is a member of a school administrative district or community school district, the commissioner shall annually determine each municipality's total cost of education. A municipality's total cost of education is the school administrative district's or community school district's total cost of education multiplied by the percentage that the municipality's most recent calendar year average pupil count is to the school administrative district's or community school district's most recent calendar year average pupil count. This subsection is repealed June 30, 2008.

Sec. MM-71. 20-A MRSA §15688, sub-§2-A is enacted to read:

2-A. Member municipalities in a regional learning community; total costs.
Effective July 1, 2008, for each municipality that is a member of a regional learning community, the commissioner shall annually determine each municipality's total cost of education. A municipality's total cost of education is the regional learning community's total cost of education multiplied by the percentage that the municipality's most recent calendar year average pupil count is to the regional learning community's most recent calendar year average pupil count.

Sec. MM-72. 20-A MRSA §15688, sub-§3-A, as enacted by PL 2005, c. 2, Pt. D, §56 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

3-A. School administrative unit; contribution. For each school administrative unit, the commissioner shall annually determine the school administrative unit's required contribution, the required contribution of each municipality that is a member of the unit, if the unit has more than one member, and the State's contribution to the unit's total cost of education in accordance with the following.

A. For a school administrative unit composed of only one municipality, the contribution of the unit and the municipality is the same and is the lesser of:

(1) The total cost described in subsection 1; and

(2) The total of the full-value education mill rate calculated in section 15671-A, subsection 2 multiplied by the property fiscal capacity of the municipality.

B. For a school administrative district or community school district composed of more than one municipality, each municipality's contribution to the total cost of education is the lesser of:

(1) The municipality's total cost as described in subsection 2; and

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(2) The total of the full-value education mill rate calculated in section 15671-A, subsection 2 multiplied by the property fiscal capacity of the municipality.

C. For a school administrative district or community school district composed of more than one municipality, the unit's contribution to the total cost of education is the lesser of:

(1) The total cost as described in subsection 1; and

(2) The sum of the totals calculated for each member municipality pursuant to paragraph B, subparagraph (2).

D. The state contribution to the school administrative unit's total cost of education is the total cost of education calculated pursuant to subsection 1 less the school administrative unit's contribution calculated pursuant to paragraph A or C, as applicable. The state contribution is subject to reduction in accordance with section 15690, subsection 1, paragraph C.

This subsection is repealed June 30, 2008.

Sec. MM-73. 20-A MRS §15688, sub-§3-B is enacted to read:

3-B. School administrative unit; contribution. Beginning July 1, 2008, for each school administrative unit, the commissioner shall annually determine the school administrative unit's required contribution, the required contribution of each municipality that is a member of the unit, if the unit has more than one member, and the State's contribution to the unit's total cost of education in accordance with the following.

A. For a regional learning community, each municipality's contribution to the total cost of education is the lesser of:

(1) The municipality's total cost as described in subsection 2-A; and

(2) The total of the full-value education mill rate calculated in section 15671-A, subsection 2 multiplied by the property fiscal capacity of the municipality.

B. For a regional learning community, the school administrative unit's contribution to the total cost of education is the lesser of:

(1) The total cost as described in subsection 1; and

(2) The sum of the totals calculated for each member municipality pursuant to paragraph A, subparagraph (2).

C. The state contribution to the school administrative unit's total cost of education is the total cost of education calculated pursuant to subsection 1 less the school administrative unit's contribution calculated pursuant to paragraph B. The state contribution is subject to reduction in accordance with section 15690-A, subsection 1, paragraph C.

Sec. MM-74. 20-A MRSA §15688, sub-§4, as amended by PL 2005, c. 2, Pt. D, §57 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

4. Method of cost sharing; exception. For the purpose of local cost sharing, the provisions of subsection 3-A do not apply to municipalities that are members of a school administrative district or a community school district whose cost sharing formula was established pursuant to private and special law prior to January 1, 2004. For each municipality that is a member of a school administrative district or a community school district whose cost sharing formula was established pursuant to private and special law prior to January 1, 2004, the cost sharing formula established pursuant to private and special law determines each municipality's local cost of education. This subsection is repealed June 30, 2008.

Sec. MM-75. 20-A MRSA §15689, sub-§1-A, as enacted by PL 2005, c. 519, Pt. AAAA, §14, is amended to read:

1-A. Adjustments to state contributions to member municipalities in certain school districts. ~~Beginning in~~In fiscal year 2007-08, the minimum state allocation provisions of subsection 1 are applicable for each case when one or more member municipalities, but not all the district's member municipalities, have a local contribution that is below the mill rate expectation established pursuant to section 15671-A. For each school district eligible under this subsection, the minimum state allocation provisions of subsection 1 are applicable for each member municipality that has a local contribution that is below the mill rate expectation established pursuant to section 15671-A, except that the transition percentages in ~~section 15689~~, subsection 1, paragraph B must be multiplied by the percentage of calendar year resident pupils in the member municipality. This subsection is repealed June 30, 2008.

Sec. MM-76. 20-A MRSA §15689, sub-§1-B is enacted to read:

1-B. Adjustments to state contributions to member municipalities in certain regional learning communities. Beginning in fiscal year 2008-09, the minimum state allocation provisions of subsection 1 are applicable for each case when one or more member municipalities, but not all the regional learning community member municipalities, have a local contribution that is below the mill rate expectation established pursuant to section 15671-A. For each regional learning community eligible under this subsection, the minimum state allocation provisions of subsection 1 are applicable for each member municipality that has a local contribution that is below the mill rate expectation established pursuant to section 15671-A, except that the transition percentages in subsection 1, paragraph B must be multiplied by the percentage of calendar year resident pupils in the member municipality.

Sec. MM-77. 20-A MRSA §15689-D, as enacted by PL 2005, c. 2, Pt. D, §61 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

§ 15689-D. Governor's recommendation for funding levels

The Department of Administrative and Financial Services, Bureau of the Budget shall annually certify to the Legislature the funding levels that the Governor recommends under sections 15683, 15683-A, 15689 and 15689-A. The Governor's recommendations must be transmitted to the Legislature within the time schedules set forth in Title 5, section 1666. The commissioner may adjust, consistent with the Governor's recommendation for funding levels, per-pupil amounts not related to staffing pursuant to section 15680 and targeted funds pursuant to section 15681.

Sec. MM-78. 20-A MRSA §15690, as amended by PL 2005, c. 519, Pt. AAAA, §§17 and 18, is further amended by adding at the end a new paragraph to read:

This section is repealed June 30, 2008.

Sec. MM-79. 20-A MRSA §15690-A is enacted to read:

§ 15690-A. Local appropriations

Beginning with the budget for the 2008-2009 school year, this section applies to local appropriations for school purposes.

1. School administrative unit contribution to total cost of funding public education from kindergarten to grade 12. The legislative body of each school administrative unit may vote to raise and appropriate an amount up to its required contribution to the total cost of education as described in section 15688.

A. For a school administrative unit, an article in substantially the form set out in subparagraph (1) must be used when the school administrative unit is considering the appropriation of an amount up to its required contribution to the total cost of education as described in section 15688.

(1) "Article: To see what sum the (name of regional learning community) will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and to see what sum the (name of regional learning community) will raise and assess as each municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 (Recommend amount set forth below):

Total appropriated (regional learning community by municipality):

Total raised (regional learning community assessments by municipality):

Town A (\$amount)

Town A (\$amount)

Town B (\$amount)

Town B (\$amount)

Town C (\$amount)

Town C (\$amount)

3. Additional local appropriation. A school administrative unit may raise and expend funds for educational purposes in addition to the funds under subsections 1 and 2.

A. If the amount of the additional funds does not result in the school administrative unit's exceeding its maximum state and local spending target established pursuant to section 15671-A, subsection 4, an article in substantially the form set out in subparagraph (1) must be used when a school administrative unit is considering the appropriation of additional local funds:

(1) "Article: To see what sum the (name of regional learning community) will raise and to appropriate the sum of (Recommend \$.....) in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690-A. (Recommend \$.....)"

(2) The following statement must accompany the article in subparagraph (1). "Explanation: The additional local funds are those locally raised funds over and above the regional learning community's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the (name of regional learning community) budget for educational programs."

B. If the amount exceeds the school administrative unit's maximum state and local spending target established pursuant to section 15671-A, subsection 4, an article in substantially the form set out in subparagraph (1) must be used when a school administrative unit is considering an appropriation of additional local funds.

(1) "Article: Do you favor authorizing (name of regional learning community) to raise and appropriate \$..... in additional local funds, which exceeds the State's Essential Programs and Services allocation model by \$..... as required to fund the budget recommended by the regional learning community board of directors? The regional learning community board of directors recommends \$..... for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by \$.....:"

(2) The following statement must accompany the article in subparagraph (1). "Explanation: The additional local funds are those locally raised funds over and above the regional learning community's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state-funded debt service that will help achieve the (name of regional learning community) budget for educational programs."

4. Total budget article. A school administrative unit must include a summary article indicating the total annual budget for funding public education from kindergarten to grade 12 in the school administrative unit. The amount recommended must be the gross budget of the school system. This article, which must be in substantially the form set out in paragraph A, does not provide money unless the other articles are approved.

A. "Article: To see what sum the (name of regional learning community) will authorize the regional learning community's board of directors to expend for the fiscal year beginning (July 1,) and ending (June 30,) from the regional learning community's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690-A, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools. (Recommend \$.....)"

5. Vote. Actions taken pursuant to subsections 1 to 4 must be taken by a recorded vote.

Sec. MM-80. 20-A MRSA §15691, sub-§3 is enacted to read:

3. Repeal. This section is repealed June 30, 2008.

Sec. MM-81. 20-A MRSA §15691-A is enacted to read:

§ 15691-A. Municipal assessment paid to a regional learning community

1. Presentation of assessment schedule. The assessment schedule based on the budget approved at a regional learning community budget meeting must be presented to the treasurer of each municipality that is a member of the regional learning community. The assessment schedule must include each member municipality's share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in section 15688 and the school administrative unit's contribution to debt service for non-state-funded school construction projects and additional local funds for school purposes under section 15690-A.

2. Municipal treasurer's payment schedule. The treasurer of the member municipality, after being presented with the assessment schedule under subsection 1, shall forward 1/12 of that member municipality's share to the treasurer of the regional learning community on or before the 20th day of each month of the fiscal year beginning in July.

Sec. MM-82. 20-A MRSA §15692, sub-§3 is enacted to read:

3. Repeal. This section is repealed June 30, 2008.

Sec. MM-83. 20-A MRSA §15693, sub-§9 is enacted to read:

9. Repeal. This section is repealed June 30, 2008.

Sec. MM-84. 20-A MRSA §15694, as enacted by PL 2005, c. 2, Pt. D, §62 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended by adding at the end a new paragraph to read:

This section is repealed June 30, 2008.

Sec. MM-85. 20-A MRSA §15695, sub-§4 is enacted to read:

4. Repeal. This section is repealed June 30, 2008.

Sec. MM-86. 20-A MRSA §15755, as enacted by PL 2005, c. 2, Pt. D, §63 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is repealed.

Sec. MM-87. 20-A MRSA §15901, sub-§1, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. Acknowledgment of the ~~local~~regional need;

Sec. MM-88. 20-A MRSA §15901, sub-§4, ¶D, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

D. The building of or acquisition of other facilities related to the operation of ~~school administrative units~~regional learning communities;

Sec. MM-89. 20-A MRSA §15901, sub-§4, ¶E, as repealed and replaced by PL 1983, c. 613, is amended to read:

E. The complete restoration of existing school buildings in lieu of replacement when in the judgment of the commissioner the action is in the best interest of the State and ~~local unit~~the regional learning community; and

Sec. MM-90. 20-A MRSA §15901, sub-§6, as corrected by RR 1991, c. 2, §71 and amended by PL 2003, c. 545, §5, is repealed.

Sec. MM-91. 20-A MRSA §15901, sub-§7, as corrected by RR 1991, c. 2, §71 and amended by PL 2003, c. 545, §5, is repealed.

Sec. MM-92. 20-A MRSA §15901, sub-§8, as corrected by RR 1991, c. 2, §71 and amended by PL 2003, c. 545, §5, is repealed.

Sec. MM-93. 20-A MRSA §15902, as amended by PL 1999, c. 81, §8, is further amended to read:

§ 15902. Regional learning communities

1. Building committee. ~~The legislative body of a school administrative unit~~A regional learning community board may establish a special building committee at a regular or specially called meeting held prior to a school construction project receiving the concept approval provided in section 15901. If the ~~legislative body~~board does not establish a special building committee, the ~~school~~ board shall act as the building committee and may delegate the powers and duties of the building committee to the

superintendent. If a vacancy occurs in the membership of a special building committee established under this subsection by the ~~legislative body~~board, the ~~legislative body~~board may fill that vacancy. The powers and duties of the building committee must be determined at the time of its establishment by the ~~legislative body of the school administrative unit~~regional learning community board, or by the school board when it acts as the building committee and delegates those powers and duties to the superintendent. Powers and duties not assigned to the building committee that are not specifically delegated to other entities in this section remain with the ~~school~~regional learning community board.

2. Regional learning community board approval. A plan for a school construction project voted for by a ~~school administrative unit~~regional learning community must be approved by the ~~school~~regional learning community board.

3. Authority to sell bonds. A ~~school administrative unit~~regional learning community may sell bonds to raise the local share of project costs.

4. Final report to commissioner. On the completion of a school construction project or a permanent space lease-purchase project, the building committee shall certify to the commissioner that the construction project has been completed in conformity with the approved plans and specifications.

Sec. MM-94. 20-A MRSA §15903, sub-§5, ¶B, as amended by PL 1999, c. 81, §10, is further amended to read:

B. Upon receipt by the commissioner of a written petition from one or more residents of the ~~school administrative unit~~regional learning community where the school construction project or permanent space lease-purchase project is located claiming that the project has not been completed in conformity with the approved plans and specifications, the commissioner shall cause an inspection of the project to be made or shall issue a written explanation to the petitioner or petitioners explaining the commissioner's refusal to do so. The petitioner or petitioners shall certify as part of the petition that the claim of nonconformance has been brought to the attention of the superintendent of the ~~school administrative unit~~regional learning community in which the school construction project or permanent space lease-purchase project is located and that the superintendent has failed to respond in a satisfactory manner to that claim.

Sec. MM-95. 20-A MRSA §15903, sub-§5, ¶C, as enacted by PL 1987, c. 379, is further amended to read:

C. If an investigation is held, the commissioner shall notify the building committee, or legislative body of the ~~school administrative unit~~regional learning community when no building committee exists, of the findings of the investigation and of any changes required. The building committee or ~~legislative body of the school administrative unit~~regional learning community board shall make the changes within a reasonable period of time. Failure to do so ~~shall render~~renders the ~~school administrative unit~~regional learning community liable to the penalties provided in section 6801-A.

Sec. MM-96. 20-A MRSA §15904, as amended by PL 2005, c. 12, Pt. WW, §§8 and 9 and c. 683, Pt. B, §15, is further amended to read:

§ 15904. Local vote

Prior to final approval by the state board, a school construction project, except a small scale school construction project as defined in section 15901, subsection 4-A, must receive a favorable vote conducted in accordance with the following.

1. Municipal schools. In a municipality where the responsibility for final adoption of the school budget is vested in a municipal council by municipal charter or in a town meeting, the vote ~~shall~~must be by referendum in accordance with the appropriate provisions set forth in Title 21-A and Title 30-A, except that the filing requirement contained in Title 30-A, section 2528, subsection 5, does not apply. This subsection is repealed June 30, 2008.

2. Regional learning communities. In a ~~school administrative district~~regional learning community the vote must be conducted in accordance with ~~section 1305 or sections 1351 to 1354~~chapter 103-A.

3. Community school districts. In a community school district, the vote ~~shall~~must be conducted in accordance with Title 30-A, sections 2528 to 2532. The return and counting of votes ~~shall~~must be conducted in accordance with the procedures established in section 1353, subsection 3. The district school committee shall:

A. Issue a warrant ordering the municipalities within the district to place the school construction article on the ballot; and

B. Prepare and furnish the required number of ballots for carrying out the vote.

This subsection is repealed June 30, 2008.

4. Form. The article ~~shall~~must indicate:

D. The estimated amount of the additional operating costs during each of the first 2 years; and

E. The ~~school administrative unit~~regional learning community is responsible for the local share of annual principal and interest payments for this school construction project included in the total cost of education appropriated pursuant to ~~section 15690~~15690-A, subsection 1, if any, and for the annual principal and interest payments for the non-state-funded portion of this school construction project.

5. Career and technical education regions. In a career and technical education region, the vote must be conducted in accordance with sections 1351 to 1354 and section 8465. References in sections 1351 to 1354 to school administrative unit and board of directors mean "career and technical education region" and "cooperative board," respectively. This subsection is repealed June 30, 2008.

6. Permanent space lease-purchase projects. A permanent space lease-purchase project, as defined in section 15901, subsection 4-B, whose costs are wholly eligible as debt service costs for subsidy purposes under section 15672, subsection 2-A, paragraph B must receive a favorable vote of the ~~legislative body of the school administrative unit~~regional learning community board. A permanent space lease-purchase project whose lease-purchase costs are not eligible as debt service costs for subsidy

purposes under section 15672, subsection 2-A, paragraph B must receive a favorable vote of the legislative bodyboard conducted in accordance with this section, except that subsection 4 does not apply. The vote may authorize the ~~school~~regional learning community board or ~~school committee~~ to enter into a mortgage, security interest or other encumbrance on the permanent space lease-purchase project determined to be necessary for the permanent space lease-purchase project.

Sec. MM-97. 20-A MRSA §15905, sub-§5, as enacted by PL 1993, c. 410, Pt. ZZZ, §1, is amended to read:

5. Approval criteria. In approving school construction projects, the state board shall ensure that ~~school administrative units~~regional learning communities have made efficient use of existing school facilities within the ~~unit~~regional learning communities and have explored and when feasible developed agreements for sharing facilities with neighboring ~~school administrative units~~regional learning communities.

Sec. MM-98. 20-A MRSA §15905, sub-§6, as enacted by PL 1995, c. 632, §2, is amended to read:

6. Facility maintenance plan required. The state board shall require a ~~school administrative unit~~regional learning community applying for state funds for a school construction project to establish a facility maintenance plan for the projected life cycle of the proposed school building. The department shall provide technical assistance to ~~school administrative units~~regional learning communities in carrying out this section. Assistance must include, but is not limited to, the provision of a model facility maintenance plan and the provision of technical and other assessment information from the school facilities inventory under section 15917.

Sec. MM-99. 20-A MRSA §15905, sub-§7, as amended by PL 2005, c. 683, Pt. B, §16, is further amended to read:

7. Interest-only interim local financing. Notwithstanding any provision of law or rule to the contrary, the state board may accelerate the dates on which it grants concept approval and funding approval for a school construction project that has been placed on the special priority list of the state board on the condition that the ~~school administrative unit~~regional learning community provide interest-only interim local financing for the project in accordance with this subsection. The period of interest-only interim local financing must be determined by the state board at the time concept approval is granted for a project and must be based on the time difference between the date that final funding approval is expected to be granted on an accelerated basis and the date that final funding approval would have been expected to be granted in the normal course. The period of interim local financing for a project may not exceed 5 years.

Notwithstanding any provision of law or rule to the contrary, a ~~school administrative unit, including a school administrative unit established by private and special law,~~regional learning community authorized to issue securities for school construction purposes may issue its securities for school construction purposes on an interest-only basis during a period of interest-only interim local financing approved by the state board in accordance with this subsection. The period of interest-only interim local financing must precede, and be in addition to, the periods for interest payments and principal payments otherwise

established pursuant to the school construction rules of the state board. The length of the period of interest-only interim local financing and the length of the debt service schedule otherwise established must be clearly stated on the face of the securities.

The interest-only payments made by a ~~school-administrative unit~~regional learning community during the period of interim financing must be paid from local funds without state participation and may not be included in the ~~unit's~~regional learning community's debt service costs for state subsidy purposes under section 15672, subsection 2-A. Such interest-only payments during the period of interim local financing may not be considered debt service costs as defined in section 15672, subsection 2-A for purposes of calculating amounts subject to the debt service limit established by this section.

The referendum question that is submitted to the voters for a project subject to interest-only interim local financing under this subsection must include, in addition to the information required by section 15904, an informational statement that sets forth the length of the period of interest-only interim financing established by the state board, an estimate of the annual interest cost during the period of interest-only interim local financing and a statement that the interest-only payments during the period of interim local financing is not eligible for inclusion in the debt service allocation of the ~~school-administrative unit~~regional learning community for purposes of calculating state school construction subsidy to the ~~unit~~regional learning community.

The maximum period that securities for a school construction project may be outstanding under any applicable statute or rule must be extended by the length of the period of interest-only interim local financing approved by the state board under this subsection.

If the voters of a ~~school-administrative unit~~regional learning community do not vote to approve a school construction project subject to interest-only interim local financing under this subsection, the ~~unit's~~regional learning community's school construction project remains eligible for concept and funding approval from the state board at the time that the project would be eligible for such approval without interest-only interim location funding.

Sec. MM-100. 20-A MRSA §15905-A, sub-§4, as enacted by PL 1999, c. 95, §2, is amended to read:

4. Municipal schools. In a municipal school unit where the responsibility for final adoption of the school budget is vested in the municipal council by municipal charter, a nonstate funded project may be approved without a referendum vote if the charter does not require a referendum. This subsection is repealed June 30, 2008.

Sec. MM-101. 20-A MRSA §15907, sub-§1, as amended by PL 1997, c. 787, §10, is further amended to read:

1. Payment of State's share. The state allocation for debt service costs must be paid by the commissioner to each ~~unit~~regional learning community according to that ~~unit's~~regional learning community's debt retirement schedule and rules adopted pursuant to this chapter.

A. For all current and future debt service costs payable by a ~~school-administrative unit~~regional learning community to the Maine Municipal Bond Bank, the state allocation for debt service costs must be paid by the commissioner to the bond bank or its designated trustee one business day prior to the date of the ~~unit's~~regional learning community's next debt service cost payment as outlined in the ~~unit's~~regional learning community's debt retirement schedule and in accordance with rules adopted pursuant to this chapter. If the payment date falls on a Monday, payment must be made to the bond bank on the preceding Friday.

B. At least 60 days prior to the date of the ~~school-administrative unit's~~regional learning community's next debt service cost as outlined in the ~~unit's~~regional learning community's debt retirement schedule, the commissioner shall inform the bond bank as to the ~~unit's~~regional learning community's state share of debt service for its next debt service payment.

Sec. MM-102. 20-A MRSA §15907, sub-§2, as enacted by PL 1981, c. 693, §§ 5 and 8, is further amended to read:

2. Payment of local share. A ~~school-administrative unit~~regional learning community shall pay the local share of ~~their~~its project costs.

Sec. MM-103. 20-A MRSA §15908, sub-§4, as enacted by PL 1993, c. 721, Pt. B, §1 and affected by Pt. H, §1, is amended to read:

4. Consistent siting. The state board shall adopt criteria governing applications under this chapter to direct construction projects for new schools to areas determined suitable under the provisions of Title 30-A, chapter 187, subchapter H2, by the ~~municipality~~regional learning community within which the project will be located. The board may not require a minimum contiguous parcel size for the project as a condition of approval.

Sec. MM-104. 20-A MRSA §15908-A, sub-§3, as enacted by PL 2003, c. 497, §2 and affected by §5, is amended to read:

3. Requirements for approval. The state board shall withhold approval of a state-funded new or substantially renovated school or school building if the ~~local school authority~~regional learning community board proposing the project can not show that it has duly considered the most energy-efficient and environmentally efficient designs suitable in accordance with rules adopted pursuant to this section.

Sec. MM-105. 20-A MRSA §15909, as amended by PL 1987, c. 803, §§3 and 5, is further amended to read:

§ 15909. Financing

1. Rate of construction aid. A ~~school administrative unit~~ regional learning community's initial local share of the total cost of a project ~~shall~~must be either 5% of the total cost or the equivalent of one mill multiplied by the ~~unit's~~regional learning community's state valuation, whichever is less.

A. The one mill ~~shall~~must be calculated on the state valuation in effect at the time the project is first approved by the state board.

B. The ~~unit's~~regional learning community's initial local share ~~shall~~must be applied to the project costs during the period of construction.

C. The ~~unit's~~regional learning community's initial local share may be derived from local appropriations or gifts.

D. The ~~unit's~~regional learning community's initial local share ~~shall~~may not be considered an educational cost for inclusion in the ~~unit's~~regional learning community's state-local allocation under chapter 605.

E. This subsection does not apply to projects approved in local referendum under section 15904 after June 30, 1985.

2. Bonds. A ~~school administrative unit~~ regional learning community shall sell bonds in its name for the total cost of the project minus the amounts listed in paragraph A. Bond sales ~~shall~~must be consistent with rules adopted or amended by the state board.

A. The amount to be bonded ~~shall~~must be determined as follows. The total cost of the project ~~shall~~must be reduced by:

(2) Proceeds from insured losses;

(3) Money from federal sources; and

(4) Other noneducational funds, except gifts and money from federal revenue sharing sources.

B. A ~~school administrative unit~~ regional learning community may borrow money for projects in anticipation of bond sales. Borrowing ~~shall~~must be consistent with rules adopted or amended by the state board.

3. Deductions; cost of project. Proceeds from insured losses, money from federal sources and other noneducational funds ~~shall~~must be deducted from the total cost of the project to determine the amount on which the ~~state's~~State's share ~~shall~~be calculated. Proceeds from gifts or moneys from federal revenue sharing sources ~~shall~~must be treated as local appropriations.

~~4. Construction projects approved in fiscal year 1984-85.~~ School administrative units which received voter approval on a school construction project in a referendum under section 15904 in fiscal year 1984-85 shall include the initial local share under subsection 1 in the total cost of the project under subsection 2, paragraph A.

Sec. MM-106. 20-A MRSA §15910, as enacted by PL 1981, c. 693, §§5 and 8 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

§ 15910. Requirements

The following requirements shall apply to a school construction project.

1. Applications. An application for approval of a project shallmust include the information required by the state board.

2. Reports. A school administrative unitregional learning community shall file:

- A. A copy of the debt retirement schedule with the commissioner as soon as bonds are sold; and
- B. A final report on a project to include any information the commissioner may require. This report shallmust be made within the time specified by rule by the commissioner.

3. Penalty. Failure to submit accurate reports within specified times shallbe deemedis sufficient cause for withholding school construction aid until the school administrative unitregional learning community complies.

4. Time of signing. A school administrative unitregional learning community may not sign a contract for construction or begin construction until the final plans and specifications have been approved by the commissioner, the Bureau of Public Improvements, the Department of Health and Human Services and the State Fire Marshal.

Sec. MM-107. 20-A MRSA §15911, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§ 15911. Community services; conditions of approval

The state board may approve construction of school buildings without obligating the State to pay a share of the costs of those buildings, if those portions are to be constructed to fulfill a community service need.

1. Community service. "Community service" means a service ~~which~~that does not fulfill an educational purpose or ~~which~~that is not restricted to a school-age population.

2. Breakdown of costs. If construction of facilities to meet a community service need occurs in conjunction with a school construction project, the board shall:

- A. Require a breakdown of costs for the entire project; and

B. Approve a plan as to how operating costs, including repairs, ~~shall~~will be shared by agreement between the municipal officers and the ~~school~~regional learning community board.

3. Findings. The state board's finding ~~shall become~~becomes a part of the certificate of approval and ~~shall~~must be the basis on which all costs ~~shall be~~are apportioned between the municipality and the ~~school administrative unit~~regional learning community board for as long as that portion of the project ~~shall~~:

A. ~~Continue~~Continues to serve that community need; and

B. ~~Remain~~Remains under the control of persons other than the ~~school~~regional learning community board.

4. Application. An application from a ~~school administrative unit~~regional learning community for approval of a school construction project ~~shall~~must include evidence that approval will result in meeting or helping to meet the total construction and program needs of the area to be served.

Sec. MM-108. 20-A MRSA §15912, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§ 15912. Inspection of facility; compliance

If it appears that a ~~school administrative unit~~regional learning community has failed to maintain a school facility ~~which~~that protects the health, welfare and safety of the persons utilizing the facility, the commissioner may cause an inspection to be made. The commissioner shall notify the ~~school administrative unit~~regional learning community of the findings of the investigation and of any changes to be made. The ~~school administrative unit~~regional learning community shall make the changes promptly. If it fails to make the changes, it ~~shall be~~is liable to the penalties provided in section ~~6801~~6801-A.

Sec. MM-109. 20-A MRSA §15913, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§ 15913. School bus shelters

1. Placement. School bus shelters for school children, when approved by the ~~school~~regional learning community board of the ~~unit~~regional learning community in which they are located, may be placed or maintained outside the right-of-way and at least 33 feet from the center line of a highway.

2. Requirement. A shelter ~~shall~~must be:

A. Constructed of steel or other durable material with concrete floor raised above ground level;

B. Kept clean, well painted or otherwise suitably maintained at all times; and

C. Kept free from snow.

3. Removal. The ~~school~~regional learning community board may order ~~its~~the removal of a shelter if it does not meet ~~these~~the requirements under subsections 1 and 2.

Sec. MM-110. 20-A MRSA §15915, as amended by PL 2005, c. 499, §1, is further amended to read:

§ 15915. Energy service companies and 3rd-party financing

1. Initial agreement. Any ~~school administrative unit~~regional learning community may enter into an agreement of up to 15 years with a private party, such as an energy service or 3rd-party financing company, for the design, installation, operation, maintenance and financing of energy conservation or combined energy conservation and air quality improvements at existing ~~school administrative unit~~regional learning community facilities. The ~~school administrative unit's~~regional learning community's costs to enter into such an agreement are not applicable to the ~~unit's~~regional learning community's school construction project costs, the debt service on which is eligible for subsidy purposes under section 15907. Such an agreement is deemed to be a professional service, which is not subject to the competitive bidding requirements of Title 5, section 1743-A, if the agreement:

- A. Provides for operation or maintenance of the improvement for at least 5 years or the entire term of the financing agreement if longer than 5 years;
- B. Requires a guaranty by the contractor that the improvement will meet performance criteria set forth in the agreement for at least 5 years or for the entire term of the financing agreement if longer than 5 years; and
- C. Has a total contract cost, excluding interest and operating and maintenance costs, of less than \$2,000,000 for any school building.

A ~~school administrative unit~~regional learning community may select contractors for these professional services on the basis of a request for qualifications or a request for proposals and it is not required to use a competitive method set forth in this chapter and Title 5, section 1743-A and Private and Special Law 1999, chapter 79. The selection process must include at a minimum a request for qualifications or a request for proposals that is advertised in a newspaper of general circulation in the ~~school administrative unit~~regional learning community and a newspaper of general circulation in the City of Augusta. The ~~school administrative unit~~regional learning community shall interview not fewer than 3 service providers unless a smaller number of service providers responds to the request for qualifications or requests for proposals. The performance criteria in the agreement is subject to approval by the Department of Administrative and Financial Services, Bureau of General Services. A request for qualifications or proposals may not contain terms that require service providers to have more than 3 years of experience in the energy conservation field or the use of equipment that is not generally available to service providers or terms that are otherwise included for the purpose of bias or favoritism toward a particular service provider. Objections to the terms of a request for qualifications or proposals under this subsection are deemed waived if not delivered in writing to the office of the superintendent of schools in that ~~school administrative unit~~regional learning community within 21 days of the last publication of the newspaper advertisement.

2. Future operation. Any school administrative unit regional learning community, at the termination of the agreement with the private party pursuant to this section, may acquire, operate and maintain the improvement, may renew the agreement with the private party or may make an agreement with another private party to operate and maintain the improvement.

Sec. MM-111. 20-A MRSA §15915-A, sub-§1, as enacted by PL 1997, c. 664, §1 and amended by PL 2003, c. 545, §5, is further amended to read:

1. Service agreements. ~~The governing bodies of school administrative units and career and technical education regions~~ Regional learning community boards are authorized to enter into agreements for not more than 10 years with private entities such as telecommunications service providers to purchase telecommunications services, including services for interactive audio and visual communication and transmission of data for educational purposes.

Sec. MM-112. 20-A MRSA §15915-A, sub-§2, as enacted by PL 1997, c. 664, §1 and amended by PL 2003, c. 545, §5, is further amended to read:

2. Interlocal agreements. ~~The governing bodies of school administrative units and career and technical education regions~~ Regional learning community boards are authorized to enter into interlocal agreements in accordance with Title 30-A, chapter 115 and may organize or cause to be organized joint boards and legal entities including public nonprofit corporations under Title 13, chapter 81 and Title 13-B to purchase telecommunications services and to acquire customer premise telecommunications, as defined by the Public Utilities Commission, and related technology equipment.

Sec. MM-113. 20-A MRSA §15918, as enacted by PL 1997, c. 787, §11, is amended to read:

§ 15918. Maintenance and capital improvement plan assistance

The department and the Department of Administrative and Financial Services, Bureau of General Services shall provide assistance to ~~school administrative units, including~~ regional learning communities and the unorganized territories, in establishing maintenance and capital improvement programs under section 4001, subsection 7. The department, with assistance from the Department of Administrative and Financial Services, Bureau of General Services, shall provide a maintenance template, software and assistance with initial inventory inputs to ensure consistent comprehensive local maintenance and capital improvement plans and to provide for electronic reporting of maintenance and capital improvement progress by ~~school administrative units~~ regional learning communities to the department. The Department of Education and the Bureau of General Services shall adopt rules necessary to implement this section. Rules adopted by the Department of Education and the Bureau of General Services to implement this section are major substantive rules pursuant to Title 5, chapter 375, subchapter ~~H-A-2-A~~.

Sec. MM-114. Initial staggered terms. Notwithstanding the Maine Revised Statutes, Title 20-A, section 1454, subsection 2, the initial members elected to a regional learning community board of directors shall meet and draw lots for the length of term specified as follows.

1. Municipalities with annual elections. In municipalities with annual elections, 1/3 of the directors serve one-year terms, 1/3 of the directors serve 2-year terms and 1/3 of the directors serve 3-year terms. If the number of directors is not evenly divisible by 3, the first remaining director serves a 3-year term and the 2nd a 2-year term.

2. Municipalities with biennial elections. In municipalities with biennial elections, 1/2 of the directors serve 4-year terms and 1/2 of the directors serve 2-year terms. If the number of directors is not divisible by 2, the remaining director serves a 4-year term.

The directors shall serve their terms as determined at the organizational meeting and an additional period until the next regular election of the municipalities. Thereafter, the directors' terms of office are as established in accordance with the provisions of Title 20-A, section 1454.

Sec. MM-115. Transition; schedule; department assistance; use of existing schools and facilities.

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

- A. "Department" means the Department of Education.
- B. "Implementation year" means the year that begins July 1, 2008 and ends June 30, 2009.
- C. "Transition year" means the year that begins July 1, 2007 and ends June 30, 2008.

2. Schedule. During the transition year, school administrative units within each of the regions designated in the Maine Revised Statutes, Title 20-A, chapter 103-A shall collaborate, with assistance from the department, in order to organize as regional learning communities in accordance with Title 20-A, chapter 103-A. During the transition year and by the beginning of the implementation year, each regional learning community becomes operational as a school administrative unit on the date set by the State Board of Education as provided in Title 20-A, chapter 103-A, but no later than July 1, 2008.

3. Department assistance. To implement the requirements of this Part, the department must provide the following financial and technical assistance to school administrative units for the duration of both the transition year and the implementation year:

- A. A transition team made up of legal, financial and educational programming consultants that will be assigned to each region to assist regional staff with transition and implementation; and
- B. Monthly professional development opportunities to participate in collaborative learning sessions with the other regions and the department, on topics related to the transition to and implementation of the regional model, and on standards-based programming, uses of data for improved student achievement and other topics identified by the superintendents.

4. Use of existing schools and facilities. A regional learning community may, at the discretion of the regional school board and in a manner that is consistent with Title 20-A, continue to operate schools and facilities that were in operation prior to the date established under subsection 2 upon which the regional learning community becomes operational.

Sec. MM-116. Transfer of property and assets.

1. Board of directors. The directors of the board of each regional learning community established in the Maine Revised Statutes, Title 20-A, chapter 103-A shall determine what school property of the municipalities, Child Development Services System regional sites and career and technical education regions in existence prior to July 1, 2008 and of the school administrative units in existence prior to June 30, 2008 in their regions is necessary to carry out the functions of the regional learning community and shall request in writing that the board of each such school administrative unit, Child Development Services System regional site and career and technical education region or the municipal officers transfer title of their school property and buildings to the regional learning community board of directors.

2. Transfer. The municipal officers and boards contacted pursuant to subsection 1 shall make the transfer of property and assets notwithstanding any other provision in the charter of the school administrative unit or municipality or the laws governing the Child Development Services System regional sites or the career and technical education regions or other provision of law.

3. Financing assumed debts. A regional learning community shall assume the outstanding indebtedness of a school administrative unit in existence prior to June 30, 2008 or a career and technical education region in existence prior to June 30, 2008 in its regional learning community for school construction projects approved for subsidy under Title 20-A, chapter 609. If a regional learning community board of directors has assumed the outstanding indebtedness of a school administrative unit in existence prior to June 30, 2008 or a career and technical region in existence prior to June 30, 2008 in its regional learning community, the directors of the regional learning community board may, notwithstanding any other statute or any provision of any trust agreement, use any sinking fund or other money set aside by the school administrative unit in existence prior to June 30, 2008 or a career and technical region in existence prior to June 30, 2008 to pay off the indebtedness for which the money was dedicated. A regional learning community board of directors is not required to assume the outstanding indebtedness of a school administrative unit in existence prior to June 30, 2008 or a career and technical education region in existence prior to June 30, 2008 in its regional learning community for nonstate funded projects pursuant to Title 20-A, section 15905-A.

Sec. MM-117. Operational date and transfer of authority.

1. Operational date. A regional learning community board of directors becomes operational on the date set by the State Board of Education as provided in the Maine Revised Statutes, Title 20-A, chapter 103-A.

2. Transfer of governing authority. The regional learning community board of directors, on the date established in subsection 1, shall assume responsibility for the management and control of the public schools and programs within the school administrative units in existence prior to June 30, 2008, Child Development Services System regional sites and career and technical education regions in existence prior to June 30, 2008 that are within the regional learning community. Those school administrative units in existence prior to June 30, 2008, Child Development Services System regional sites and career and technical education regions in existence prior to June 30, 2008, on the date established in subsection 1, have no further responsibility for the operation or control of the public schools and programs within the regional learning community.

3. Transfer of school accounts. Notwithstanding Title 20-A, section 15004 or any charter of a community school district or coterminous district, or any laws governing the Child Development Services System regional sites or the career and technical education regions, the balance remaining in the school accounts of the municipalities, community school districts or coterminous school districts within the regional learning community must be paid to the treasurer of the regional learning community in equal monthly installments over the remainder of the fiscal year in which the regional learning community is formed.

4. Teacher contracts. The contracts between the municipalities or the career and technical education regions within the regional learning community and all teachers are automatically assigned to the regional learning community board of directors as of the date the regional learning community becomes operative and remain in effect until the end of the implementation year, unless otherwise negotiated by the teachers and the regional learning community board of directors. The regional learning community board of directors shall assign teachers to their duties and make payments upon their contracts.

5. Superintendent contracts. The contracts between the superintendents and municipalities within the regional learning community are transferred to the regional learning community board of directors. The regional learning community board of directors shall determine the superintendents' duties within the regional learning community.

Sec. MM-118. Property tax reduction. Each school administrative unit must provide assessment reductions to each member municipality that will result in property tax reduction for the unit's member taxpayers through one or more of the following:

1. Increase. The increase provided pursuant to Part C of this Act in state general purpose aid for local schools;

2. Savings. Savings from the regionalization of school administrative units beginning in fiscal year 2008-09; and

3. Other. Other efficiencies chosen by school administrative units.

For each school administrative unit, the Commissioner of Education and the Commissioner of Administrative and Financial Services shall establish and report an assessment reduction target that will result in an amount equal to at least 90% of the increase provided in Part C of this Act in general purpose aid for local schools resulting in property tax reduction.

Each school administrative unit must report annually to the Department of Education, in a format provided by the department that incorporates the target established above, the unit's assessment reductions and that each member municipality has provided to its taxpayers the property tax reduction resulting from the assessment reductions. If a school administrative unit's targeted assessment reductions or any member municipality property tax reductions are not reported or do not occur, the Commissioner of Education and the Commissioner of Administrative and Financial Services shall develop a mechanism to guarantee that the full amount of property tax reduction available to the member municipality taxpayers under subsections 1 to 3 occurs.

Sec. MM-119. Report; additional necessary implementing legislation. No later than January 31, 2008, the Commissioner of Education shall submit to the Joint Standing Committee on Education a report that contains recommendations and any proposed legislation necessary to fully implement this Part. Following receipt and review of the report, the Joint Standing Committee on Education may submit legislation to the Second Regular Session of the 123rd Legislature.

Sec. MM-120. Effective date. Those sections of this Part that repeal the Maine Revised Statutes, Title 20-A, chapter 103, chapter 105, chapter 107, chapter 109 and chapter 111 take effect June 30, 2008. Those sections of this Part that amend Title 20-A, chapters 313, 606-B, 608 and 609 take effect June 30, 2008.

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

SUMMARY

PART A

This Part makes appropriations and allocations of funds for the 2008-09 biennium.

PART B

This Part makes appropriations and allocations of funds for approved reclassifications and range changes.

PART C

This Part specifies a mill expectation of 7.34 for fiscal year 2007-08; the total cost of funding public education from kindergarten to grade 12, consisting of total operating allocation, total debt service allocation and total adjustments and miscellaneous costs; and the state and local share of those costs. This Part also authorizes the Commissioner of Education to expend and disburse or transfer funds for Jobs for Maine's Graduates, the Maine School of Science and Mathematics and the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

PART D

This Part does the following.

Section 1 adds the positions of Data Information Coordinator and Office Assistant I to the positions in the management information systems program funded from the General Purpose Aid for Local Schools account that support the implementation of the requirements of the Essential Programs and Services Funding Act.

Section 2 authorizes funding from the General Purpose Aid for Local Schools account to support the Personal Services and All Other costs for a program that promotes learning through technology.

PART E

This Part repeals the Fund for the Efficient Delivery of Educational Services within the Department of Education.

PART F

This Part changes the student-to-teacher ratio to determine the salary and benefit costs of all school level positions to 17:1.

PART G

This Part requires that the State Budget Officer calculate the amount of savings in Part A that apply against each General Fund account for all departments and agencies except legislative branch departments and agencies from savings in the cost of health insurance and transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2007-08 and 2008-09. The State Budget Officer shall provide the Joint Standing Committee on Appropriations and Financial Affairs a report of the transferred amounts no later than November 1, 2007.

PART H

Part H directs the Department of Professional and Financial Regulation and the Department of Economic and Community Development to develop a plan to merge the departments into a single department to be named the Department of Commerce. The departments are directed to report on their progress by October 1, 2007 and are directed to submit any necessary implementing legislation no later than January 1, 2008.

PART I

This Part eliminates the Forest Insect Manager position in the Department of Conservation, Bureau of Forestry as a major policy-influencing position.

PART J

This Part authorizes the Department of Corrections, upon approval of the Governor, to transfer, by financial order, Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purpose of paying overtime expenses.

PART K

Part K changes the name of the EPSCoR steering committee to the Governor's Maine Science and Technology Advisory Council.

PART L

This Part changes the program name of the Maine Small Business Commission - DECD to the Maine Small Business and Entrepreneurship Commission - DECD. Public Law 2003, chapter 681 changed the name of the Maine Small Business Commission to the Maine Small Business and Entrepreneurship Commission.

PART M

This Part does the following.

1. It establishes special voluntary employee incentive programs for state employees for the 2008-2009 biennium, including a 50% workweek option, flexible position staffing and time off without pay subject to the approval of an employee's appointing authority.
2. It requires that health insurance and group life insurance benefits for employees participating in the program continue based upon the workweek in effect prior to participation in the program.
3. It authorizes the State Budget Officer to transfer General Fund savings resulting from the program to the General Fund Compensation and Benefit Plan account.
4. It lapses \$350,000 in each year of the biennium from savings from the program to the General Fund.

PART N

This Part authorizes the State Budget Officer to transfer available balances of General Fund appropriations for Personal Services in fiscal year 2007-08 and fiscal year 2008-09 between programs and departments within the General Fund by financial order upon approval of the Governor to be used for costs associated with collective bargaining agreements for state employees.

PART O

This Part delays until fiscal year 2009-10 the Fiscal Stability Program provision that would require the executive branch to include an additional General Fund appropriation of 18% in excess of the Department of Inland Fisheries and Wildlife's requested biennial budget.

PART P

This Part creates an assessment mechanism that provides adequate funding to allow the Public Utilities Commission to perform its ongoing responsibilities.

PART Q

This Part does the following.

It authorizes the Maine Governmental Facilities Authority to issue additional securities totaling \$17,000,000 over the 2008-2009 biennium for capital repairs and improvements at various state facilities.

It also requires any unexpended balance in the Debt Service - Government Facilities Authority, General Fund account in the Department of Administrative and Financial Services on June 30, 2007 to be carried forward for the same purpose until June 30, 2009.

PART R

This Part establishes maximum principal costs, interest rates and duration terms for financing agreements to acquire motor vehicles for the Central Fleet Management Division and the State Police. It also establishes a maximum principal cost, interest rate and duration for a financing agreement regarding the Statewide Radio and Network System Reserve Fund.

PART S

This Part delays the increase from 5.1% to 5.2% in municipal revenue sharing to July 1, 2009.

PART T

This Part increases the tax on cigarettes and tobacco products effective as of July 1, 2007.

PART U

This Part delays implementation of the education tax credit from contributions made on or after January 1, 2007 to January 1, 2009.

PART V

This Part amends the 3-factor corporate income apportionment formula to a single factor, based upon sales, effective for tax years beginning on or after January 1, 2007.

PART W

This Part authorizes the transfer of up to \$77,500,000 from the unappropriated surplus of the General Fund to the Medical Care - Payments to Providers General Fund account. As the first priority, up to \$52,000,000 less any amount received in fiscal year 2006-07 for use in fiscal year 2007-08 is transferred to be used to increase prospective interim payments to hospitals. As the second priority, \$25,500,000 must be transferred to be expended for hospital settlements, representing the first of equal payments to be made until a total of \$102,000,000 has been paid.

PART X

This Part allows remaining All Other balances in the Bureau of Medical Services, General Fund account to carry from June 30, 2008 to June 30, 2009 to be used for the same purposes. It allows the transfer of available balances in MaineCare General Fund accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor.

PART Y

This Part does the following.

Section 1 requires that any balance in the Nursing Facilities Other Special Revenue Funds account as of June 30, 2007 and June 30, 2008 carries forward for the purpose of funding cost-of-living adjustments for nursing facilities in fiscal year 2007-08 and fiscal year 2008-09.

Section 2 requires that the cost-of-living adjustments provided to nursing homes are to be in the amount of 2%, as applied to all components of the reimbursement rate except the fixed cost component, per year per facility, except that the Commissioner of Health and Human Services may reduce the percentage if it is determined that funds are not available to fund a 2% adjustment. It requires the Department of Health and Human Services to publish its calculation of the projected available funds and the resulting cost-of-living adjustment no later than May 25, 2007 for fiscal year 2007-08 and May 26, 2008 for fiscal year 2008-09.

Section 3 requires any facility that accepts a cost-of-living adjustment to provide an equal percentage increase in wages and benefits to all frontline employees in each of those years in accordance with the department's Principles of Reimbursement for Nursing Facilities.

Section 4 requires that any unexpended balances in the Department of Health and Human Services, Nursing Facilities, Other Special Revenue Funds account as of June 30, 2007 and June 30, 2008 must first be used to the extent necessary to fund the cost-of-living adjustments.

PART Z

This Part authorizes the Department of Health and Human Services to transfer up to 30 Intensive Case Manager positions in the Mental Health Services - Community program, as they become vacant, to the Office of Integrated Access and Support program to be reorganized to Family Independence Specialist positions. The department is authorized to increase the Other Special Revenue Funds allocation in order to provide the match for the reorganized positions. This Part requires that any General Fund savings resulting from the reorganizations lapse to the General Fund. It requires the Department of Health and Human Services to report to the Legislature's appropriations and financial affairs committee and health and human services committee on the positions and amounts transferred.

PART AA

This Part provides the method for distributing a departmentwide appropriation to allow the Department of Health and Human Services to pay for legal services provided by the Department of the Attorney General.

PART BB

This Part provides the method for distributing a departmentwide appropriation to allow the Department of Health and Human Services to pay for information technology.

PART CC

This Part provides the method for distributing departmentwide savings within the Department of Health and Human Services that will result from the implementation of a managed care effort for behavioral health services.

PART DD

This Part provides the method for distributing departmentwide savings and headcount eliminations within the Department of Health and Human Services that will result from a departmentwide reorganization.

PART EE

This Part provides the method for distributing departmentwide savings within the Department of Health and Human Services that will result from a reduction in payments to the Health and Human Services Service Center.

PART FF

This Part provides that the Atlantic Salmon Commission operates under the jurisdiction and authority of the Department of Marine Resources and authorizes the department to establish the Bureau of Sea-run Fisheries and Habitat. This Part also directs the department to submit necessary implementing legislation.

PART GG

This part requires the Commissioner of Health and Human Services to review the organizational structure of the Office of MaineCare Services to improve efficiency and cost-effectiveness. The position eliminations and savings identified by the commissioner must be transferred by the State Budget Officer and are to be considered adjustments to position count, appropriations and allocations in fiscal year 2008-09.

PART HH

This Part removes the position of Director of Employee Relations from salary range 88 and removes this position as a policy influencing position within the Department of Administrative and Financial Services. It also authorizes the commissioner to name a designee to conduct employee relations activities.

PART II

This Part, in accordance with the Maine Revised Statutes, Title 5, section 1666, authorizes the continuation of funding for each individual tax expenditure reported in the budget document submitted by the Governor on January 5, 2007.

PART JJ

This Part authorizes the Commissioner of Education to pay costs attributed to the contracted support services and annual payments for laptop computers to high school students and teachers.

PART KK

This Part authorizes the Department of Administrative and Financial Services to enter into lease-purchase financing arrangements on behalf of the Department of Education for the acquisition of portable computer systems to support the operations of the Maine Learning Technology Initiative program.

PART LL

This Part changes the maximum assessment from \$8,525,000 to an assessment level for each fiscal year that is sufficient to fund the allocation approved by the Legislature for that fiscal year for the Workers' Compensation Board.

PART MM

This Part implements amendments to the Maine Revised Statutes, Title 20-A in order to streamline the administration of local education in the State. The impact of these changes will be a significant reduction in the number of school superintendents, increases in class sizes for middle and high school students consistent with national norms and an overall reduction in the administrative cost per Maine student. It also makes available property tax reductions equivalent to 90% of the state share of education funding provided in this budget and mandates that these property tax reductions occur.