

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

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

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

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

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

PART A

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Accident - Sickness - Health Insurance 0455

Initiative: Reduces funding for the State's contribution to premiums for the law enforcement and firefighters retiree health insurance to recognize savings from slightly lower than projected enrollments.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$29,607)
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GENERAL FUND TOTAL	\$0	(\$29,607)

Administration - Human Resources 0038

Initiative: Transfers one Public Service Manager II position, 2 Public Service Coordinator II positions, 3 Public Service Coordinator I positions and one Office Specialist II position and related All Other funding from the Office of Employee Relations to the Bureau of Human Resources as part of the merger approved in Public Law 2007, chapter 240, Part HH.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	7.000
Personal Services	\$0	\$611,952
All Other	\$0	\$57,791
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GENERAL FUND TOTAL	\$0	\$669,743

Administration - Human Resources 0038

Initiative: Transfers one Office Associate I position and one Office Associate II position from the Office of the State Controller to the Bureau of Human Resources in order to properly place these positions in the program where the duties of these 2 individuals are being performed.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$93,963	\$97,237
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GENERAL FUND TOTAL	\$93,963	\$97,237

Administration - Human Resources 0038

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the management of vacant positions in fiscal year 2007-08. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
Personal Services	(\$13,487)	\$0
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GENERAL FUND TOTAL	(\$13,487)	\$0

Budget - Bureau of the 0055

Initiative: Reduces funding for Personal Services and information technology from the management of vacant positions in fiscal year 2007-08. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
Personal Services	(\$90,000)	\$0
All Other	(\$2,939)	(\$4,645)

GENERAL FUND TOTAL	(\$92,939)	(\$4,645)

Buildings and Grounds Operations 0080

Initiative: Reduces the headcount in the Real Property Lease Internal Service Fund. The headcount was incorrectly increased in Public Law 2007, chapter 240, Part A.

REAL PROPERTY LEASE INTERNAL SERVICE FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	(0.500)	(0.500)
REAL PROPERTY LEASE INTERNAL SERVICE FUND TOTAL	\$0	\$0

Buildings and Grounds Operations 0080

Initiative: Provides funding for a projected 60% rate increase in electrical charges paid by the Bureau of General Services for state-owned facilities. It is projected that the fiscal year 2007-08 expenditure will result in \$800,000 of additional undedicated revenue to the General Fund in fiscal year 2008-09 from the State Cost Allocation Plan.

GENERAL FUND	2007-08	2008-09
All Other	\$1,580,585	\$1,580,585
GENERAL FUND TOTAL	\$1,580,585	\$1,580,585

Buildings and Grounds Operations 0080

Initiative: Provides funding for fuel expenditures for state-owned buildings based on new fuel rates and fuel usage in fiscal year 2006-07. It is projected that the fiscal year 2007-08 expenditure will result in \$935,000 of additional undedicated revenue to the General Fund in fiscal year 2008-09 from the State Cost Allocation Plan.

GENERAL FUND	2007-08	2008-09
All Other	\$1,870,415	\$935,208
GENERAL FUND TOTAL	\$1,870,415	\$935,208

Buildings and Grounds Operations 0080

Initiative: Reorganizes one Public Service Manager II position from range 29 to range 31 and transfers All Other to Personal Services to fund the reorganization.

REAL PROPERTY LEASE INTERNAL SERVICE FUND	2007-08	2008-09
Personal Services	\$1,907	\$7,161
All Other	(\$1,907)	(\$7,161)
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REAL PROPERTY LEASE INTERNAL SERVICE FUND TOTAL	\$0	\$0

Buildings and Grounds Operations 0080

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the management of vacant positions in fiscal year 2007-08. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
Personal Services	(\$75,309)	\$0
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GENERAL FUND TOTAL	(\$75,309)	\$0

Buildings and Grounds Operations 0080

Initiative: Eliminates 2 vacant Boiler Engineer positions and transfers funding to All Other for the purpose of contracting for boiler engineer maintenance in state-owned buildings.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(2.000)
Personal Services	\$0	(\$125,290)
All Other	\$0	\$125,290
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GENERAL FUND TOTAL	\$0	\$0

Debt Service - Government Facilities Authority 0893

Initiative: Reduces funding for the debt service payments to the Maine Governmental Facilities Authority (MGFA) in fiscal years 2007-08 and 2008-09 to recognize investment earnings on the construction fund balance maintained by MGFA that will be credited to the State.

GENERAL FUND	2007-08	2008-09
All Other	(\$441,000)	(\$277,712)
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GENERAL FUND TOTAL	(\$441,000)	(\$277,712)

Departments and Agencies - Statewide 0016

Initiative: Provides funding to offset the deappropriation made in Public Law 2007, chapter 240, Part G, section 2 to the statewide account for health insurance. The savings in health insurance will not be achieved through a rate reduction but through a transfer from the Accident, Sickness and Health Insurance Internal Service Fund to the unappropriated surplus of the General Fund.

GENERAL FUND	2007-08	2008-09
Personal Services	\$500,000	\$500,000
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GENERAL FUND TOTAL	\$500,000	\$500,000

Employee Relations - Office of 0244

Initiative: Transfers one Public Service Manager II position, 2 Public Service Coordinator II positions, 3 Public Service Coordinator I positions and one Office Specialist II position and related All Other funding from the Office of Employee Relations to the Bureau of Human Resources as part of the merger approved in Public Law 2007, chapter 240, Part HH.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(7.000)
Personal Services	\$0	(\$611,952)
All Other	\$0	(\$57,791)
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GENERAL FUND TOTAL	\$0	(\$669,743)

Financial and Personnel Services - Division of 0713

Initiative: Establishes 3 Public Service Manager I positions, 3 Senior Staff Accountant positions, 3 Accounting Technician positions and one Financial Analyst position and provides All Other funds for these positions for the Department of Health and Human Services Service Center in the Department of Administrative and Financial Services to improve the efficiency in financial accounting and reporting services for the department.

FINANCIAL AND PERSONNEL SERVICES FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	10.000
Personal Services	\$0	\$699,264
All Other	\$0	\$55,270
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FINANCIAL AND PERSONNEL SERVICES FUND TOTAL	\$0	\$754,534

Financial and Personnel Services - Division of 0713

Initiative: Transfers 3 Public Service Coordinator I positions and one Social Services Manager I position and related All Other funds from the Department of Health and Human Services Service Center to the Office of Management and Budget in the Department of Health and Human Services in order to properly align these fiscal program coordinator positions within the department.

FINANCIAL AND PERSONNEL SERVICES FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(4.000)
Personal Services	\$0	(\$331,842)
All Other	\$0	(\$22,108)
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FINANCIAL AND PERSONNEL SERVICES FUND TOTAL	\$0	(\$353,950)

Financial and Personnel Services - Division of 0713

Initiative: Transfers one Accounting Technician position and one Public Service Manager I position from the Maine State Library to the General Government Service Center effective April 1, 2008.

FINANCIAL AND PERSONNEL SERVICES FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$38,753	\$157,950
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FINANCIAL AND PERSONNEL SERVICES FUND TOTAL	\$38,753	\$157,950

Homestead Property Tax Exemption - Mandate Reimbursement 0887

Initiative: Reduces funding from projected savings in the Homestead Property Tax Exemption - Mandate Reimbursement program.

GENERAL FUND	2007-08	2008-09
All Other	(\$4,100)	(\$1,093)
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GENERAL FUND TOTAL	(\$4,100)	(\$1,093)

Homestead Property Tax Exemption Reimbursement 0886

Initiative: Reduces funding from savings for the Homestead Property Tax Exemption Reimbursement program. Maine Revenue Services has sufficient information to determine that the final payout of funds will result in an unexpended balance of \$830,000 in fiscal year 2007-08. The projected savings in fiscal year 2008-09 assumes the same level of claim payments as for fiscal year 2007-08 with no significant changes in real property values or mill rates. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
All Other	(\$830,000)	(\$800,000)
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GENERAL FUND TOTAL	(\$830,000)	(\$800,000)

Information Services 0155

Initiative: Reduces funding in the Office of Information Technology to recognize a reduction in costs due to changes in operations and other efficiencies.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$1,012,848)
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GENERAL FUND TOTAL	\$0	(\$1,012,848)

Information Services 0155

Initiative: Reduces funding for professional services, enterprise-level training for project management, information technology advisory services and security initiatives and delays printer replacement schedules in the Office of Information Technology. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
All Other	(\$184,772)	(\$109,897)
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GENERAL FUND TOTAL	(\$184,772)	(\$109,897)

Information Services 0155

Initiative: Provides funding to extend 8 limited-period positions through June 12, 2010 and one position through June 13, 2009. The following positions were previously established by financial order: one Public Service Manager II position, one Information Technology Consultant position, one Systems Analyst position, one Computer Programmer position, one Information Technology Senior Project Manager position and 3 Information Technology Project Associate positions. Extends one GIS Coordinator position through June 2009. Six of the positions are required to support the claims management system (MECMS) during the transition of MaineCare to the fiscal agent. Two are required to support MScCommNet - Enterprise Radio project. The GIS Coordinator position is required to support ambient water quality data collection and quality assurance and control for the Department of Environmental Protection.

OFFICE OF INFORMATION SERVICES FUND	2007-08	2008-09
Personal Services	\$0	\$772,428
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OFFICE OF INFORMATION SERVICES FUND TOTAL	\$0	\$772,428

Lottery Operations 0023

Initiative: Reduces general operating expenditures through maintaining a vacant position through the first quarter of fiscal year 2008-09. This reduction will result in increased undedicated General Fund revenue due to decreased cost of goods sold.

STATE LOTTERY FUND	2007-08	2008-09
All Other	(\$20,000)	(\$15,000)
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STATE LOTTERY FUND TOTAL	(\$20,000)	(\$15,000)

Mandate BETE - Reimburse Municipalities Z065

Initiative: Provides funding to cover the mandate expense for the new business equipment tax exemption for eligible property first subject to tax on or after April 1, 2008.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$20,000
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GENERAL FUND TOTAL	\$0	\$20,000

Office of the Commissioner - Administrative and Financial Services 0718

Initiative: Recognizes one-time savings in Personal Services from the management of vacant positions in fiscal year 2007-08. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
Personal Services	(\$21,000)	\$0
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GENERAL FUND TOTAL	(\$21,000)	\$0

Public Improvements - Planning/Construction - Administration 0057

Initiative: Reduces funding for Personal Services from savings through the management of position vacancies.

GENERAL FUND	2007-08	2008-09
Personal Services	(\$14,604)	\$0
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GENERAL FUND TOTAL	(\$14,604)	\$0

Revenue Services - Bureau of 0002

Initiative: Reduces funding through one-time savings by postponing the updates to econometric models by one fiscal year.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$300,000)
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GENERAL FUND TOTAL	\$0	(\$300,000)

Revenue Services - Bureau of 0002

Initiative: Reduces funding through one-time savings by delaying independent consulting services provided to Maine Revenue Services.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$272,000)
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GENERAL FUND TOTAL	\$0	(\$272,000)

Revenue Services - Bureau of 0002

Initiative: Reduces funding through one-time savings for training.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$56,760)
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GENERAL FUND TOTAL	\$0	(\$56,760)

Revenue Services - Bureau of 0002

Initiative: Provides funding for a projected 60% rate increase in electricity rates for the office located at 14 Edison Drive in Augusta.

GENERAL FUND	2007-08	2008-09
All Other	\$6,475	\$6,475
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GENERAL FUND TOTAL	\$6,475	\$6,475

Revenue Services - Bureau of 0002

Initiative: Reduces funding for printing through utilization of electronic transmission of information and returns. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
All Other	(\$50,000)	(\$65,000)
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GENERAL FUND TOTAL	(\$50,000)	(\$65,000)

Revenue Services - Bureau of 0002

Initiative: Reduces funding through one-time savings achieved by delaying projected expenditures for contractual computer consulting work. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
All Other	(\$306,000)	(\$75,000)
GENERAL FUND TOTAL	(\$306,000)	(\$75,000)

Revenue Services - Bureau of 0002

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the management of vacant positions in fiscal year 2007-08. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
Personal Services	(\$262,208)	\$0
GENERAL FUND TOTAL	(\$262,208)	\$0

Revenue Services - Bureau of 0002

Initiative: Provides funding for one Senior Tax Examiner position and one Tax Examiner position assigned to the Collections Unit beginning July 1, 2008 to collect unpaid business and trust fund taxes. These positions will increase General Fund revenue by \$901,550 in fiscal year 2008-09.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$126,799
All Other	\$0	\$21,068
GENERAL FUND TOTAL	\$0	\$147,867

Salary Plan 0305

Initiative: Provides funding to correct the deappropriation in the General Fund Salary Plan program that was made in error in Public Law 2007, chapter 452. The intent of the legislation was to appropriate funds to cover the additional costs of health insurance to the State resulting from the requirement to provide coverage for hearing aids for persons 18 years of age and under. This request will be offset by the lapsing of \$15,000 from the General Fund Salary Plan program, as reflected in Part U, section 1 of this Act.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	\$15,000
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GENERAL FUND TOTAL	\$0	\$15,000

Snow Grooming Property Tax Exemption Reimbursement Z024

Initiative: Reduces funding from projected one-time savings in the Snow Grooming Property Tax Exemption Reimbursement program.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$654)
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GENERAL FUND TOTAL	\$0	(\$654)

State Controller - Office of the 0056

Initiative: Reorganizes 2 Accountant II positions to 2 Public Service Coordinator I positions to work as auditors in the Office of the State Controller.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	\$46,974
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GENERAL FUND TOTAL	\$0	\$46,974

State Controller - Office of the 0056

Initiative: Transfers one Office Associate I position and one Office Associate II position from the Office of the State Controller to the Bureau of Human Resources in order to properly place these positions in the program where the duties of these 2 individuals are being performed.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	(2,000)	(2,000)
Personal Services	(\$93,963)	(\$97,237)
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GENERAL FUND TOTAL	(\$93,963)	(\$97,237)

State Controller - Office of the 0056

Initiative: Eliminates one vacant Accounting Technician position in the Office of the State Controller.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$23,296)	(\$49,034)
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GENERAL FUND TOTAL	(\$23,296)	(\$49,034)

Statewide Radio Network System 0112

Initiative: Reduces funding from a one-time savings for the statewide radio network project by delaying the financing scheduled in fiscal year 2008-09 by 6 months.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$800,000)
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GENERAL FUND TOTAL	\$0	(\$800,000)

Tree Growth Tax Reimbursement 0261

Initiative: Reduces funding from one-time savings for the Tree Growth Tax Reimbursement program. Maine Revenue Services has sufficient information to determine that the final payout of funds will result in an unexpended balance of \$76,083 in fiscal year 2007-08.

GENERAL FUND	2007-08	2008-09
All Other	(\$76,083)	\$0
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GENERAL FUND TOTAL	(\$76,083)	\$0

Veterans' Organization Tax Reimbursement Z062

Initiative: Provides funding to reimburse municipalities for 50% of the estimated revenue loss in property taxes as a result of Public Law 2005, chapter 645, which expanded the exemption to include property owned by certain veterans' organizations.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$322,892

	\$0	\$322,892
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Veterans' Organization Tax Reimbursement Z062

Initiative: Deappropriates funds no longer required to reimburse municipalities for 50% of the estimated revenue loss in property taxes based on fiscal year 2007-08 claims.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$300,000)
GENERAL FUND TOTAL	\$0	(\$300,000)

Veterans Tax Reimbursement 0407

Initiative: Reduces funding for veterans' tax reimbursements. Public Law 2007, chapter 240, Part PPPP increased the amount of property tax exemption for qualified post-World War I veterans from \$5,000 to \$6,000. The increased exemption will not take effect until April 1, 2008. The reimbursement for the increased exemption will occur after July 1, 2009; therefore, the additional appropriation is not required in fiscal year 2008-09.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$359,800)
GENERAL FUND TOTAL	\$0	(\$359,800)

Veterans Tax Reimbursement 0407

Initiative: Reduces funding for veterans' tax reimbursements. The statutory requirement has been fulfilled for all claims paid in fiscal year 2007-08. Additional savings are also projected for fiscal year 2008-09.

GENERAL FUND	2007-08	2008-09
All Other	(\$86,265)	(\$47,598)
GENERAL FUND TOTAL	(\$86,265)	(\$47,598)

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$1,476,412	(\$986,647)
FINANCIAL AND PERSONNEL SERVICES FUND	\$38,753	\$558,534
OFFICE OF INFORMATION SERVICES FUND	\$0	\$772,428
REAL PROPERTY LEASE INTERNAL SERVICE FUND	\$0	\$0
STATE LOTTERY FUND	(\$20,000)	(\$15,000)
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DEPARTMENT TOTAL - ALL FUNDS	\$1,495,165	\$329,315

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

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Animal Welfare Fund 0946

Initiative: Provides funding for the approved reorganization of 6 District Humane Agent positions from range 18 to range 20.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$7,904	\$22,953
All Other	\$429	\$1,245
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$8,333	\$24,198

Animal Welfare Fund 0946

Initiative: Transfers 50% of the cost of one Office Associate II position from the Division of Animal Health and Industry, General Fund to the Animal Welfare Fund, Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$0	\$30,202
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$30,202

Beverage Container Enforcement Fund 0971

Initiative: Reduces funding one time in the Beverage Container Enforcement Fund. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
All Other	(\$17,000)	\$0
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GENERAL FUND TOTAL	(\$17,000)	\$0

Division of Animal Health and Industry 0394

Initiative: Transfers 50% of the cost of one Office Associate II position from the Division of Animal Health and Industry, General Fund to the Animal Welfare Fund, Other Special Revenue Funds.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	(\$30,202)
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GENERAL FUND TOTAL	\$0	(\$30,202)

Division of Animal Health and Industry 0394

Initiative: Reduces funding for the Soil and Water Conservation Districts to \$17,500 each annually.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$40,800)
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GENERAL FUND TOTAL	\$0	(\$40,800)

Division of Animal Health and Industry 0394

Initiative: Reduces funding by managing vacant positions in fiscal year 2007-08. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
Personal Services	(\$49,245)	\$0
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GENERAL FUND TOTAL	(\$49,245)	\$0

Division of Market and Production Development 0833

Initiative: Transfers 50% of one Public Service Coordinator I position from the Milk Commission, Other Special Revenue Funds to the Division of Market and Production Development, General Fund. Transfers one Planning and Research Associate II position originally funded 50% in the Division of Market and

Production Development, General Fund and 50% Pesticides Control, Board of, Other Special Revenue Funds to be 100% funded in the Milk Commission, Other Special Revenue Funds. Also transfers one Planning and Research Associate II position originally funded 50% Division of Market and Production, General Fund and 50% Division of Quality Assurance and Regulation, Federal Expenditures Fund to the Division of Market and Production Development to be funded 61% Federal Expenditures Fund and 39% General Fund to better align funding with function.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	(2,000)	(2,000)
Personal Services	(\$1,814)	(\$588)
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GENERAL FUND TOTAL	(\$1,814)	(\$588)

FEDERAL EXPENDITURES FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$39,113	\$41,275
All Other	\$1,738	\$2,238
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FEDERAL EXPENDITURES FUND TOTAL	\$40,851	\$43,513

Division of Quality Assurance and Regulation 0393

Initiative: Transfers 50% of one Public Service Coordinator I position from the Milk Commission, Other Special Revenue Funds to the Division of Market and Production Development, General Fund. Transfers one Planning and Research Associate II position originally funded 50% in the Division of Market and Production Development, General Fund and 50% Pesticides Control, Board of, Other Special Revenue Funds to be 100% funded in the Milk Commission, Other Special Revenue Funds. Also transfers one Planning and Research Associate II position originally funded 50% Division of Market and Production, General Fund and 50% Division of Quality Assurance and Regulation, Federal Expenditures Fund to the Division of Market and Production Development to be funded 61% Federal Expenditures Fund and 39% General Fund to better align funding with function.

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	(\$32,056)	(\$33,830)
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FEDERAL EXPENDITURES FUND TOTAL	(\$32,056)	(\$33,830)

Division of Quality Assurance and Regulation 0393

Initiative: Provides funding for increased electrical costs.

GENERAL FUND	2007-08	2008-09
All Other	\$7,270	\$7,270
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GENERAL FUND TOTAL	\$7,270	\$7,270

Division of Quality Assurance and Regulation 0393

Initiative: Reduces funding by managing vacant positions in fiscal year 2007-08. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
Personal Services	(\$57,236)	\$0
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GENERAL FUND TOTAL	(\$57,236)	\$0

Division of Quality Assurance and Regulation 0393

Initiative: Reduces funding by postponing filling a vacant Consumer Protection Inspector position during fiscal year 2008-09.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	(\$62,389)
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GENERAL FUND TOTAL	\$0	(\$62,389)

Harness Racing Commission 0320

Initiative: Adjusts funding to bring it into line with projected available resources based on revenue changes approved by the Revenue Forecasting Committee.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	(\$250,634)	\$671,973
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OTHER SPECIAL REVENUE FUNDS TOTAL	(\$250,634)	\$671,973

Milk Commission 0188

Initiative: Transfers 50% of one Public Service Coordinator I position from the Milk Commission, Other Special Revenue Funds to the Division of Market and Production Development, General Fund. Transfers one Planning and Research Associate II position originally funded 50% in the Division of Market and Production Development, General Fund and 50% Pesticides Control, Board of, Other Special Revenue Funds to be 100% funded in the Milk Commission, Other Special Revenue Funds. Also transfers one Planning and Research Associate II position originally funded 50% Division of Market and Production, General Fund and 50% Division of Quality Assurance and Regulation, Federal Expenditures Fund to the Division of Market and Production Development to be funded 61% Federal Expenditures Fund and 39% General Fund to better align funding with function.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$32,219	\$31,328
All Other	\$692	\$672
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$32,911	\$32,000

Pesticides Control - Board of 0287

Initiative: Provides funding for the approved reorganization of 8 Pesticide Control Technician positions to Environmental Specialist II positions.

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$2,511	\$12,991
All Other	\$32	\$160
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FEDERAL EXPENDITURES FUND TOTAL	\$2,543	\$13,151

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$3,035	\$9,527
All Other	\$48	\$141
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,083	\$9,668

Pesticides Control - Board of 0287

Initiative: Transfers 50% of one Public Service Coordinator I position from the Milk Commission, Other Special Revenue Funds to the Division of Market and Production Development, General Fund. Transfers one Planning and Research Associate II position originally funded 50% in the Division of Market and Production Development, General Fund and 50% Pesticides Control, Board of, Other Special Revenue

Funds to be 100% funded in the Milk Commission, Other Special Revenue Funds. Also transfers one Planning and Research Associate II position originally funded 50% Division of Market and Production, General Fund and 50% Division of Quality Assurance and Regulation, Federal Expenditures Fund to the Division of Market and Production Development to be funded 61% Federal Expenditures Fund and 39% General Fund to better align funding with function.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	(\$37,462)	(\$38,185)
All Other	(\$369)	(\$377)
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$37,831)	(\$38,562)
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	(\$118,025)	(\$126,709)
FEDERAL EXPENDITURES FUND	\$11,338	\$22,834
OTHER SPECIAL REVENUE FUNDS	(\$244,138)	\$729,479
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	(\$350,825)	\$625,604

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

ARTS COMMISSION, MAINE

Arts - Administration 0178

Initiative: Reduces funding for outreach grants and general operations to maintain costs within available resources.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$23,039)
<hr/>		
GENERAL FUND TOTAL	\$0	(\$23,039)

Arts - Administration 0178

Initiative: Reduces funding for in-state travel. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
All Other	(\$11,222)	(\$17,734)
	<hr/>	<hr/>
GENERAL FUND TOTAL	(\$11,222)	(\$17,734)
ARTS COMMISSION, MAINE	2007-08	2008-09
DEPARTMENT TOTALS		
GENERAL FUND	(\$11,222)	(\$40,773)
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	(\$11,222)	(\$40,773)

Sec. A-4. Appropriations and allocations. The following appropriations and allocations are made.

ATLANTIC STATES MARINE FISHERIES COMMISSION

Atlantic States Marine Fisheries Commission 0028

Initiative: Reduces funding for the Atlantic States Marine Fisheries Commission to maintain costs within available resources.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$1,189)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$1,189)

Sec. A-5. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: Eliminates one Assistant Attorney General position and related All Other to maintain costs within available resources.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$108,469)

All Other	\$0	(\$1,500)
<hr/>		
GENERAL FUND TOTAL	\$0	(\$109,969)

Administration - Attorney General 0310

Initiative: Reduces one full-time Assistant Attorney General position to part-time and reduces related All Other to maintain costs within available resources.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(0.500)
Personal Services	\$0	(\$51,608)
All Other	\$0	(\$600)
<hr/>		
GENERAL FUND TOTAL	\$0	(\$52,208)

Administration - Attorney General 0310

Initiative: Reduces funding from savings achieved by managing a vacancy to maintain costs within available resources.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	(\$60,318)
All Other	\$0	(\$600)
<hr/>		
GENERAL FUND TOTAL	\$0	(\$60,918)

Administration - Attorney General 0310

Initiative: Reorganizes one Research Assistant position from full-time to part-time. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	(0.500)	(0.500)
Personal Services	(\$9,579)	(\$20,300)
<hr/>		
GENERAL FUND TOTAL	(\$9,579)	(\$20,300)

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	(\$7,836)	(\$16,605)
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$7,836)	(\$16,605)

Administration - Attorney General 0310

Initiative: Reduces funding for general operations. These are one-time savings. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
All Other	(\$3,700)	\$0
	<hr/>	<hr/>
GENERAL FUND TOTAL	(\$3,700)	\$0

Civil Rights 0039

Initiative: Reduces funding from savings achieved by cancelling the annual statewide Civil Rights Team Project spring conference.

GENERAL FUND	2007-08	2008-09
All Other	(\$25,597)	\$0
	<hr/>	<hr/>
GENERAL FUND TOTAL	(\$25,597)	\$0

District Attorneys Salaries 0409

Initiative: Reduces funding for savings achieved by managing vacancies to maintain costs within available resources.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	(\$301,361)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$301,361)

ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS	2007-08	2008-09
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GENERAL FUND	(\$38,876)	(\$544,756)
OTHER SPECIAL REVENUE FUNDS	(\$7,836)	(\$16,605)
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	(\$46,712)	(\$561,361)

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

AUDIT, DEPARTMENT OF

Audit - Departmental Bureau 0067

Initiative: Transfers 50% of one Staff Auditor II position from the General Fund to Other Special Revenue Funds in this same program and reduces funding in All Other to maintain costs within available resources.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	(\$33,417)
All Other	\$0	(\$17,108)
<hr/>		
GENERAL FUND TOTAL	\$0	(\$50,525)

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$0	\$33,417
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$33,417

Audit - Departmental Bureau 0067

Initiative: Reduces funding for in-state travel, which will result in fewer reviews in the municipal outreach program. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
All Other	(\$1,644)	(\$1,988)
<hr/>		
GENERAL FUND TOTAL	(\$1,644)	(\$1,988)

AUDIT, DEPARTMENT OF	2007-08	2008-09
DEPARTMENT TOTALS		

GENERAL FUND	(\$1,644)	(\$52,513)
OTHER SPECIAL REVENUE FUNDS	\$0	\$33,417
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	(\$1,644)	(\$19,096)

Sec. A-7. Appropriations and allocations. The following appropriations and allocations are made.

BAXTER COMPENSATION AUTHORITY

Baxter Compensation Authority 0117

Initiative: Provides funding to cover the unemployment costs of a former Baxter Compensation Authority employee.

GENERAL FUND	2007-08	2008-09
Personal Services	\$8,834	\$0
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$8,834	\$0

Sec. A-8. Appropriations and allocations. The following appropriations and allocations are made.

BAXTER STATE PARK AUTHORITY

Baxter State Park Authority 0253

Initiative: Provides funding to increase the length of one seasonal Forest Technician position from 26 weeks to 31 weeks.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
POSITIONS - FTE COUNT	0.096	0.096
Personal Services	\$4,200	\$4,408
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,200	\$4,408

Baxter State Park Authority 0253

Initiative: Provides funding for the management, resource protection and public safety of the Mt. Chase/ Austin-Cary lands.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$50,000	\$50,000
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$50,000	\$50,000

Tree Harvesting Fund 0809

Initiative: Provides funding for the management, resource protection and public safety of the Scientific Forest Management Area.

BAXTER TREE HARVESTING FUND	2007-08	2008-09
All Other	\$150,000	\$150,000
	<hr/>	<hr/>
BAXTER TREE HARVESTING FUND TOTAL	\$150,000	\$150,000

BAXTER STATE PARK AUTHORITY DEPARTMENT TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$54,200	\$54,408
BAXTER TREE HARVESTING FUND	\$150,000	\$150,000
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$204,200	\$204,408

Sec. A-9. Appropriations and allocations. The following appropriations and allocations are made.

CENTERS FOR INNOVATION

Centers for Innovation 0911

Initiative: Reduces funding for research and education projects related to commercial aquaculture. This initiative relates to the curtailments ordered in Financial Order 003806 F8.

GENERAL FUND	2007-08	2008-09
All Other	(\$5,067)	(\$12,978)
	<hr/>	<hr/>
GENERAL FUND TOTAL	(\$5,067)	(\$12,978)

PART B

Sec. B-1. Appropriations and allocations. There are appropriated and allocated from the various funds for the fiscal years ending June 30, 2008 and June 30, 2009, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Administration - Human Resources 0038

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$5,661	\$4,080
All Other	(\$5,661)	(\$4,080)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$0

Buildings and Grounds Operations 0080

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$23,232	\$20,864
All Other	(\$23,232)	(\$20,864)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$0

Central Fleet Management 0703

Initiative: RECLASSIFICATIONS

CENTRAL MOTOR POOL	2007-08	2008-09
Personal Services	\$13,314	\$12,355
	<hr/>	<hr/>
CENTRAL MOTOR POOL TOTAL	\$13,314	\$12,355

Financial and Personnel Services - Division of 0713

Initiative: RECLASSIFICATIONS

FINANCIAL AND PERSONNEL SERVICES FUND	2007-08	2008-09
Personal Services	\$5,770	\$38,812
All Other	(\$5,770)	(\$38,812)
	<hr/>	<hr/>
FINANCIAL AND PERSONNEL SERVICES FUND TOTAL	\$0	\$0

Information Services 0155

Initiative: RECLASSIFICATIONS

OFFICE OF INFORMATION SERVICES FUND	2007-08	2008-09
Personal Services	\$43,357	\$45,600
	<hr/>	<hr/>
OFFICE OF INFORMATION SERVICES FUND TOTAL	\$43,357	\$45,600

Revenue Services - Bureau of 0002

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$92,440	\$58,891
All Other	(\$92,440)	(\$58,891)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$0

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

	2007-08	2008-09
GENERAL FUND	\$0	\$0
FINANCIAL AND PERSONNEL SERVICES FUND	\$0	\$0
OFFICE OF INFORMATION SERVICES FUND	\$43,357	\$45,600
CENTRAL MOTOR POOL	\$13,314	\$12,355
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$56,671	\$57,955

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Animal Welfare Fund 0946

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$395	\$435
All Other	\$22	\$24
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$417	\$459

Office of the Commissioner 0401

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$4,759	\$4,212
All Other	(\$4,759)	(\$4,212)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$0

**AGRICULTURE, FOOD AND RURAL RESOURCES,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2007-08	2008-09
GENERAL FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$417	\$459
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$417	\$459

BAXTER STATE PARK AUTHORITY

Baxter State Park Authority 0253

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$2,504	\$1,995
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,504	\$1,995

BAXTER STATE PARK AUTHORITY DEPARTMENT TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$2,504	\$1,995
DEPARTMENT TOTAL - ALL FUNDS	\$2,504	\$1,995

**CONSERVATION, DEPARTMENT OF
Forest Policy and Management - Division of 0240**

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$25,409	\$18,238
All Other	(\$25,409)	(\$18,238)
GENERAL FUND TOTAL	\$0	\$0

Natural Areas Program 0821

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$21,871	\$8,038
All Other	\$1,350	\$495
OTHER SPECIAL REVENUE FUNDS TOTAL	\$23,221	\$8,533

CONSERVATION, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$23,221	\$8,533
DEPARTMENT TOTAL - ALL FUNDS	\$23,221	\$8,533

**CORRECTIONS, DEPARTMENT OF
Charleston Correctional Facility 0400**

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$6,010	\$3,593
All Other	(\$6,010)	(\$3,593)
<hr/>		
GENERAL FUND TOTAL	\$0	\$0

Correctional Center 0162

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$9,967	\$8,289
All Other	(\$9,967)	(\$8,289)
<hr/>		
GENERAL FUND TOTAL	\$0	\$0

Mountain View Youth Development Center 0857

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$4,492	\$4,361
All Other	(\$4,492)	(\$4,361)
<hr/>		
GENERAL FUND TOTAL	\$0	\$0

State Prison 0144

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$5,185	\$12,408
All Other	(\$5,185)	(\$12,408)
<hr/>		
GENERAL FUND TOTAL	\$0	\$0

**CORRECTIONS, DEPARTMENT OF
DEPARTMENT TOTALS**

	2007-08	2008-09
GENERAL FUND	\$0	\$0
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF
Administration - Maine Emergency Management Agency 0214**

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$1,182	\$1,448
<hr/>		
GENERAL FUND TOTAL	\$1,182	\$1,448

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$3,542	\$4,329
<hr/>		
FEDERAL EXPENDITURES FUND TOTAL	\$3,542	\$4,329

Military Training and Operations 0108

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	(\$1,182)	(\$1,448)
<hr/>		
GENERAL FUND TOTAL	(\$1,182)	(\$1,448)

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$2,211	\$1,352
<hr/>		
FEDERAL EXPENDITURES FUND TOTAL	\$2,211	\$1,352

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$72	\$43
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$72	\$43

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$5,753	\$5,681
OTHER SPECIAL REVENUE FUNDS	\$72	\$43
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	\$5,825	\$5,724

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Business Development 0585

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$8,617	\$12,323
All Other	(\$8,617)	(\$12,323)
<hr/>		
GENERAL FUND TOTAL	\$0	\$0

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	\$0
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

EDUCATION, DEPARTMENT OF

Learning Systems 0839

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$6,185	\$5,505
All Other	(\$6,185)	(\$5,505)
	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$10,544	\$5,243
All Other	(\$10,544)	(\$5,243)
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

Learning Through Technology Z029

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$3,364	\$3,119
All Other	(\$3,364)	(\$3,119)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$0

Support Systems 0837

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$4,888	\$5,785
All Other	(\$4,888)	(\$5,785)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$0

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

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0
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ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Administration - Environmental Protection 0251

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$6,025	\$5,740
All Other	\$125	\$120
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,150	\$5,860

Air Quality 0250

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$13,233	\$7,303
All Other	(\$13,233)	(\$7,303)
<hr/>		
GENERAL FUND TOTAL	\$0	\$0

Land and Water Quality 0248

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$9,316	\$7,303
All Other	(\$9,316)	(\$7,303)
<hr/>		
GENERAL FUND TOTAL	\$0	\$0

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$11,755	\$12,033
All Other	\$247	\$253

	\$12,002	\$12,286
OTHER SPECIAL REVENUE FUNDS TOTAL		

Maine Environmental Protection Fund 0421

Initiative: RECLASSIFICATIONS

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$25,079	\$24,025
All Other	\$527	\$505
OTHER SPECIAL REVENUE FUNDS TOTAL	\$25,606	\$24,530

Performance Partnership Grant 0851

Initiative: RECLASSIFICATIONS

	2007-08	2008-09
FEDERAL EXPENDITURES FUND		
Personal Services	\$70,078	\$63,310
All Other	\$1,472	\$1,329
FEDERAL EXPENDITURES FUND TOTAL	\$71,550	\$64,639

Remediation and Waste Management 0247

Initiative: RECLASSIFICATIONS

	2007-08	2008-09
FEDERAL EXPENDITURES FUND		
Personal Services	\$13,560	\$11,812
All Other	\$282	\$245
FEDERAL EXPENDITURES FUND TOTAL	\$13,842	\$12,057
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$181,142	\$123,303
All Other	\$3,798	\$2,584
OTHER SPECIAL REVENUE FUNDS TOTAL	\$184,940	\$125,887

ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$85,392	\$76,696
OTHER SPECIAL REVENUE FUNDS	\$228,698	\$168,563
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$314,090	\$245,259

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Driver Education and Evaluation Program - Substance Abuse 0700

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$9,266	\$5,803
All Other	(\$9,266)	(\$5,803)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$0

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

	2007-08	2008-09
GENERAL FUND	\$0	\$0
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Bureau of Child and Family Services - Central 0307

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$9,203	\$5,740
All Other	(\$9,203)	(\$5,740)

GENERAL FUND TOTAL	\$0	\$0
FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$4,165	\$5,618
All Other	\$257	\$348
FEDERAL EXPENDITURES FUND TOTAL	\$4,422	\$5,966

Bureau of Child and Family Services - Regional 0452

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$81,757	\$44,914
All Other	(\$81,757)	(\$44,914)
GENERAL FUND TOTAL	\$0	\$0

Bureau of Medical Services 0129

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$10,693	\$6,983
All Other	\$418	\$273
FEDERAL EXPENDITURES FUND TOTAL	\$11,111	\$7,256

Child Support 0100

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	\$2,105
All Other	\$0	(\$2,105)
GENERAL FUND TOTAL	\$0	\$0

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$13,169	\$4,210
All Other	\$515	\$164
	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	\$13,684	\$4,374

Child Welfare Services 0139

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$3,278	\$1,912
All Other	(\$3,278)	(\$1,912)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$0

Disability Determination - Division of 0208

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$6,881	\$4,862
All Other	\$269	\$190
	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	\$7,150	\$5,052

FHM - Service Center 0957

Initiative: RECLASSIFICATIONS

FUND FOR A HEALTHY MAINE	2007-08	2008-09
Personal Services	\$22,176	\$12,470
All Other	\$203	\$114
	<hr/>	<hr/>
FUND FOR A HEALTHY MAINE TOTAL	\$22,379	\$12,584

Health - Bureau of 0143

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$3,242	\$2,900
All Other	(\$3,242)	(\$2,900)
<hr/>		
GENERAL FUND TOTAL	\$0	\$0

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$5,992	\$6,049
<hr/>		
FEDERAL EXPENDITURES FUND TOTAL	\$5,992	\$6,049

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$9,203	\$5,740
All Other	\$359	\$224
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$9,562	\$5,964

Office of Elder Services Central Office 0140

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$6,359	\$2,869
All Other	(\$6,359)	(\$2,869)
<hr/>		
GENERAL FUND TOTAL	\$0	\$0

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$33,848	\$29,385
All Other	\$328	\$284
<hr/>		
FEDERAL EXPENDITURES FUND TOTAL	\$34,176	\$29,669

Office of Integrated Access and Support - Central Office Z020

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$8,501	\$8,262
All Other	(\$8,501)	(\$8,262)

GENERAL FUND TOTAL	\$0	\$0
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OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$8,588	\$5,788
All Other	\$335	\$226

OTHER SPECIAL REVENUE FUNDS TOTAL	\$8,923	\$6,014
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Office of Licensing and Regulatory Services Z036

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$18,190	\$10,647
All Other	(\$18,190)	(\$10,647)

GENERAL FUND TOTAL	\$0	\$0
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FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$6,020	\$5,334
All Other	\$235	\$217

FEDERAL EXPENDITURES FUND TOTAL	\$6,255	\$5,551
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FEDERAL BLOCK GRANT FUND	2007-08	2008-09
Personal Services	\$45,107	\$29,081
All Other	\$1,761	\$1,136

FEDERAL BLOCK GRANT FUND TOTAL	\$46,868	\$30,217
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Office of Management and Budget 0142

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$6,432	\$5,479
All Other	(\$6,432)	(\$5,479)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$0

OMB Division of Regional Business Operations 0196

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$9,266	\$5,803
All Other	(\$9,266)	(\$5,803)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$0

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$85,463	\$56,418
All Other	\$3,337	\$2,203
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$88,800	\$58,621

Special Children's Services 0204

Initiative: RECLASSIFICATIONS

FEDERAL BLOCK GRANT FUND	2007-08	2008-09
Personal Services	\$2,116	\$4,187
All Other	\$83	\$164
	<hr/>	<hr/>
FEDERAL BLOCK GRANT FUND TOTAL	\$2,199	\$4,351

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

DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$82,790	\$63,917
FUND FOR A HEALTHY MAINE	\$22,379	\$12,584
OTHER SPECIAL REVENUE FUNDS	\$107,285	\$70,599
FEDERAL BLOCK GRANT FUND	\$49,067	\$34,568
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DEPARTMENT TOTAL - ALL FUNDS	\$261,521	\$181,668

HEALTH DATA ORGANIZATION, MAINE

Maine Health Data Organization 0848

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$9,026	\$8,832
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$9,026	\$8,832

**HEALTH DATA ORGANIZATION, MAINE
DEPARTMENT TOTALS**

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$9,026	\$8,832
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DEPARTMENT TOTAL - ALL FUNDS	\$9,026	\$8,832

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Public Information and Education, Division of 0729

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$11,952	\$11,525
All Other	\$1,300	\$1,300
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$13,252	\$12,825

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT
OF
DEPARTMENT TOTALS**

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$13,252	\$12,825
DEPARTMENT TOTAL - ALL FUNDS	\$13,252	\$12,825

LABOR, DEPARTMENT OF

Employment Security Services 0245

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$33,689	\$21,650
All Other	\$2,700	\$2,700
FEDERAL EXPENDITURES FUND TOTAL	\$36,389	\$24,350

Employment Services Activity 0852

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$9,178	\$5,783
All Other	\$772	\$772
FEDERAL EXPENDITURES FUND TOTAL	\$9,950	\$6,555

Rehabilitation Services 0799

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$14,664	\$16,090
FEDERAL EXPENDITURES FUND TOTAL	\$14,664	\$16,090

Safety Education and Training Programs 0161

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$13,911	\$12,284
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$13,911	\$12,284

LABOR, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
FEDERAL EXPENDITURES FUND	\$61,003	\$46,995
OTHER SPECIAL REVENUE FUNDS	\$13,911	\$12,284
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DEPARTMENT TOTAL - ALL FUNDS	\$74,914	\$59,279

MARINE RESOURCES, DEPARTMENT OF

Bureau of Resource Management 0027

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$17,826	\$7,867
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FEDERAL EXPENDITURES FUND TOTAL	\$17,826	\$7,867

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$2,531	\$873
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,531	\$873

Sea Run Fisheries and Habitat Z049

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$6,483	\$8,223
All Other	(\$6,483)	(\$8,223)

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0
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OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$2,216	\$3,604
All Other	(\$2,216)	(\$3,604)

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0
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MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
FEDERAL EXPENDITURES FUND	\$17,826	\$7,867
OTHER SPECIAL REVENUE FUNDS	\$2,531	\$873
DEPARTMENT TOTAL - ALL FUNDS	\$20,357	\$8,740

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Bureau of Consumer Credit Protection 0091

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$14,903	\$5,802
All Other	(\$14,903)	(\$5,802)

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0
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Licensing and Enforcement 0352

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$10,298	\$4,224
All Other	(\$10,298)	(\$4,224)

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

Licensure in Medicine - Board of 0376

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$10,601	\$10,991
All Other	(\$10,601)	(\$10,991)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

PUBLIC SAFETY, DEPARTMENT OF

Administration - Public Safety 0088

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$7,949	\$8,021
All Other	(\$7,949)	(\$8,021)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

Liquor Enforcement 0293

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$33,044	\$25,789

All Other	(\$33,044)	(\$25,789)
GENERAL FUND TOTAL	\$0	\$0

State Police 0291

Initiative: RECLASSIFICATIONS

GENERAL FUND	2007-08	2008-09
Personal Services	\$4,271	\$3,040
All Other	(\$4,271)	(\$3,040)
GENERAL FUND TOTAL	\$0	\$0

PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

WORKERS' COMPENSATION BOARD

Administration - Workers' Compensation Board 0183

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$53,128	\$32,540
OTHER SPECIAL REVENUE FUNDS TOTAL	\$53,128	\$32,540

WORKERS' COMPENSATION BOARD DEPARTMENT TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$53,128	\$32,540

DEPARTMENT TOTAL - ALL FUNDS	\$53,128	\$32,540
SECTION TOTALS	2007-08	2008-09
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$252,764	\$201,156
FUND FOR A HEALTHY MAINE	\$22,379	\$12,584
OTHER SPECIAL REVENUE FUNDS	\$454,045	\$317,546
FEDERAL BLOCK GRANT FUND	\$49,067	\$34,568
FINANCIAL AND PERSONNEL SERVICES FUND	\$0	\$0
OFFICE OF INFORMATION SERVICES FUND	\$43,357	\$45,600
CENTRAL MOTOR POOL	\$13,314	\$12,355
	_____	_____
SECTION TOTAL - ALL FUNDS	\$834,926	\$623,809

PART C

Sec. C-1. 20-A MRSA §4102, sub-§4, ¶A, as enacted by PL 1983, c. 422, §17, is amended to read:

A. Elementary schools in school administrative districts and community school districts may only be closed if approved by the voters in accordance with the procedures set out in section 1407 and section 1751, subsection 51512 for regional school units.

Sec. C-2. 20-A MRSA §5806, sub-§2, as amended by PL 1987, c. 463, is further amended to read:

2. Maximum allowable tuition. The maximum allowable tuition charged to a school administrative unit by a private school ~~shall be~~ is the rate established under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower, plus an insured value factor. The insured value factor ~~shall be~~ is computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. It may not exceed 10% of a school's legal tuition rate per student in any one year ~~beginning with the 1988-89 school year.~~ For the 2008-09 school year only, a school administrative unit is not required to pay an insured value factor greater than 5% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student.

~~For the 1988-89 school year only the state share of the increase in the insured value factor shall be paid in the year of allocation.~~

Sec. C-3. 20-A MRSA §15671, sub-§7, ¶A, as amended by PL 2005, c. 2, Pt. D, §34 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

A. The base total calculated pursuant to section 15683, subsection 2 is subject to the following annual targets.

(1) For fiscal year 2005-06, the target is 84%.

(2) For fiscal year 2006-07, the target is 90%.

(3) For fiscal year 2007-08, the target is 95%.

(4) For fiscal year 2008-09 and succeeding years, the target is ~~100%~~97%.

(5) For fiscal year 2009-10 and succeeding years, the target is 100%.

Sec. C-4. 20-A MRSA §15671, sub-§7, ¶B, as amended by PL 2007, c. 240, Pt. C, §2, is further amended to read:

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

(1) For fiscal year 2005-06, the target is 52.6%.

(2) For fiscal year 2006-07, the target is 53.86%.

(3) For fiscal year 2007-08, the target is 53.51%.

(4) For fiscal year 2008-09 and succeeding years, the target is ~~55%~~54.01%.

(5) For fiscal year 2009-10 and succeeding years, the target is 55%.

Sec. C-5. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2007, c. 240, Pt. XXXX, §24, is further amended to read:

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

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

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

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

(3) For the 2007 property tax year, the full-value education mill rate is the amount necessary to result in a 45.56% statewide total local share in fiscal year 2007-08.

(4) ~~Except as provided in subparagraph (6), for~~For the 2008 property tax year and subsequent tax years, the full-value education mill rate is the amount necessary to result in a 45.0%45.99% statewide total local share in fiscal year 2008-09 ~~and after.~~

(4-A) Except as provided in subparagraph (6), for the 2009 property tax year and subsequent tax years, the full-value education mill rate is the amount necessary to result in a 45.0% statewide total local share in fiscal year 2009-10 and after.

(6) For school administrative units that do not conform to the requirements of chapter 103-A for the 2009 property tax year, the full-value education mill rate is the amount necessary to result in a 46.14% statewide total local share in fiscal year 2009-10 and after.

Sec. C-6. 20-A MRSA §15675, sub-§1, ¶A, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

A. For a school administrative unit with 15 or fewer limited English proficiency students, the unit receives an additional weight of .50.70 per student;

Sec. C-7. 20-A MRSA §15675, sub-§1, ¶B, as amended by PL 2005, c. 12, Pt. UU, §2 and affected by §§12 and 13 and Pt. WW, §18, is further amended to read:

B. For a school administrative unit with more than 15 and fewer than 251 limited English proficiency students, the unit receives an additional weight of .30.50 per student;

Sec. C-8. 20-A MRSA §15675, sub-§1, ¶C, as amended by PL 2005, c. 12, Pt. UU, §2 and affected by §§12 and 13 and Pt. WW, §18, is further amended to read:

C. For a school administrative unit with 251 or more limited English proficiency students, the unit receives an additional weight of .60.525 per student; and

Sec. C-9. 20-A MRSA §15683-A, as enacted by PL 2005, c. 2, Pt. D, §49 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

§ 15683-A. Total debt service allocation

For each school administrative unit, that unit's total debt service allocation is that unit's debt service costs as defined in section 15672, subsection 2-A. For the 2008-09 funding year only, for each school administrative unit, that unit's total debt service allocation is that unit's debt service costs as defined in section 15672, subsection 2-A excluding 80% of the insured value factor pursuant to section 15672, subsection 2-A, paragraph C.

Sec. C-10. 20-A MRSA §15689, sub-§1, ¶B, as amended by PL 2007, c. 240, Pt. C, §3, is further amended to read:

B. The school administrative unit's special education costs as calculated pursuant to section 15681-A, subsection 2 multiplied by the following transition percentages:

(1) In fiscal year 2005-06, 84%;

(2) In fiscal year 2006-07, 84%;

(3) In fiscal year 2007-08, 84%; and

(4) In fiscal year 2008-09 and succeeding years, ~~100%~~50%; and

(5) In fiscal year 2009-10 and succeeding years, 84%.

Sec. C-11. 20-A MRSA §15689-A, sub-§12-A, as enacted by PL 2007, c. 240, Pt. D, §9, is amended 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 nonlapsing account sufficient to support the Personal Services and All Other costs of one Education Team and Policy Director position, ~~one~~2 Education Specialist III ~~position~~positions, one Planning and Research Associate I position, ~~one~~one Director of Special Projects position, one Education Specialist II position, the General Fund share of one Education Specialist II 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.

Sec. C-12. 20-A MRSA §15689-A, sub-§16 is enacted to read:

16. Transportation administration. The commissioner may pay costs attributed to staff support and system maintenance necessary to implement the transportation requirements of this chapter and chapter 215. 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 Support Systems General Fund account sufficient to support the Personal Services and All Other costs of one Education Specialist III position may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. C-13. 20-A MRSA §15689-B, sub-§7, 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:

7. Required data; subsidy payments withheld. A school administrative unit shall provide the commissioner with information that the commissioner requests to carry out the purposes of this chapter, according to time schedules that the commissioner establishes. The commissioner may withhold monthly subsidy payments from a school administrative unit when information is not filed in the specified format and with specific content and within the specified time schedules. If the school administrative unit files the information in the specified format, the Department of Education shall include the payment of the withheld subsidy in the next regularly scheduled monthly subsidy payment.

Sec. C-14. 20-A MRSA §15689-B, sub-§7-A is enacted to read:

7-A. Penalty for late submission of required data. Notwithstanding any other provision of this Title, the commissioner may implement the following subsidy penalty for a school administrative unit that is not in compliance with subsection 7. If a school administrative unit has not filed the required data pursuant to subsection 7 within 3 months of the due date, a penalty equal to 1% of that unit's monthly subsidy check times the number of months past due is assessed.

Sec. C-15. 20-A MRSA §15690, sub-§1, ¶C, as enacted by PL 2005, c. 2, Pt. D, §62 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

C. The state share of the total cost of funding public education from kindergarten to grade 12 as described in section 15688, excluding state-funded debt service for each school administrative unit, is limited to the same proportion as the local school administrative unit raises of its required contribution to the total cost of education as described in section 15688, excluding state-funded debt service costs. For school administrative units that annually demonstrate savings by purchasing supplies using an electronic bidding forum, the commissioner may suspend all or a portion of any adjustment to the unit's state contribution pursuant to this paragraph.

Sec. C-16. 20-A MRSA §15905, sub-§1, ¶A, as amended by PL 2005, c. 519, Pt. J, §3, is further amended to read:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15672, subsection 2-A, paragraph A, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year

Maximum Debt Service Limit

1990	\$ 48,000,000
1991	\$ 57,000,000
1992	\$ 65,000,000
1993	\$ 67,000,000
1994	\$ 67,000,000
1995	\$ 67,000,000
1996	\$ 67,000,000
1997	\$ 67,000,000
1998	\$ 67,000,000
1999	\$ 69,000,000
2000	\$ 72,000,000
2001	\$ 74,000,000
2002	\$ 74,000,000
2003	\$ 80,000,000
2004	\$ 80,000,000
2005	\$ 84,000,000
2006	\$ 90,000,000
2007	\$ 96,000,000
2008	\$100,000,000
2009	\$104,000,000
2010	\$108,000,000
2011	\$126,000,000
<u>2012</u>	<u>\$126,000,000</u>
<u>2013</u>	<u>\$126,000,000</u>

Sec. C-17. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2008-09 is 6.55.

Sec. C-18. 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 2008-09 is as follows:

	2008-09 TOTAL
Total Operating Allocation	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 without transitions percentage	\$1,327,003,735
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 97% transitions percentage	\$1,287,193,623
Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$371,300,906
Total Operating Allocation	<hr/>

Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,658,494,529
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Total Debt Service Allocation

Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$91,354,060
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Total Adjustments and Miscellaneous Costs

Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, section 15689 and 15689-A	\$71,177,813
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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 2008-09 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	\$1,821,026,402
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Sec. C-19. 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, 2008 and ending June 30, 2009 is calculated as follows:

	2008-09 LOCAL	2008-09 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	\$837,488,866	\$983,537,536

Sec. C-20. Limit of State's obligation. If the State's continued obligation for any individual component contained in sections 18 and 19 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 section 5 of this Part may not lapse but must be carried forward for the same purpose.

Sec. C-21. Authorization of payments. Sections 18 and 19 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, 2008 and ending June 30, 2009.

Sec. C-22. Fiscal year 2007-08 carry forward. Notwithstanding any other provision of law, in implementing the \$500,000 reduction in fiscal year 2008-09, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf must exhaust all funds carried forward from the 2007-08 fiscal year before reducing any educational programs and services provided to students.

Sec. C-23. Retroactivity. That section of this Part that amends the Maine Revised Statutes, Title 20-A, section 4102, subsection 4, paragraph A applies retroactively to June 7, 2007.

PART D

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Administration - Human Resources 0038

Initiative: Eliminates one Personnel Assistant position. The merger of the Office of Employee Relations with the Bureau of Human Resources on July 1, 2007 has revealed additional opportunities for efficiency resulting in the elimination of the position as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$59,161)
	\$0	(\$59,161)
GENERAL FUND TOTAL	\$0	(\$59,161)

Budget - Bureau of the 0055

Initiative: Eliminates one Budget Analyst position that is currently vacant, eliminates one Budget Examiner position and creates one Senior Budget Analyst position as part of the reorganization of the Bureau of the Budget to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$54,329)

	\$0	(\$54,329)
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Buildings and Grounds Operations 0080

Initiative: Reduces funding for heating fuel and electricity from savings achieved through the leasing of the Stone Building on the East Campus as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$300,000)
GENERAL FUND TOTAL	\$0	(\$300,000)

Buildings and Grounds Operations 0080

Initiative: Eliminates one Institutional Custodial Worker I position and reclassifies 2 Institutional Custodial Worker I positions to 2 Building Custodian positions as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$19,538)
GENERAL FUND TOTAL	\$0	(\$19,538)

Central Services - Purchases 0004

Initiative: Eliminates one Media/Graphics Supervisor position and one Photographer I position and reduces All Other funds. This eliminates the audio visual operation within the Central Services - Purchases program in the Bureau of General Services. This operation is currently subsidized by other central services operations. If eliminated, the subsidy would no longer be necessary and rates for central services could be reduced. The savings in central services to the General Fund is reflected in a separate statewide initiative in this Part to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

POSTAL, PRINTING AND SUPPLY FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(2.000)
Personal Services	\$0	(\$124,976)
All Other	\$0	(\$50,733)

POSTAL, PRINTING AND SUPPLY FUND TOTAL	\$0	(\$175,709)
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Central Services - Purchases 0004

Initiative: Eliminates one vacant Accounting Associate I position and reduces All Other funds in the Postal, Printing and Supply Fund as part of the consolidation of the printing and postal activities currently carried out in both the Bureau of General Services and the Office of Information Technology. This is part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

POSTAL, PRINTING AND SUPPLY FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$57,655)
All Other	\$0	(\$140,342)
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POSTAL, PRINTING AND SUPPLY FUND TOTAL	\$0	(\$197,997)

Central Services - Purchases 0004

Initiative: Transfers one Central Services Supervisor position, one Central Services Manager position, one Inventory and Property Associate I position and 7 Office Assistant II positions from the Central Services - Purchases program to the Information Services program as part of the consolidation of the printing functions from central printing to the Office of Information Technology. This is part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

POSTAL, PRINTING AND SUPPLY FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(10.000)
Personal Services	\$0	(\$528,590)
<hr/>		
POSTAL, PRINTING AND SUPPLY FUND TOTAL	\$0	(\$528,590)

Central Services - Purchases 0004

Initiative: Transfers one Office Specialist I Supervisor position, one Office Associate II position and one Office Associate I position from the Information Services program to the Central Services - Purchases program in the Bureau of General Services as part of the consolidation of the postal services operations in the Bureau of General Services. This is part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

POSTAL, PRINTING AND SUPPLY FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$84,904	\$172,254
	<hr/>	<hr/>
POSTAL, PRINTING AND SUPPLY FUND TOTAL	\$84,904	\$172,254

Departments and Agencies - Statewide 0016

Initiative: Provides funding to offset the deappropriation made in Public Law 2007, chapter 240, Part QQQ, section 9 to the statewide account regarding savings through the initiative to streamline State Government. Savings are achieved in this Part.

GENERAL FUND	2007-08	2008-09
Unallocated	\$0	\$10,100,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$10,100,000

Employee Relations - Office of 0244

Initiative: Reduces funding for office rental. Staff in the Office of Employee Relations currently in leased space will be located with staff of the Bureau of Human Resources within the Burton M. Cross Building, resulting in savings as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$39,062)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$39,062)

Information Services 0155

Initiative: Transfers one Central Services Supervisor position, one Central Services Manager position, one Inventory and Property Associate I position and 7 Office Assistant II positions from the Central Services - Purchases program to the Information Services program as part of the consolidation of the printing functions from central printing to the Office of Information Technology. This is part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

OFFICE OF INFORMATION SERVICES FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	10.000
Personal Services	\$0	\$528,590

OFFICE OF INFORMATION SERVICES FUND TOTAL	\$0	\$528,590

Information Services 0155

Initiative: Transfers one Office Specialist I Supervisor position, one Office Associate II position and one Office Associate I position from the Information Services program to the Central Services - Purchases program in the Bureau of General Services as part of the consolidation of the postal services operations in the Bureau of General Services. This is part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

OFFICE OF INFORMATION SERVICES FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	(3,000)	(3,000)
Personal Services	(\$84,904)	(\$172,254)
OFFICE OF INFORMATION SERVICES FUND TOTAL	(\$84,904)	(\$172,254)

Lottery Operations 0023

Initiative: Reduces funding in general operating expenditures. This reduction will result in a net increase to General Fund undedicated revenue of \$300,000 in fiscal year 2007-08 and \$600,000 in fiscal year 2008-09. The standardization of commissions to retail agents for instant ticket sales in the State would decrease the cost of goods sold and also result in an additional \$1,600,000 in General Fund undedicated revenue in fiscal year 2008-09 as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

STATE LOTTERY FUND	2007-08	2008-09
All Other	(\$300,000)	(\$600,000)
STATE LOTTERY FUND TOTAL	(\$300,000)	(\$600,000)

State Controller - Office of the 0056

Initiative: Reduces funding through the streamlining of the State's payroll processing by requiring direct deposit of paychecks and eliminating the paper copy that is currently mailed or hand delivered. Employees will be able to access their pay records online via the Maine State - Time and Attendance Management System. This is part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$25,000)
<hr/>		
GENERAL FUND TOTAL	\$0	(\$25,000)

State Controller - Office of the 0056

Initiative: Reduces funding in technology from a transfer of the cash receipts functions to the State's new accounting system, AdvantageME, and from the elimination of the training environment and reduction in the testing environment supported by the Office of Information Technology for the Treasurer's Automated Management Information System (TAMI). The support functions for TAMI were paid for in part by the Office of the State Controller. This is part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	(\$20,000)	(\$25,500)
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GENERAL FUND TOTAL	(\$20,000)	(\$25,500)

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

	2007-08	2008-09
GENERAL FUND	(\$20,000)	\$9,577,410
POSTAL, PRINTING AND SUPPLY FUND	\$84,904	(\$730,042)
OFFICE OF INFORMATION SERVICES FUND	(\$84,904)	\$356,336
STATE LOTTERY FUND	(\$300,000)	(\$600,000)
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	(\$320,000)	\$8,603,704

CONSERVATION, DEPARTMENT OF

Division of Forest Protection 0232

Initiative: Reduces funding by pooling aircraft resources and coordinating dual missions, allowing a reduction to contracts with outside vendors for fire detection and savings on maintenance and fuel costs to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$57,526)

GENERAL FUND TOTAL	\$0	(\$57,526)
CONSERVATION, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	(\$57,526)
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DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$57,526)

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Business Development 0585

Initiative: Eliminates the funding in fiscal year 2008-09 for one Development Director position in the Office of Business Development program in order to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	(\$105,156)
<hr/>		
GENERAL FUND TOTAL	\$0	(\$105,156)
ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	(\$105,156)
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$105,156)

EDUCATION, DEPARTMENT OF

Education in Unorganized Territory 0220

Initiative: Eliminates funding for the Benedicta School including 2 Teacher positions, one part-time seasonal Office Assistant II position and one part-time Principal position to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(2.500)
POSITIONS - FTE COUNT	0.000	(0.404)
Personal Services	\$0	(\$205,015)
All Other	\$0	(\$94,985)
<hr/>		
GENERAL FUND TOTAL	\$0	(\$300,000)

Leadership 0836

Initiative: Eliminates funding for dues to the Education Commission of the States to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$60,500)
<hr/>		
GENERAL FUND TOTAL	\$0	(\$60,500)

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	(\$360,500)
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DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$360,500)

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Administration - Environmental Protection 0251

Initiative: Transfers 50% of one Public Service Manager II position from the Air Quality program, General Fund to the Maine Environmental Protection Fund program, Other Special Revenue Funds. Transfers 50% of one Public Service Manager II position and 50% of one Environmental Specialist III position from the Land and Water Quality program, General Fund to the Maine Environmental Protection Fund program, Other Special Revenue Funds and transfers technology funds from the Maine Environmental Protection Fund program, Other Special Revenue Funds to the Administration - Environmental Protection program, Other Special Revenue Funds to continue centralizing information technology costs to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
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All Other	\$0	\$145,294
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$145,294

Air Quality 0250

Initiative: Transfers 50% of one Public Service Manager II position from the Air Quality program, General Fund to the Maine Environmental Protection Fund program, Other Special Revenue Funds. Transfers 50% of one Public Service Manager II position and 50% of one Environmental Specialist III position from the Land and Water Quality program, General Fund to the Maine Environmental Protection Fund program, Other Special Revenue Funds and transfers technology funds from the Maine Environmental Protection Fund program, Other Special Revenue Funds to the Administration - Environmental Protection program, Other Special Revenue Funds to continue centralizing information technology costs to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	(\$51,966)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$51,966)

Land and Water Quality 0248

Initiative: Transfers 50% of one Public Service Manager II position from the Air Quality program, General Fund to the Maine Environmental Protection Fund program, Other Special Revenue Funds. Transfers 50% of one Public Service Manager II position and 50% of one Environmental Specialist III position from the Land and Water Quality program, General Fund to the Maine Environmental Protection Fund program, Other Special Revenue Funds and transfers technology funds from the Maine Environmental Protection Fund program, Other Special Revenue Funds to the Administration - Environmental Protection program, Other Special Revenue Funds to continue centralizing information technology costs to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$89,233)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$89,233)

Maine Environmental Protection Fund 0421

Initiative: Transfers 50% of one Public Service Manager II position from the Air Quality program, General Fund to the Maine Environmental Protection Fund program, Other Special Revenue Funds. Transfers 50% of one Public Service Manager II position and 50% of one Environmental Specialist III position from the Land and Water Quality program, General Fund to the Maine Environmental Protection Fund program, Other Special Revenue Funds and transfers technology funds from the Maine Environmental Protection Fund program, Other Special Revenue Funds to the Administration - Environmental Protection program, Other Special Revenue Funds to continue centralizing information technology costs to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$141,199
All Other	\$0	(\$141,199)
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	(\$141,199)
OTHER SPECIAL REVENUE FUNDS	\$0	\$145,294
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$4,095

EXECUTIVE DEPARTMENT

Planning Office 0082

Initiative: Eliminates one Planner II position from the land use team in order to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$72,106)
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GENERAL FUND TOTAL	\$0	(\$72,106)

EXECUTIVE DEPARTMENT

DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	(\$72,106)
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$72,106)

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Mental Health Services - Child Medicaid 0731

Initiative: Reduces funding by streamlining the case management services provided to any one child and family to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ. The corresponding federal funding decrease is reflected in the Medical Care - Payments to Providers program.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$487,950)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$487,950)

Mental Health Services - Children 0136

Initiative: Appropriates funds to partially offset the reduction in MaineCare funding resulting from reducing the number of children placed in congregate care settings to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$278,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$278,000

Mental Retardation Services - Community 0122

Initiative: Adjusts funding by redirecting a portion of the funding for sheltered workshop services included in the Mental Retardation Services - Community program to the new Mental Retardation Waiver - Supports program, providing seed funds to draw federal match and resulting in net General Fund savings of \$200,000 to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ. The corresponding federal funding increase is reflected in the Medical Care - Payments to Providers program.

GENERAL FUND	2007-08	2008-09
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All Other	\$0	(\$500,000)
	<hr/>	
GENERAL FUND TOTAL	\$0	(\$500,000)

Mental Retardation Waiver - Supports Z006

Initiative: Adjusts funding by redirecting a portion of the funding for sheltered workshop services included in the Mental Retardation Services - Community program to the new Mental Retardation Waiver - Supports program, providing seed funds to draw federal match and resulting in net General Fund savings of \$200,000 to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ. The corresponding federal funding increase is reflected in the Medical Care - Payments to Providers program.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$300,000
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GENERAL FUND TOTAL	\$0	\$300,000

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

	2007-08	2008-09
GENERAL FUND	\$0	(\$409,950)
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DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$409,950)

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Bureau of Medical Services 0129

Initiative: Reduces funding by eliminating contracted services for surveying hospitals to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$16,078)
	<hr/>	
GENERAL FUND TOTAL	\$0	(\$16,078)

FEDERAL EXPENDITURES FUND	2007-08	2008-09
All Other	\$0	(\$16,078)
	<hr/>	
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$16,078)

Medical Care - Payments to Providers 0147

Initiative: Reduces funding by prorating monthly reimbursement payments for assertive community treatment (ACT) and some targeted case management (TCM) services to be consistent with utilization of the services to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$200,000)
	<hr/>	
GENERAL FUND TOTAL	\$0	(\$200,000)

FEDERAL EXPENDITURES FUND	2007-08	2008-09
All Other	\$0	(\$344,960)
	<hr/>	
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$344,960)

Medical Care - Payments to Providers 0147

Initiative: Reduces funding by changing the assessment requirement for individuals eligible for services under MaineCare's Katie Beckett option from an annual assessment to an assessment every 3 years to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$42,000)
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GENERAL FUND TOTAL	\$0	(\$42,000)

FEDERAL EXPENDITURES FUND	2007-08	2008-09
All Other	\$0	(\$72,442)
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FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$72,442)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding by reducing the number of children placed in congregate care settings to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$1,520,035)
	<hr/>	
GENERAL FUND TOTAL	\$0	(\$1,520,035)
FEDERAL EXPENDITURES FUND	2007-08	2008-09
All Other	\$0	(\$2,959,751)
	<hr/>	
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$2,959,751)
OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$0	(\$195,966)
	<hr/>	
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$195,966)

Medical Care - Payments to Providers 0147

Initiative: Reduces funding by unbundling the cost of clinical services from therapeutic foster care rates to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$1,776,179)
	<hr/>	
GENERAL FUND TOTAL	\$0	(\$1,776,179)
FEDERAL EXPENDITURES FUND	2007-08	2008-09
All Other	\$0	(\$3,591,744)
	<hr/>	
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$3,591,744)

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$0	(\$306,238)
	<hr/>	
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$306,238)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding by redirecting a portion of the funding for sheltered workshop services to the new Supports Waiver, providing seed funds to draw federal match and resulting in net General Fund savings of \$200,000 in fiscal year 2008-09 and \$400,000 per year in subsequent fiscal years to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ. The corresponding General Fund adjustments are reflected in the Mental Retardation Waiver - Supports and Mental Retardation Services - Community programs.

FEDERAL EXPENDITURES FUND	2007-08	2008-09
All Other	\$0	\$517,439
	<hr/>	
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$517,439

Medical Care - Payments to Providers 0147

Initiative: Reduces funding by streamlining the case management services provided to any one child and family to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ. The corresponding state funding decrease is reflected in the Mental Health Services - Child Medicaid program.

FEDERAL EXPENDITURES FUND	2007-08	2008-09
All Other	\$0	(\$841,614)
	<hr/>	
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$841,614)

Office of Licensing and Regulatory Services Z036

Initiative: Eliminates 2 Health Services Consultant positions and one Assistant Director Medicaid/Medicare Services position and reduces All Other for overhead costs and for inspection and consulting services to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	(\$167,511)
All Other	\$0	(\$32,489)

GENERAL FUND TOTAL	\$0	(\$200,000)
FEDERAL EXPENDITURES FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(3.000)
Personal Services	\$0	(\$81,362)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$81,362)

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)		
DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	(\$3,754,292)
FEDERAL EXPENDITURES FUND	\$0	(\$7,390,512)
OTHER SPECIAL REVENUE FUNDS	\$0	(\$502,204)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$11,647,008)

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Enforcement Operations - Inland Fisheries and Wildlife 0537

Initiative: Reduces funding by pooling aircraft resources and coordinating dual missions, allowing a reduction to contracts with outside vendors for fire detection and savings on maintenance and fuel costs to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$14,103)
GENERAL FUND TOTAL	\$0	(\$14,103)

Licensing Services - Inland Fisheries and Wildlife 0531

Initiative: Eliminates one Office Associate II position and reduces funding by migrating to an online process for any deer and moose permit lotteries and eliminating costs associated with printing and mailing permit applications to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$54,900)
All Other	\$0	(\$120,000)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$174,900)

Licensing Services - Inland Fisheries and Wildlife 0531

Initiative: Reduces funding by requiring all licensing agents with annual number of licenses sold in excess of 500 to become MOSES agents and reducing the printing cost associated with off-line agents to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$72,000)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$72,000)

Office of the Commissioner - Inland Fisheries and Wildlife 0529

Initiative: Reduces funding by eliminating the requirement that everyone who applies for a license be given a printed law book, resulting in savings in printing, handling and mailing costs to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$40,000)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$40,000)

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF DEPARTMENT TOTALS

	2007-08	2008-09
GENERAL FUND	\$0	(\$301,003)
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$301,003)

LABOR, DEPARTMENT OF

Employment Services Activity 0852

Initiative: Reduces funding as a result of restructuring Career Center service delivery and reallocates 14 Career Center Consultant positions from 50% to 38.85% General Fund and 42.85% to 54% Federal Expenditures Fund and for one Employment and Training Specialist III position from 50% to 38.85% General Fund and 50% to 61.15% Federal Expenditures Fund in order to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
Personal Services	\$0	(\$106,867)
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GENERAL FUND TOTAL	\$0	(\$106,867)

FEDERAL EXPENDITURES FUND	2007-08	2008-09
Personal Services	\$0	\$106,867
All Other	\$0	(\$106,867)
<hr/>		
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

LABOR, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	(\$106,867)
FEDERAL EXPENDITURES FUND	\$0	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$106,867)

MARINE RESOURCES, DEPARTMENT OF

Marine Patrol - Bureau of 0029

Initiative: Reduces funding by pooling aircraft resources and coordinating dual missions, allowing a reduction to contracts with outside vendors for fire detection and savings on maintenance and fuel costs to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$5,101)
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GENERAL FUND TOTAL	\$0	(\$5,101)

**MARINE RESOURCES, DEPARTMENT OF
DEPARTMENT TOTALS**

	2007-08	2008-09
GENERAL FUND	\$0	(\$5,101)
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$5,101)

PUBLIC SAFETY, DEPARTMENT OF

State Police 0291

Initiative: Reduces funding by pooling aircraft resources and coordinating dual missions, allowing a reduction to contracts with outside vendors for fire detection and savings on maintenance and fuel costs to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$3,080)
<hr/>		
GENERAL FUND TOTAL	\$0	(\$3,080)

**PUBLIC SAFETY, DEPARTMENT OF
DEPARTMENT TOTALS**

	2007-08	2008-09
GENERAL FUND	\$0	(\$3,080)
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$3,080)

TREASURER OF STATE, OFFICE OF

Administration - Treasury 0022

Initiative: Eliminates one vacant Office Associate II position and provides for the reclassification of one Public Service Coordinator I position from range 20 to range 23 as part of the reorganization of the Office of the Treasurer of State in an effort to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)

Personal Services	(\$40,000)	(\$40,000)
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GENERAL FUND TOTAL	(\$40,000)	(\$40,000)
TREASURER OF STATE, OFFICE OF DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	(\$40,000)	(\$40,000)
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	(\$40,000)	(\$40,000)
SECTION TOTALS	2007-08	2008-09
GENERAL FUND	(\$60,000)	\$4,220,630
FEDERAL EXPENDITURES FUND	\$0	(\$7,390,512)
OTHER SPECIAL REVENUE FUNDS	\$0	(\$356,910)
POSTAL, PRINTING AND SUPPLY FUND	\$84,904	(\$730,042)
OFFICE OF INFORMATION SERVICES FUND	(\$84,904)	\$356,336
STATE LOTTERY FUND	(\$300,000)	(\$600,000)
<hr/>		
SECTION TOTAL - ALL FUNDS	(\$360,000)	(\$4,500,498)

PART E

Sec. E-1. 5 MRSA §1543-A is enacted to read:

§ 1543-A. Direct deposit of certain disbursements

1. Electronic funds transfer system. The State Controller and the Treasurer of State shall establish an electronic funds transfer system for the purpose of transferring directly into payees' accounts held at accredited financial institutions the payment of any amount or obligation owed by the State. Beginning with the payroll after the effective date of this section that is closest to January 1, 2008, the State shall pay all state employees' wages and salaries through an electronic funds transfer system. Except as set forth in subsection 2, all wages and salaries of state employees must be transferred by means of electronic funds transfer directly into an employee's account in an accredited financial institution designated by the employee, and each state employee shall complete a direct deposit application on such forms as the State Controller shall prescribe. The direct deposit application authorizes the State Controller to initiate credit and debit entries and to correct erroneous credit entries to the employee's designated account. The State Controller shall develop policies and procedures to allow the employee to change the designated account at any time.

2. Waiver provisions. The State may waive the mandatory direct deposit of the wages or salary for a state employee in subsection 1 if the State Controller determines that:

- A. The employee has a physical or mental disability that would impede the employee's ability to gain access to electronically deposited funds;
- B. The employee has religious convictions that preclude the use of direct deposits; or
- C. The facts of the particular case warrant a waiver of the mandatory direct deposit of the employee's wages or salary.

3. Transfers to multiple payees. A single transfer may contain payments to multiple payees.

4. System administration. The State Controller and the Treasurer of State shall establish the standards and procedures for administering the electronic funds transfer system.

Sec. E-2. 12 MRSA §10103, sub-§7, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. E-3. 12 MRSA §10201, sub-§1, as affected by PL 2003, c. 614, §9, amended by c. 655, Pt. B, §37 and affected by c. 655, Pt. B, §422, is further amended to read:

1. Sale of publications. If the commissioner determines it advisable for the more effective dissemination of factual information, information of public interest or information tending to promote better public relations, the commissioner may fix the price, if any, of certain publications and materials of the department and sell and deliver them. Publications and materials included within this authority are all publications, articles, biological and statistical data, professional and technical service reports by departmental personnel and other materials in the department's possession and pertaining to the department, ~~except publications of the laws as described in section 10103, subsection 7.~~ These publications may not carry any advertising of a political nature but may carry commercial advertising. The commissioner shall accept commercial advertising in the department's general circulation magazine entitled "Maine Fish and Wildlife" and any successor or similar publication developed by the department.

The commissioner may sell or lease video and audio recordings, photographs and negatives owned by the department and may fix the price, if any, giving consideration to their fair market value.

Sec. E-4. 12 MRSA §10201, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. E-5. 22 MRSA §1696-I, 2nd ¶, as amended by PL 2003, c. 414, Pt. B, §35 and affected by c. 614, §9, is further amended to read:

If, in the professional judgment of the Director of the Bureau of Health, conditions exist in which consumption of fish caught in state waters poses a threat to public health, the director shall prepare an advisory of the public health threat. The advisory must be in a form suitable for posting in places frequented by noncommercial anglers, ~~included in the abstract of fish and wildlife laws prepared under~~

Title 12, section 10103, subsection 7 and distributed to all holders of sport fishing licenses. The director has final authority regarding the content of the advisory, including the exact language used in the advisory. The Commissioner of Inland Fisheries and Wildlife is responsible for printing and posting verbatim copies of the advisory and for incorporating the verbatim health advisory in the abstract of fish and wildlife laws.

Sec. E-6. Report and analysis on administrative positions. The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs shall review during the First Regular Session of the 124th Legislature the Office of Program Evaluation and Government Accountability's report and the Office of Fiscal and Program Review's analysis on administrative positions within state agencies and shall include the committee's recommendations in response to the report and analysis in the next budget bill following its review.

Sec. E-7. Investment earnings; float earnings bonus. Notwithstanding any other provision of law, the Treasurer of State is authorized to reduce the earnings distribution costs for the Treasurer of State's cash pool by retaining the float earnings bonus in order to generate additional General Fund revenue of \$1,000,000 annually beginning in fiscal year 2008-09.

Sec. E-8. Legislature; lapsed balances. Notwithstanding any other provision of law, \$60,000 of unencumbered balance forward in the Personal Services line category in the Legislative General Fund account in the Legislature lapses to the General Fund in fiscal year 2007-08. Notwithstanding any other provision of law, \$100,000 of unencumbered balance forward in the All Other line category in the Office of Program Evaluation and Government Accountability General Fund account in the Legislature lapses to the General Fund in fiscal year 2007-08.

PART F

Sec. F-1. 22 MRSA §2494, as amended by PL 2003, c. 673, Pt. X, §1, is further amended to read:

§ 2494. Fees

Each application for, or for renewal of, a license to operate an eating establishment, eating and lodging place, lodging place, recreational camp or camping area within the meaning of this chapter must be accompanied by a fee, appropriate to the size of the establishment, place, camp or area of the licensee, determined by the department and not to exceed the fees listed below. All fees collected by the department must be deposited in the General Fund into a special revenue account established for this purpose. No such fee may be refunded. No license may be assignable or transferable. The fees may not exceed:

1. One hundred dollars. One hundred dollars for:

A. Public schools governed by a school board of an administrative unit;

B. Private secondary schools approved for tuition when school enrollments are at least 60% publicly funded students as determined by the previous school year's October to April average enrollment; and

C. Schools operated by an agency of State Government for the education of children in unorganized territories;

2. Sixty dollars. Sixty dollars for each inspection for any eating establishment that is located in a municipality that requires local inspections of eating establishments; and

3. One hundred seventy-five dollars. One hundred ~~fifty~~seventy-five dollars for all other establishments, places and camps not included in subsection 1 or 2.

All such fees are for the license, 2 licensure inspections and one follow-up inspection. When additional inspections are required to determine an applicant's eligibility for licensure, the department is authorized through its rules to charge an additional \$35 fee not to exceed \$100 to cover the costs of each additional inspection or visit. Failure to pay such charges within 30 days of the billing date constitutes grounds for revocation of the license, unless an extension for a period not to exceed 60 days is granted in writing by the commissioner.

Sec. F-2. Commissioner of Health and Human Services; fees. The Commissioner of Health and Human Services shall increase the fees assessed under the Maine Revised Statutes, Title 22, section 2494, subsection 3 for the following establishments in the following amounts, up to a maximum of \$175. The fee increases under this section take effect May 1, 2008.

1. For an eating establishment, the commissioner shall assess a base fee of \$55 and a per seat fee of \$4.

2. For a lodging place, the commissioner shall assess a base fee of \$55 and a per room fee of \$3.

3. For a recreational camp or a camping area, the commissioner shall assess a base fee of \$55 and a site fee of \$2.

Sec. F-3. Eliminate dual food licensing. Notwithstanding any other provision of law, the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation shall eliminate dual food licensing in accordance with this Part.

Sec. F-4. Defining jurisdiction; food inspection. Notwithstanding any other provision of law, in defining jurisdiction for food inspection services the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation shall apply a "predominance of business rule" based on a successful model used in the State of New York, where health and agriculture agencies share responsibility for food inspection. The Maine Center for Disease Control and Prevention is responsible for the inspection and regulation of places where food is consumed on the premises or sold ready-to-eat for off-premises consumption, including the site at which individual portions are provided. The Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation is responsible for the inspection and regulation of places where food is processed or manufactured, food warehouses, wholesale food distributors and retail food stores.

Sec. F-5. Resolving overlapping jurisdiction. If an establishment has operations that may fall under the jurisdiction of both the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation, the Department of Agriculture, Food and Rural Resources has jurisdiction over all operations of the establishment unless sales of food for consumption on the premises or ready-to-eat for off-premises consumption, measured by annual dollar receipts, exceeds 50% of total annual dollar receipts, in which case the Maine Center for Disease Control and Prevention has jurisdiction over the establishment. The field staff of the respective departments shall meet on a regular basis to resolve jurisdictional questions and issues.

Sec. F-6. Consistent application of policy, laws and rules. Notwithstanding any other provision of law, the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation shall administer the State's food policy, laws and rules in a consistent way for all licensed establishments and in a manner that eliminates inspector and program "shopping" by licensees.

Sec. F-7. Conflicts and inconsistencies; proposed legislation. If the Commissioner of Health and Human Services and the Commissioner of Agriculture, Food and Rural Resources identify a conflict or inconsistency between provisions in the Maine Revised Statutes or rules adopted by the agencies, the commissioners shall attempt to resolve that conflict or inconsistency by interpreting the laws or rules together to give effect to the intent of the Legislature or agency, as the case may be. If the commissioners determine rulemaking is required to resolve a conflict or inconsistency, the commissioners shall adopt routine technical rules as authorized by law, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. In adopting rules under this section, the commissioners have sole discretion to determine whether an emergency exists. The commissioners may notify the members of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs prior to adopting any emergency rule under this section. The commissioners may jointly submit proposed legislation necessary to fully implement the intent of this Part by October 1, 2008 to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee may submit legislation to the 124th Legislature based on the proposed legislation.

Sec. F-8. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Health - Bureau of 0143

Initiative: Transfers 11 Sanitarian II positions, one Office Associate II position and health inspection license fee revenue from the General Fund to the Other Special Revenue Funds account within the Maine Center for Disease Control and Prevention, Health Inspection Program. Position detail is on file in the Bureau of the Budget.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(12.000)

Personal Services	\$0	(\$770,769)
All Other	\$0	(\$186,028)
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GENERAL FUND TOTAL	\$0	(\$956,797)
OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	12.000
Personal Services	\$0	\$770,769
All Other	\$0	\$155,937
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$926,706

PART G

Sec. G-1. 7 MRSA §91, sub-§1, as enacted by PL 2005, c. 563, §3, is amended to read:

1. Fund created. The Treasurer of State shall establish an account to be known as "the Agricultural Fair Support Fund" and shall credit to it all money received under Title 8, section 1036, subsection 2, paragraph D. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with Title 8, section 267-A.

Sec. G-2. 8 MRSA §265, last ¶, as enacted by PL 1997, c. 528, §8, is amended to read:

Compensation of the members of the commission and all other necessary expenses of the commission must be paid out of ~~amounts the Legislature may appropriate~~ the operating account established under section 267-A.

Sec. G-3. 8 MRSA §266 is amended to read:

§ 266. Disbursements

Compensation of the commissioners, their assistants and all other necessary expenses of the commission shall be paid out of ~~such amounts as the Legislature may appropriate~~ the operating account established under section 267-A.

Sec. G-4. 8 MRSA §267, sub-§1, as enacted by PL 1991, c. 579, §8, is repealed and the following enacted in its place:

1. Budget. The commission shall develop or revise a recommended operating budget for each fiscal year of the biennium in accordance with this subsection. Funding for the commission is provided entirely from the operating account established in section 267-A.

A. On or before August 1st of even-numbered years the commission shall hold a hearing to make findings regarding and develop its recommended operating budget for the biennium. The commission shall provide notice of the hearing in accordance with Title 5, section 9052, and notice must be provided to persons who receive distributions from the funds established by sections 281, 298, 299 and 300 and Title 7, section 91. Based on the information obtained during the hearing, the commission shall submit to the commissioner as provided in Title 5, section 1665 a budget consistent with this subsection that is sufficient to carry out the provisions of this chapter, and the commissioner shall transmit this budget to the Bureau of the Budget without any revision, alteration or change. The commission shall submit a copy of this budget with any desired comments to the joint standing committee of the Legislature having jurisdiction over agricultural matters, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and to the Executive Director of the Legislative Council.

B. On or before August 1st of odd-numbered years the commission shall hold a hearing to make findings regarding and develop any revisions to its budget for the second fiscal year of the biennium. The commission shall provide notice of the hearing in accordance with Title 5, section 9052, and notice must be provided to persons who receive distributions from the funds established by sections 281, 298, 299 and 300 and Title 7, section 91. After the hearing, the commission may submit to the commissioner any recommended revisions to its budget, and the commissioner shall transmit these changes to the Bureau of the Budget without any revision, alteration or change. The commission shall submit a copy of this revised budget with any desired comments to the joint standing committee of the Legislature having jurisdiction over agricultural matters, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and to the Executive Director of the Legislative Council.

Any budgetary increases proposed by the commission in developing its recommended budget for fiscal year 2010 and thereafter must be reasonable and related to expansion in the number of racing days, the numbers of races held, the need to maintain competitive salaries, or inflation.

Sec. G-5. 8 MRSA §267, sub-§2, as amended by PL 1997, c. 528, §9, is further amended to read:

2. Report. By May 1st annually, the commission shall make a report to the commissioner with copies to the Governor, the joint standing committee of the Legislature having jurisdiction over agricultural matters and the Executive Director of the Legislative Council. This report must include an account of the commission's operations and actions, a report of its financial position, including receipts, an account of the practical effects of application of this chapter and any recommended legislation. The operations report must include the number and types of violations of racing laws and rules, the disposition of those violations and the amount of time required for their disposition, including a history of any appeals. The report must include the date and amount of each administrative assessment withdrawn in accordance with section 267-A from each of the assessed funds under section 267-A, subsection 4.

Sec. G-6. 8 MRSA §267-A is enacted to read:

§ 267-A. Operating account for the commission

1. Account established. An operating account for the commission, referred to in this section as "the operating account," is established as a dedicated, nonlapsing fund. Funds in the operating account may be allocated and expended only for the purposes of funding the operations of the commission. The fund may not be charged for indirect costs under a departmental indirect cost allocation plan.

2. Revenues. The following must be deposited in the operating account:

- A. The state share as required under section 287;
- B. All fees collected by the commission pursuant to section 271, 275-D and 279-A; and
- C. Any funds allocated or appropriated to the operating account.

3. Additional revenue needs. Using the total legislative allocation of the operating account for the fiscal year and the revenue received and anticipated under subsection 2, the commission shall calculate the amount of additional revenue needed, referred to in this section as "the shortfall," to equal the total legislative allocation. This calculation must be made at least annually and more frequently if needed.

4. Administrative assessments. The following funds, referred to collectively in this section as "the assessed funds," are subject to an administrative assessment determined under subsection 5:

- A. The fund established in section 298 to supplement harness racing purses;
- B. The Sire Stakes Fund established in section 281;
- C. The Agricultural Fair Support Fund established in Title 7, section 91;
- D. The Fund to Encourage Racing at Maine's Commercial Tracks established in section 299; and
- E. The Fund to Stabilize Off-track Betting Facilities established in section 300.

Only those balances in the assessed funds from revenues received under section 1036, subsection 2, paragraphs B, C, D, H and I are subject to an assessment under this section.

5. Calculation and transfer of administrative assessment. The commission shall establish by rule an administrative assessment that when applied to each of the assessed funds yields a total that approximates the amount of the shortfall. The assessment is a percentage of the revenue each fund receives under section 1036. An assessment may be made on a monthly basis. The commission shall certify the amounts to be assessed on each of the assessed funds to the Treasurer of State, who shall transfer those amounts to the operating account.

6. Working capital advance. In addition to the administrative assessment established under subsection 5, the commission may assess a working capital advance from each of the assessed funds to meet the cash flow needs of the commission. The amount of the advance under this subsection must be

established by rule and must be calculated as a single percentage applied to each of the assessed funds. The commission shall certify the amounts to be advanced from each of the assessed funds to the Treasurer of State, who shall transfer those amounts to the operating account.

The commission shall credit against future assessments calculated under subsection 5 any amounts advanced as a working capital advance under this subsection.

7. Rulemaking. Rules adopted under subsections 5 and 6 to establish administrative assessments and working capital advances are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. G-7. 8 MRSA §271, sub-§2, ¶A, as amended by PL 2007, c. 466, Pt. A, §26, is further amended to read:

A. The revenues to be generated, consistent with the profitability and financial health of the licensee, for the ~~General Fund~~operating account pursuant to section 287; the purse supplements pursuant to section 286; the Sire Stakes Fund pursuant to section 281; and the Stipend Fund pursuant to Title 7, section 86;

Sec. G-8. 8 MRSA §281, last ¶, as amended by PL 1999, c. 482, §4, is further amended to read:

The commission, by rule, may define a strain of Maine Standardbred, bred or owned in the State of Maine and registered with the department in its registry book. The commission is also authorized to establish necessary fees for horses and races in the establishment of a Maine Standardbred program, the funds from which must be administered by the department by deposit in a trust account entitled Sire Stakes Fund. The fund is a dedicated, nonlapsing fund and all revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section. All disbursements from the fund must be for the purposes of supplementing purses, costs of administration, including assessments and advances withdrawn in accordance with section 267-A, and any other appropriate expenses incurred by the department. A report must be submitted annually by the executive director to the commissioner setting forth an itemization of all deposits to and expenditures from the fund.

Sec. G-9. 8 MRSA §287, as amended by PL 2005, c. 563, §6, is further amended to read:

§ 287. Payment of state share

1. Payment. Amounts calculated as state share under section 286 must be paid to the Treasurer of State for deposit in the ~~General Fund~~operating account established under section 267-A. If the total of regular and exotic wagers placed at facilities licensed under this chapter exceeds \$35,000,000 for any calendar year, the portion payable to the ~~General Fund~~operating account must be distributed in accordance with this section. All wagers placed at off-track betting facilities and racetracks must be included in making this calculation, including wagers made in this State to commingled pools.

2. Commercial meet account. The Treasurer of State shall deposit in a commercial meet account 72% of the revenue credited to the ~~General Fund~~operating account under this section that is attributable to amounts in excess of \$35,000,000. This account must be divided in the proportion that

the contributions of regular and exotic wagers of pari-mutuel pools on live racing made or conducted at the commercial meets of each licensee during the calendar year bear to the total contributions of regular and exotic wagers to pari-mutuel pools on live racing made or conducted at the commercial meets of all licensees during that calendar year. Licensees sharing in this distribution shall use 1/2 of the funds received for the purpose of supplementing purse money. The other 1/2 of this distribution must be paid to the commercial licensees as reimbursement for improvements made to their racing facilities in the calendar year during which the funds are generated or, beginning January 1, 2000, during the prior year. To receive reimbursement, commercial licensees must submit plans for the improvements to the commission and receive approval from the commission prior to making the improvements, and the commission must verify that the approved improvements have been made.

3. Payment to Stipend Fund. Nine percent of the revenue credited to the General Fund operating account under this section that is attributable to amounts in excess of \$35,000,000 must be distributed to the Stipend Fund as provided in Title 7, section 86.

4. Sire Stakes Fund. Nine percent of the revenue credited to the General Fund operating account under this section that is attributable to amounts in excess of \$35,000,000 must be paid to the commission to be credited to the Sire Stakes Fund as provided in section 281.

5. Definition. For the purposes of this section, "improvements" means the amount paid out for new buildings or for permanent improvements made to improve the facilities utilized by the licensee for conducting its racing meetings; or the amount expended in restoring property or in improving the facility or any part of the facility that results in the addition, replacement or substantial enhancement or restoration of a fixed asset or of a movable asset that is important to efficient operation of the racing meetings. In general, the amounts referred to as improvements include amounts paid that add to the value, improve or substantially prolong the useful life of the racetrack and moveable assets utilized by the licensee for conducting its racing meetings. Amounts paid or incurred for routine repairs and maintenance of property, interest expense or lease payments in connection with the capital improvements are not improvements within the meaning of this section. In order to qualify as an improvement, a substantial enhancement or restoration of an asset must cost at least \$2,000 and must be an expenditure that would qualify for depreciation under the United States Internal Revenue Code. A moveable asset may be considered important to the efficient operation of a race meeting if the asset will remain at the commercial track or at the offices of the licensee throughout its use and if that asset is directly associated with running races, accommodating patrons of the race meet, conducting pari-mutuel wagering or paying purses.

6. Timing of payment. Payment under this section must be made no later than 7 days after each race and must be accompanied by a report under oath showing the total of all contributions to pari-mutuel pools covered by the report and other information the commission requires.

7. Interim payments to commercial tracks. If during the course of any calendar year the commission finds that wagers placed at facilities licensed under this chapter for the year are likely to exceed \$35,000,000, it may, if reasonably necessary for improvements to be effected expeditiously, direct the Treasurer of State to make interim payments to a commercial track in amounts as the commission finds the commercial track is likely to be entitled to receive under this section. If a commercial track receives

interim payments under this subsection that exceed the total amount the commercial track is entitled to receive for the calendar year, the Treasurer of State shall reimburse the General Fund operating account for this excess by retaining money otherwise due to that commercial track pursuant to section 295.

Sec. G-10. 8 MRSA §298, sub-§1, as enacted by PL 2003, c. 687, Pt. A, §3 and affected by Pt. B, §11, is amended to read:

1. Fund created. A fund is established to supplement harness racing purses to which the commission shall credit all payments received pursuant to section 1036, subsection 2, paragraph B for distribution in accordance with this section. The fund is a dedicated, nonlapsing fund, and all revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A. The commission shall distribute in accordance with this section amounts credited to the fund.

Sec. G-11. 8 MRSA §299, sub-§1, as enacted by PL 2003, c. 687, Pt. A, §4 and affected by Pt. B, §11, is amended to read:

1. Fund created. The Fund to Encourage Racing at Maine's Commercial Tracks is established to provide revenues to Maine's commercial tracks. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A.

Sec. G-12. 8 MRSA §300, sub-§1, as enacted by PL 2003, c. 687, Pt. A, §4 and affected by Pt. B, §11, is amended to read:

1. Fund created. The Fund to Stabilize Off-track Betting Facilities is established to provide revenues to those off-track betting facilities licensed and in operation as of December 31, 2003. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A.

Sec. G-13. Transition; working capital advance. Notwithstanding any other provision in the Maine Revised Statutes, Title 8, section 267-A, the Harness Racing Commission may assess a working capital advance under Title 8, section 267-A, subsection 6 in an amount not to exceed \$110,000, pending the adoption of rules under Title 8, section 267-A, subsection 7. The commission shall certify the amounts to be assessed to the Treasurer of State, who shall transfer those amounts from each of the assessed funds to the commission's operating account. The amount transferred pursuant to this section must be credited against subsequent assessments made pursuant to rules adopted under Title 8, section 267-A, subsection 7.

Sec. G-14. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Harness Racing Commission 0320

Initiative: Deappropriates funding for the Harness Racing Commission.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(3.000)
POSITIONS - FTE COUNT	0.000	(2.578)
Personal Services	\$0	(\$410,634)
All Other	\$0	(\$698,575)
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GENERAL FUND TOTAL	\$0	(\$1,109,209)

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	3.000
POSITIONS - FTE COUNT	0.000	2.809
Personal Services	\$0	\$423,828
All Other	\$0	\$466,593
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$890,421

Sec. G-15. Effective date. This Part takes effect July 1, 2008.

PART H

Sec. H-1. Transfer of funds from Accident, Sickness and Health Insurance Internal Service Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$500,000 by June 30, 2008 and \$1,117,799 by June 30, 2009 from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund. The State Controller shall also transfer the equitable share of health insurance savings to each participating fund by June 30, 2008 and June 30, 2009. The fund transfers are to recognize health insurance savings achieved through changes to be adopted by the State Employee Health Commission.

Sec. H-2. Transfer of excess equity reserves from Accident, Sickness and Health Insurance Internal Service Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$10,438,051 representing the General Fund share of excess equity reserve for health insurance by June 30, 2008 from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund. The State Controller shall also transfer the equitable share of health insurance excess equity reserve to each participating fund by June 30, 2008.

Sec. H-3. Transfer of excess equity reserves from Retiree Health Insurance Internal Service Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$16,832,248 representing the General Fund share of excess equity reserve for retiree health

insurance by June 30, 2008 from the Retiree Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund. The State Controller shall also transfer the equitable share of retiree health insurance excess equity reserve to each participating fund by June 30, 2008.

Sec. H-4. Transfer of funds from Retiree Health Insurance Internal Service Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$185,196 by June 30, 2009 from the Retiree Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund. The State Controller shall also transfer the equitable share of retiree health insurance savings to each participating fund by June 30, 2009. The fund transfers are to recognize retiree health insurance savings achieved through changes to be adopted by the State Employee Health Commission.

PART I

Sec. I-1. Department of Administrative and Financial Services; Statewide Radio and Network System; 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 July 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 financing arrangements 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 \$4,890,000. Annual principal and interest costs must be paid from the Office of Information Technology, Statewide Radio and Network System Reserve Fund.

Sec. I-2. Department of Administrative and Financial Services; statewide enterprise system, e-mail; 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 July 1, 2008 for the acquisition of a statewide enterprise system to facilitate e-mail archiving and related activities, including software, necessary hardware and peripherals and contractual services associated with the implementation and deployment of the system. The financing arrangements may not exceed \$3,000,000 in principal costs and 5 years in duration. The interest rate may not exceed 8%, and interest costs may not exceed \$700,000. The annual principal and interest costs must be paid from the appropriate line category in the Office of Information Services account.

PART J

Sec. J-1. Transfer from the Maine Asthma and Lung Disease Research Fund Other Special Revenue Funds; unexpended funds. Notwithstanding any other provision of law, the State Controller shall transfer \$14,648 in unexpended funds from the Maine Asthma and Lung Disease Research Fund Other Special Revenue Funds account within the Department of Administrative and Financial Services in fiscal year 2007-08 to General Fund unappropriated surplus.

PART K

Sec. K-1. Transfer; Department of Inland Fisheries and Wildlife carrying account; training reimbursement. On or before June 30, 2008, the State Controller shall transfer \$7,200 from the Department of Inland Fisheries and Wildlife carrying account to the Enforcement Operations program for training reimbursement.

Sec. K-2. Transfer; Department of Inland Fisheries and Wildlife carrying account; legal fees. On or before June 30, 2008, the State Controller shall transfer \$140,000 from the Department of Inland Fisheries and Wildlife carrying account to the Office of the Commissioner program for legal fees.

Sec. K-3. Transfer; Department of Inland Fisheries and Wildlife carrying account; management review reimbursements. On or before June 30, 2008, the State Controller shall transfer \$45,000 from the Department of Inland Fisheries and Wildlife carrying account to the Enforcement Operations program for management review reimbursements.

Sec. K-4. Transfer; Department of Inland Fisheries and Wildlife carrying account; retroactive pay to employees. On or before June 30, 2008, the State Controller shall transfer \$8,565 from the Department of Inland Fisheries and Wildlife carrying account to the Public Information and Education program and \$211,165 to the Fisheries and Hatcheries Operations program for retroactive pay to employees.

Sec. K-5. Transfer; Department of Inland Fisheries and Wildlife carrying account; purchase of airplane engine. On or before September 1, 2008, the State Controller shall transfer \$30,000 from the Department of Inland Fisheries and Wildlife carrying account to the Enforcement Operations program for the purchase of one airplane engine.

Sec. K-6. Transfer; Department of Inland Fisheries and Wildlife carrying account; fisheries and hatcheries. On or before June 30, 2008, the State Controller shall transfer \$79,000 from the Department of Inland Fisheries and Wildlife carrying account to the Fisheries and Hatcheries Operations program to cover an unanticipated shortfall in the All Other line.

Sec. K-7. Transfer; Department of Inland Fisheries and Wildlife carrying account; enforcement operations. On or before June 30, 2008, the State Controller shall transfer \$270,000 from the Department of Inland Fisheries and Wildlife carrying account to the Enforcement Operations program to cover an unanticipated shortfall in the All Other line.

Sec. K-8. Publication of magazine; development of plan. The Department of Inland Fisheries and Wildlife shall maintain publication of "Maine Fish and Wildlife Magazine" and develop a plan for the magazine to be self-supporting.

PART L

Sec. L-1. Transfers to Maine Clean Election Fund. In addition to the transfers authorized pursuant to the Maine Revised Statutes, Title 21-A, section 1124, the State Controller shall transfer \$2,425,000 from General Fund undedicated revenue to the Maine Clean Election Fund on or before June 1, 2010 and shall transfer an additional \$2,000,000 from General Fund undedicated revenue to the Maine Clean Election Fund on or before August 1, 2010.

Sec. L-2. Reduction in payments under the Maine Clean Election Fund. Notwithstanding the procedures set forth in the Maine Revised Statutes, Title 21-A, section 1125, subsection 8, the Commission on Governmental Ethics and Election Practices shall reduce the initial payment amounts established for Maine Clean Election Act candidates in the 2008 and 2009 general election by 5%.

Sec. L-3. Transfer of funds from Maine Clean Election Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$135,199 on or before June 30, 2008 and \$135,717 on or before June 30, 2009 from the Maine Clean Election Fund to the unappropriated surplus of the General Fund.

PART M

Sec. M-1. 36 MRSA §185, sub-§3 is enacted to read:

3. Setoff of lottery winnings against debts. The State Tax Assessor shall periodically notify the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, referred to in this subsection as "the bureau," of all persons who have a liquidated tax liability to the State under this Title. Prior to paying any lottery winnings that must be paid directly by the bureau, the bureau shall determine whether the lottery winner is on the list of persons who have a liquidated tax liability to the State under this Title. If the winner is on the list of persons who have a liquidated tax liability to the State under this Title, the bureau shall suspend payment of the winnings and provide notice to the winner of its intention to set off the winnings against the tax debt. The bureau may assign the winnings due to the winner to the State Tax Assessor in payment of any liquidated tax liability of the winner under this Title. Any remaining winnings must be paid to the winner by the bureau.

Sec. M-2. 36 MRSA §191, sub-§2, ¶II, as amended by PL 2007, c. 328, §3, is further amended to read:

II. The disclosure to an authorized representative of the Maine Milk Commission of information on the quantity of packaged milk handled in the State and subject to the milk handling fee established in section 4902 and other information obtained by the assessor in the administration of chapter 721; ~~and~~

Sec. M-3. 36 MRSA §191, sub-§2, ¶JJ, as enacted by PL 2007, c. 328, §4, is amended to read:

JJ. The disclosure to the State Purchasing Agent of a person's sales tax standing as necessary to enforce Title 5, section 1825-B, subsection 14-; ~~and~~

Sec. M-4. 36 MRSA §191, sub-§2, ¶KK is enacted to read:

KK. The disclosure of information necessary to administer the setoff of liquidated tax debts pursuant to section 185, subsection 3.

PART N

Sec. N-1. 2 MRSA §6, sub-§2, as amended by PL 2007, c. 273, Pt. B, §1 and affected by §7, is further amended to read:

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

Superintendent of Financial Institutions;

Superintendent of Consumer Credit Protection;

State Tax Assessor;

Superintendent of Insurance;

Executive Director of the Maine Consumer Choice Health Plan;

Deputy Commissioner, Department of Administrative and Financial Services;

Associate Commissioner for Adult Services, Department of Corrections;

Associate Commissioner for Juvenile Services, Department of Corrections;

Public Advocate;

Deputy Commissioner of ~~Integrated Services~~, Department of Health and Human Services;

Deputy Commissioner of ~~Health, Integrated Access and Strategy~~, Department of Health and Human Services;

Chief Information Officer;

Associate Commissioner for Legislative and Program Services, Department of Corrections; and

Chief of the State Police.

Sec. N-2. 2 MRSA §6, sub-§11, as enacted by PL 2005, c. 412, §3, is amended to read:

11. Range 38. The salaries of the ~~following state officials and employees~~ 2 deputy commissioners of the Department of Health and Human Services are within salary range 38~~;~~.

A. ~~Deputy Commissioner of Finance, Department of Health and Human Services; and~~

B. ~~Deputy Commissioner of Operations and Support, Department of Health and Human Services.~~

Sec. N-3. 2 MRSA §104, sub-§9, ¶A, as amended by PL 2007, c. 441, §1, is further amended to read:

A. The following organizations shall forward data that documents key public health needs, organized by region of the State, to the council annually:

(1) The Department of Health and Human Services, Maine Center for Disease Control and Prevention; and

~~(2) The Maine Center for Public Health Practice established pursuant to Title 22, section 3-D; and~~

(3) A statewide public health association.

Sec. N-4. 4 MRSA §807, sub-§3, ¶H, as corrected by RR 2003, c. 2, §1, is amended to read:

H. A person who is not an attorney but has been designated to represent the Department of Health and Human Services under Title 22, section 3473, subsection 3 or under ~~Title 34-B, section 1204, subsection 7~~Title 22-A, section 207, subsection 7 in Probate Court proceedings;

Sec. N-5. 5 MRSA §946-A, sub-§1, as amended by PL 2005, c. 519, Pt. Z, §§1 and 2, is further amended to read:

1. Major policy-influencing positions. The following positions subject to appointment by the commissioner are major policy-influencing positions within the Department of Health and Human Services. Notwithstanding any other provisions of law, these positions and their successor positions are subject to this chapter:

A. ~~The 4 deputy commissioner positions:~~

~~(1) The Deputy Commissioner of Integrated Services;~~

~~(2) The Deputy Commissioner of Health, Integrated Access and Strategy;~~

~~(3) The Deputy Commissioner of Finance; and~~

~~(4) The Deputy Commissioner of Operations and Support;~~

~~C-1. Director, Office of MaineCare Services;~~

~~C-2. Director, Office of Integrated Access and Support;~~

~~C-3. State Health Officer and Director, Maine Center for Disease Control and Prevention;~~

~~C-4. Director, Office of Adult Mental Health Services;~~

~~C-5. Director, Office of Adults with Cognitive and Physical Disability Services;~~

~~C-6. Director, Office of Child and Family Services;~~

~~C-7. Director, Office of Elder Services;~~

~~C-8. Director, Office of Substance Abuse Services;~~

~~E-1. System integration directors;~~

~~F. Superintendents of Dorothea Dix Psychiatric Center and Riverview Psychiatric Center;~~

~~G. Director of legal affairs or general counsel;~~

~~H. Director of Legislative Affairs;~~

~~I. Director of Public and Employee Communication;~~

~~J. Directors of special projects; and~~

~~L. Director of Strategic Human Resources Management and Organizational Development.~~

Sec. N-6. 5 MRSA §19203, sub-§8, as amended by PL 1989, c. 487, §1, is further amended to read:

8. Bureau of Health. To the ~~Bureau of Health~~Department of Health and Human Services, which may disclose results to other persons only if that disclosure is necessary to carry out its duties as provided in Title 22, sections ~~3, 7 and~~section 42 and chapters 250 and 251;

Sec. N-7. 5 MRSA §20006-A, sub-§3, as enacted by PL 1995, c. 560, Pt. L, §8 and affected by §16, is amended to read:

3. Other duties and powers. Carry out other duties and exercise other powers granted to the director under this Act and delegated to the director by the commissioner under Title ~~34-B22-A~~, section ~~1204207~~, subsection 3.

Sec. N-8. 22 MRSA §1, as amended by PL 1995, c. 560, Pt. J, §2 and PL 2003, c. 689, Pt. B, §§6 and 7, is repealed.

Sec. N-9. 22 MRSA §1-A is enacted to read:

§ 1-A. Definitions

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

1. Commissioner. "Commissioner" means the Commissioner of Health and Human Services.

2. Department. "Department" means the Department of Health and Human Services.

Sec. N-10. 22 MRSA §2, as amended by PL 1973, c. 567, §20, is repealed.

Sec. N-11. 22 MRSA §3, as amended by PL 1989, c. 167, §1 and PL 2003, c. 689, Pt. B, §6, is repealed.

- Sec. N-12. 22 MRSA §3-A**, as amended by PL 2003, c. 708, §1, is repealed.
- Sec. N-13. 22 MRSA §3-B**, as enacted by PL 1977, c. 454, §1, is repealed.
- Sec. N-14. 22 MRSA §3-C**, as enacted by PL 1987, c. 730, §2, is repealed.
- Sec. N-15. 22 MRSA §3-D**, as enacted by PL 1995, c. 598, Pt. A, §1, is repealed.
- Sec. N-16. 22 MRSA §4**, is repealed.
- Sec. N-17. 22 MRSA §6** is repealed.
- Sec. N-18. 22 MRSA §6-A**, as amended by PL 2005, c. 397, Pt. A, §18, is repealed.
- Sec. N-19. 22 MRSA §6-B**, as enacted by PL 1993, c. 738, Pt. F, §1 and amended by PL 1995, c. 560, Pt. K, §82 and affected by §83 and amended by PL 2001, c. 354, §3, is repealed.
- Sec. N-20. 22 MRSA §6-C**, as repealed and replaced by PL 2005, c. 397, Pt. A, §19, is repealed.
- Sec. N-21. 22 MRSA §7**, as amended by PL 1985, c. 785, Pt. B, §83 and Pt. C, §3, is repealed.
- Sec. N-22. 22 MRSA §8**, as enacted by PL 1965, c. 132, is repealed.
- Sec. N-23. 22 MRSA §9**, as amended by PL 1989, c. 400, §§4 and 14 and PL 2003, c. 689, Pt. B, §6, is repealed.
- Sec. N-24. 22 MRSA §9-A**, as amended by PL 2001, c. 439, Pt. UU, §1, is repealed.
- Sec. N-25. 22 MRSA §10**, as amended by PL 1975, c. 771, §210, is repealed.
- Sec. N-26. 22 MRSA §10-A**, as enacted by PL 2005, c. 634, §10, is repealed.
- Sec. N-27. 22 MRSA §11**, as enacted by PL 1967, c. 544, §56, is repealed.
- Sec. N-28. 22 MRSA §12**, as amended by PL 1995, c. 694, Pt. D, §27 and affected by Pt. E, §2, is repealed.
- Sec. N-29. 22 MRSA §12-A**, as amended by PL 1995, c. 402, Pt. B, §2 and c. 691, §2, is repealed.
- Sec. N-30. 22 MRSA §12-B**, as enacted by PL 1995, c. 368, Pt. TT, §1, is repealed.
- Sec. N-31. 22 MRSA §2804**, as amended by PL 1987, c. 259, §1, is further amended to read:

§ 2804. --index

The Registrar of Vital Statistics shall prepare and keep an alphabetical index, by the names of both parties, of all annulments and divorces reported. When requested, the registrar shall cause a search to be made of ~~his~~the files for the record of any divorce or annulment and shall furnish a copy thereof. The fee for such search and copy ~~shall~~must reasonably reflect the cost of the service, as specified in ~~section 9~~; ~~subsection 4~~Title 22-A, section 210.

- Sec. N-32. 22 MRSA §3731, sub-§4**, as enacted by PL 1993, c. 158, §2, is amended to read:

4. Region. "Region" means a service delivery region established pursuant to section 6-A by the commissioner.

Sec. N-33. 22 MRSA §4088, sub-§1, ¶D-1, as amended by PL 2003, c. 399, §2, is repealed.

Sec. N-34. 22 MRSA §4088, sub-§3, ¶B, as amended by PL 2003, c. 399, §3, is further amended to read:

B. Shall investigate all reports received by the department or services center regarding alleged out-of-home abuse and neglect occurring in facilities or by persons subject to licensure pursuant to this Title;

Sec. N-35. 22 MRSA §4088, sub-§3, ¶D, as amended by PL 2003, c. 399, §3, is further amended to read:

D. Shall coordinate and consult with the bureau or services center staff department performing general licensing functions to eliminate duplicative or redundant investigations to the extent possible and to prevent, correct or eliminate the abuse or neglect or threat of abuse or neglect in out-of-home settings;

Sec. N-36. 22 MRSA §4088, sub-§3, ¶E, as amended by PL 2003, c. 399, §3, is further amended to read:

E. Shall provide the results of the investigation to the bureau, services center department or another department for appropriate action. The team shall complete the investigation within a time frame not to exceed 6 months from the date of the initiation of the investigation, except in circumstances when the information necessary to complete the investigation is unavailable to the team;

Sec. N-37. 22 MRSA §4088, sub-§3, ¶G, as amended by PL 2003, c. 399, §3, is further amended to read:

G. When a report alleges out-of-home abuse and neglect in facilities or by persons not subject to licensure by the department or services center, shall immediately refer the report to the services center or agency or department charged with the responsibility to investigate such a report or, if applicable, to the state department operating the facility;

Sec. N-38. 22 MRSA §4088, sub-§6, as enacted by PL 1989, c. 400, §9, is amended to read:

6. Assistance. Staff performing general licensing functions may assist the team in conducting out-of-home investigations upon the request of the Director of the Bureau of Child and Family Services department, provided that as long as the licensing staff member has neither currently licensed nor monitored for compliance the subject of the investigation.

Sec. N-39. 22 MRSA §5105, 3rd ¶, as repealed and replaced by PL 1975, c. 771, §231, is amended to read:

The bureau shall be administered by a director who shall be appointed as provided in section 1.

Sec. N-40. 22 MRSA §5309, first ¶, as repealed and replaced by PL 1975, c. 771, §233, is amended to read:

The bureau shall be administered by a director who shall be appointed as provided in section 1.

Sec. N-41. 22-A MRSA §201, sub-§2, as amended by PL 2005, c. 412, §5, is repealed.

Sec. N-42. 22-A MRSA §201, sub-§2-A is enacted to read:

2-A. Division of departmental responsibilities. The responsibilities of the department are divided as follows:

A. Financial responsibilities, including but not limited to budget forecasting; audit; Medicaid finance, program and fiscal coordination; purchased services; and ratesetting;

B. Healthcare management and quality responsibilities, including but not limited to licensing and regulatory services, quality improvement, facilities management, Medicaid services oversight, public assistance eligibility and public health and disease control and prevention; and

C. Integrated services responsibilities, including but not limited to:

(1) Adult and elder services, including but not limited to aging, substance abuse, mental health and disability services;

(2) Child and family services responsibilities, including but not limited to child welfare, children's behavioral health and early childhood services; and

(3) Regional operations.

Sec. N-43. 22-A MRSA §205, first ¶, as enacted by PL 2003, c. 689, Pt. A, §1, is amended to read:

The commissioner has all of the powers and duties necessary to carry out the mission and responsibilities of the department. The commissioner has the power to distribute the functions and duties given to the commissioner under this Title, Title 5, Title 19-A, Title 22 and Title 34-B among the various offices of the department so as to integrate the work properly and to promote the most economical and efficient administration of the department. Wherever in this Title, Title 5, Title 19-A, Title 22 or Title 34-B powers and duties are given to the commissioner or the department, these must be assumed and carried out by the offices that the commissioner designates, and these powers and duties may in turn be delegated to subordinates by those office directors with the approval of the commissioner.

Sec. N-44. 22-A MRSA §205, sub-§4, as amended by PL 2005, c. 236, §3 and amended by c. 412, §6, is further amended to read:

4. Appointments. ~~The following positions~~All deputy commissioners, all office directors, the regional systems integration directors and the superintendents of any state institutions are appointed by the commissioner and serve at the pleasure of the commissioner:.

- A. ~~The Deputy Commissioner of Integrated Services;~~
- B. ~~The Deputy Commissioner of Health, Integrated Access and Strategy;~~
- C. ~~The Deputy Commissioner of Finance;~~
- D. ~~The Deputy Commissioner of Operations and Support;~~
- E. ~~The Director of the Office of MaineCare Services;~~
- F. ~~The Director of the Maine Center for Disease Control and Prevention;~~
- G. ~~The Director of the Office of Integrated Access and Support;~~
- H. ~~The Director of the Office of Adult Mental Health Services;~~
- I. ~~The Director of the Office of Adults with Cognitive and Physical Disability Services;~~
- J. ~~The Director of the Office of Child and Family Services;~~
- K. ~~The Director of the Office of Elder Services;~~
- L. ~~The Director of the Office of Substance Abuse Services;~~
- M. ~~The regional system integration directors;~~
- N. ~~The Director of Dorothea Dix Psychiatric Center; and~~
- O. ~~The Director of Riverview Psychiatric Center.~~

Deputy commissioners and office directors appointed pursuant to this subsection must have educational qualifications and professional experience directly related to the functions of and services provided by the relevant unit or office.

Sec. N-45. 22-A MRSA §206 is enacted to read:

§ 206. Additional duties of the commissioner

In addition to other duties set out in this Title, the commissioner has the following duties.

1. General. The commissioner has general supervision, management and control of the research and planning, grounds, buildings, property, officers, employees and clients of all state institutions.

2. Enforcement of laws. The commissioner shall enforce all laws concerning the institutions within the department, unless specific law enforcement duties are given by law to other persons.

3. Rules. Rules adopted pursuant to section 205, subsection 2 must be established as set out in this subsection.

A. The commissioner shall establish such rules, regulations, procedures and practices as the commissioner may determine appropriate or necessary for the care and management of the property of all state institutions, for the production and distribution of the products of the institutions, for guiding the institutions in determining whether to approve admissions and for the execution of the statutory purposes and functions of the institutions.

B. The central principle underlying all rules relating to residents of the institutions within the department is that the residents retain all rights of ordinary citizens, except those expressly or by necessary implication taken from them by law.

4. Grievance procedures. The commissioner shall establish procedures for hearing grievances of clients who receive mental health services or mental retardation services or of children who receive behavioral health services. The procedures must include the opportunity for a timely hearing before a state hearing examiner or an independent fair hearing examiner. The commissioner may contract for the services of the hearing examiner, who shall conduct adjudicatory proceedings pursuant to the Maine Administrative Procedure Act.

5. Residential child care facilities. The commissioner shall approve all programs for the provision of mental health services to residential child care facilities, as defined in Title 22, section 8101, subsection 4, and shall participate in licensure of these programs in accordance with Title 22, section 8104.

6. Abuse allegations in state institutions. The commissioner shall ensure appropriate intervention and remediation in cases of substantiated abuse and neglect in state institutions. The commissioner shall ensure, through inspection on a periodic basis, that all state institutions meet appropriate federal and state standards relating to the health, safety and welfare of clients of these institutions.

7. Establish standards of care. The commissioner shall establish standards of care for patients at the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center.

8. Substance abuse prevention and treatment. The commissioner shall administer and carry out the purposes of the Maine Substance Abuse Prevention and Treatment Act.

Sec. N-46. 22-A MRSA §207 is enacted to read:

§ 207. Additional powers of the commissioner

In addition to other powers granted in this Title, the commissioner has the powers set out in this section.

1. General powers. The commissioner may perform any legal act relating to the care, custody, treatment, relief and improvement of the residents of state institutions or may purchase residential services when the department does not provide the appropriate institutional services for the client.

2. Appointments of deputy commissioner and other employees. The commissioner's powers to appoint any deputy commissioner and other employees are as set out in this subsection.

A. The commissioner may appoint, subject to the Civil Service Law and except as otherwise provided, any employees who may be necessary.

B. The commissioner may appoint and set the salaries for one or more deputy commissioners to assist in carrying out the responsibilities of the department. Each appointment must be for an indeterminate term and until a successor is appointed and qualified or at the pleasure of the commissioner.

C. The commissioner, with the approval of the Governor, may employ and set the salaries up to the maximum adjusted pay grade for clinical director positions. Clinical director positions are excluded from the definition of state employee under Title 26, section 979-A, subsection 6 and are not subject to the Civil Service Law. Employees in that classification hired after July 1, 1989 serve at the pleasure of the commissioner and must, as a condition of continued employment, maintain clinical privileges to practice medicine as determined by the respective medical staff and the superintendent of the facility.

D. Employees in the classification of clinical director may elect to retain current bargaining unit and civil service status. Employees so grandfathered retain salary and benefit entitlements provided for in current pay schedules and collective bargaining agreements.

3. Delegation. The commissioner's delegation powers are as set out in this subsection.

A. The commissioner may delegate powers and duties given under this Title to any deputy commissioner and chief administrative officers of state institutions.

B. The commissioner may empower any deputy commissioner and chief administrative officers of state institutions to delegate further powers and duties delegated to them by the commissioner.

4. Funding sources. In carrying out this Title, the commissioner may apply for and accept from any other agency of government, person, group or corporation any funds that may be available.

5. Appearance of designated employees in Probate Court. The commissioner may designate employees of the department to represent the department in Probate Court only in:

A. Matters relating to the performance of duties in uncontested guardianship, conservatorship or termination of guardianship or conservatorship proceedings; and

B. Requests for emergency guardianships arising from the need for emergency medical treatment or placement in adult foster homes, boarding homes or nursing homes or for orders necessary to apply for or preserve an estate in emergency situations.

6. Physicians. Department employees in the classifications of physician I, II and III are unclassified state employees, as defined by Title 26, section 979-A, subsection 6, and are members of bargaining units, subject to Title 26, chapter 9-B. An employee in any of these classifications must, as a condition of continued employment, maintain necessary clinical privileges to practice medicine in that employee's position as determined by the respective medical staff and the superintendent of the facility. Any termination of employment due to a loss of clinical privileges to practice medicine under this subsection is not subject to the grievance procedure under any collective bargaining agreement.

7. Contracts with health care servicing entities. The commissioner may enter into contracts with health care servicing entities for the financing, management and oversight of the delivery of mental health, mental retardation and substance abuse services to clients pursuant to a state or federally sponsored health program in which the department participates or that the department administers. For the purposes of this subsection, "health care servicing entity" means a partnership, association, corporation, limited liability company or other legal entity that enters into a contract with the State to provide or arrange for the provision of a defined set of health care services; to assume responsibility for some aspects of quality assurance, utilization review, provider credentialing and provider relations or other related network management functions; and to assume financial risk for provision of such services to clients through capitation reimbursement or other risk-sharing arrangements. "Health care servicing entity" does not include insurers or health maintenance organizations. In contracting with health care servicing entities, the commissioner:

- A. Shall include in all contracts with the health care servicing entities standards, developed in consultation with the Superintendent of Insurance, to be met by the contracting entity in the areas of financial solvency, quality assurance, utilization review, network sufficiency, access to services, network performance, complaint and grievance procedures and records maintenance;
- B. Prior to contracting with any health care servicing entity, must have in place a memorandum of understanding with the Superintendent of Insurance for the provision of technical assistance, which must provide for the sharing of information between the department and the superintendent and the analysis of that information by the superintendent as it relates to the fiscal integrity of the contracting entity;
- C. May require periodic reporting by the health care servicing entity as to activities and operations of the entity, including the entity's activities undertaken pursuant to commercial contracts with licensed insurers and health maintenance organizations;
- D. May share with the Superintendent of Insurance all documents filed by the health care servicing entity, including documents subject to confidential treatment if the information is treated with the same degree of confidentiality as is required of the department; and
- E. May make all necessary rules for the administration of contracts with health care servicing entities. All rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

8. Ad hoc committee compensation. The commissioner is authorized to provide compensation to persons who are consumers or family members of consumers of departmental services who are members of ad hoc committees. The compensation may not exceed \$25 per day and payment of expenses. Total compensation expenses of the department under this subsection in any fiscal year may not exceed \$7,500.

9. Operation of a facility. The commissioner may contract with a privately operated corporation for the operation of a facility to replace the Elizabeth Levinson Center effective October 1, 2008.

Sec. N-47. 22-A MRSA §208 is enacted to read:

§ 208. Maintenance of state mental health institutes

The commissioner shall maintain 2 state mental health institutes for the mentally ill, one at Bangor called the Dorothea Dix Psychiatric Center and the other at Augusta called the Riverview Psychiatric Center.

Sec. N-48. 22-A MRSA §209 is enacted to read:

§ 209. Municipal grants

The department is authorized to make grants to cities and towns within the State, or to nonprofit corporations organized for purposes related to public health or welfare, out of federal funds when such grants are permitted by the terms under which the federal funds are available. Such grants must be made in conformity with applicable federal requirements and standards and with appropriate state accounting requirements and in accordance with regulations of the department.

Sec. N-49. 22-A MRSA §210 is enacted to read:

§ 210. Fees for service

1. Reasonable fees authorized. The department may charge reasonable fees for any services provided under this Title, Title 5, Title 22 or Title 34-B, whether directly or indirectly provided by the department. Any fees thus received constitute a permanent fund for use by the department as special revenue income and do not become part of the General Fund. Fees so generated must be used in accordance with federal regulations.

2. Sliding fee scale. The department may establish a sliding fee scale for the provision of community-based purchased services administered by the department.

A. The sliding fee scale must be based on gross family income and family size.

B. Any fees charged as a result of implementing this subsection must be paid to the provider of the service and be used by the provider for additional services of the same or related type for which the fees were paid.

Sec. N-50. 22-A MRSA §211 is enacted to read:

§ 211. Federal funds and commodities

The commissioner, with the consent and approval of the Governor, is authorized and empowered to accept any allotments of federal funds and commodities, to manage and dispose of the same in whatever manner required by federal law and put into effect the United States Social Security Act and any amendments of that act and of other federal acts relating to public welfare.

Sec. N-51. 22-A MRSA §212 is enacted to read:

§ 212. Coordination and reporting on expenditure of funds pertaining to homeland security and bioterrorism prevention

The commissioner shall coordinate in a mutually agreed upon manner with the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management on the planning and expenditure of all federal funds received by the department for homeland security emergency preparedness purposes or for the prevention of bioterrorism and provide a report annually, beginning December 15, 2008, to the Homeland Security Advisory Council established in Title 37-B, section 708. The advisor for the Homeland Security Advisory Council shall report by January 15th of each year, beginning in 2009, on the expenditure of such funds to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The report must include, but is not limited to, the amount of funds expended in the prior year, the purpose of those expenditures, the effect of those expenditures on homeland security and bioterrorism prevention and the plans for coordination with the Maine Emergency Management Agency for the expenditure of the funds received or anticipated for such purposes in the 2 years following submission of the report.

Sec. N-52. 22-A MRSA §213 is enacted to read:

§ 213. Funds for social services

The department shall administer any funds that may be available from private, local, state or federal sources for the provision of social services as defined by the department. Within any limitation that may apply from the sources of such funds, the department may provide said social services itself, or assure itself of the provision of such services by purchase of services, by contracts or by grants, or by joint provision of services, by contracts or by grants, or by joint provision of services with other agencies through matching agreements.

The department shall adopt rules as necessary to define eligibility for social services, contractual terms, conditions for grants, matching ratios and quality of performance standards and such others as are necessary for the administration of this section. These rules must be published and subject to a 30-day public review prior to taking final effect.

The department may expend any unidentified child support payments and any interest earned on those funds that the department has received when the department cannot identify the child for which payment was made. The department may expend these funds only in its efforts to enforce child support laws in accordance with Title 19-A, chapters 53, 63, 65 and 67. Before making any expenditure, the department must wait at least 12 months from the date the unidentified funds were received.

Sec. N-53. 22-A MRSA §214 is enacted to read:

§ 214. Performance-based contracts

In addition to other applicable requirements and unless precluded by other restrictions on the use of funds, the commissioner shall manage all funds available for the provision of social services in accordance with the provisions of this section.

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

A. "Agreement" means a legally binding written document between 2 or more parties, including such documents as are commonly referred to as accepted application, proposal, prospectus, contract, grant, joint or cooperative agreement, purchase of service or state aid.

B. "Performance-based contract" means an agreement for the purchase of direct client services employing a client-centered, outcome-oriented process that is based on measurable performance indicators and desired outcomes and includes the regular assessment of the quality of services provided.

2. Performance-based contract. The commissioner shall ensure that all agreements to purchase social services are performance-based contracts.

3. Rules. The commissioner shall adopt rules to implement this section, including, but not limited to, the establishment of program goals, outcome measures, an information management system to collect and manage contract data, a system of ongoing assessment of program effectiveness and hold-harmless guidelines for provider agencies during the first contract period or 12 months, whichever is greater.

4. Procedures. The procedures in this subsection apply whenever the commissioner commences a request-for-proposal procedure.

A. The commissioner shall hold at least one informational meeting at least 30 days before the due date for submission of the notice of intent to bid. Any informational meeting must be advertised in newspapers of general circulation stating the location, date, time and purpose of the meeting. At the meeting the commissioner shall provide detailed information to any interested party about the contract to be bid or rebid, provide notice of anticipated major changes from any previous contract and respond to questions.

B. The commissioner shall require any interested party to submit a notice of intent to bid at least 30 days before the date bids will be accepted as a precondition to submitting a formal bid. The notice of intent must contain minimal requirements that demonstrate a prospective bidder's competence and ability to comply with the requirements of the contract.

C. If only one community service provider submits a notice of intent to bid, the commissioner may enter into negotiations concerning a contract with that provider in accordance with the procedures established for performance-based contracts.

D. For purposes of this section, the commissioner retains the right to reject any bids submitted and any proposals made during negotiations pursuant to paragraph C.

Sec. N-54. 22-A MRSA §215 is enacted to read:

§ 215. State wards

When a state ward becomes 18 years of age and the state ward and the department agree that need for care and support for educational, social or physical reasons exists, the department is authorized to continue care and support of this person up to 21 years of age.

When a state ward who is enrolled in a postsecondary education program becomes 21 years of age prior to the completion of the postsecondary education program, the department is authorized, at its discretion and by agreement with that state ward, to continue providing support for room, board and related education expenses until the state ward becomes 23 years of age. Funds allocated under this section must come from an identified education and training account specifically established for the postsecondary education-related costs of state wards after they become 21 years of age and before they become 23 years of age.

Sec. N-55. 24-A MRSA §10, sub-§6, as enacted by PL 1997, c. 676, §4 and amended by PL 2001, c. 354, §3 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

6. The government contracting activities of a health care servicing entity, as defined in ~~Title 34-B, section 1204~~ **Title 22-A, section 207, subsection 1**, contracting, whether directly or as a subcontractor, with the Department of Health and Human Services, unless otherwise expressly provided by this Title. This Title may apply to any other insurance or managed care activities of a health care servicing entity.

Sec. N-56. 26 MRSA §1403, sub-§1, as enacted by PL 1997, c. 443, §1, is amended to read:

1. Nondisplacement of existing employees; nonavailability for layoff replacement; noninfringement on promotional opportunities or collective bargaining agreements; labor disputes. A participant who is required to work as a condition of receiving public assistance, as defined in ~~Title 22, section 9-A, subsection 1, paragraph A~~, may not be employed in or assigned to:

- A. A position that was previously filled by a regular employee when that employee is on layoff from the same or an equivalent position or when the vacancy was created by terminating an employee or otherwise reducing the workforce;
- B. An established position that is vacant;
- C. A worksite where there is a labor dispute, including a strike or lockout; or
- D. A worksite in a manner that violates an existing contract or collective bargaining agreement or infringes on the promotional opportunities for any employees.

Sec. N-57. 34-B MRSA §1001, sub-§8, ¶D, as amended by PL 2005, c. 457, Pt. NN, §1 and affected by §8, is further amended to read:

D. The~~Before~~ October 1, 2008, the Elizabeth Levinson Center.

Sec. N-58. 34-B MRSA §1201, as amended by PL 2001, c. 354, §§1 and 3, is repealed.

Sec. N-59. 34-B MRSA §1201-A, as amended by PL 2005, c. 397, Pt. A, §42, is repealed.

Sec. N-60. 34-B MRSA §1201-B, as enacted by PL 1993, c. 738, Pt. F, §2, is repealed.

Sec. N-61. 34-B MRSA §1202, as amended by PL 2003, c. 689, Pt. B, §7, is repealed.

Sec. N-62. 34-B MRSA §1203, as amended by PL 2007, c. 80, §1, is repealed.

Sec. N-63. 34-B MRSA §1204, as amended by PL 2007, c. 286, §1, is repealed.

Sec. N-64. 34-B MRSA §1208, sub-§6, as enacted by PL 1989, c. 432, is repealed.

Sec. N-65. 34-B MRSA §1401, as amended by PL 1995, c. 560, Pt. K, §§25 and 26 and PL 2005, c. 236, §§3 and 4, is repealed.

Sec. N-66. 34-B MRSA §3201, as amended by PL 2005, c. 236, §2, is repealed.

Sec. N-67. 34-B MRSA §3202, as amended by PL 1995, c. 560, Pt. K, §35 and PL 2005, c. 236, §§3 and 4, is repealed.

Sec. N-68. 34-B MRSA §5475, 1st ¶, as amended by PL 1985, c. 503, §10, is further amended to read:

If the chief administrative officer of a facility or ~~his~~the chief administrative officer's designee, or the ~~director of the Elizabeth Levinson Center or his~~commissioner or the commissioner's designee, has determined that a client is not capable of giving informed consent to admission, the client may be admitted for extended care and treatment only after judicial certification pursuant to the following procedures.

Sec. N-69. 34-B MRSA §5475, sub-§1, ¶B, as enacted by PL 1983, c. 459, §7, is amended to read:

B. The petition may not be filed by the chief administrative officer of a regional office until ~~he~~the chief administrative officer of the regional office has obtained approval for the admission by the chief administrative officer of the facility under rules ~~promulgated~~adopted by the commissioner ~~under section 1203, subsection 3.~~

Sec. N-70. 34-B MRSA §6251, as amended by PL 1995, c. 560, Pt. K, §75, is further amended to read:

§ 6251. Maintenance of facilities

The department shall maintain and is responsible for the supervision of services in the following 2 facilities for children in need of treatment:

1. Elizabeth Levinson Center. Elizabeth Levinson Center; and

2. Bath Children's Home. Until June 30, 1996, Bath Children's Home.

This section is repealed October 1, 2008.

Sec. N-71. 34-B MRSA §6252, sub-§2, ¶A, as enacted by PL 1985, c. 503, §12, is amended to read:

A. The commissioner shall, with the advice of the ~~Maine Committee on Children with Special Needs~~, appoint and set the salary for the director.

Sec. N-72. 34-B MRSA §6252, sub-§6 is enacted to read:

6. Repeal. This section is repealed October 1, 2008.

Sec. N-73. 37-B MRSA §505, sub-§5, as enacted by PL 2001, c. 439, Pt. UU, §2, is amended to read:

5. Public assistance designation. Assistance granted to veterans or their dependents pursuant to this section is designated public assistance for the ~~purposes of providing public assistance within the meaning of Title 22, section 9-A.~~ The department retains administrative responsibility for assistance granted under this section.

Sec. N-74. Review and report. All commissions and advisory boards established by statute whose work is associated with the programs or services of the Department of Health and Human Services shall review the organizational structure of the department as it pertains to the work of the commission or advisory board. Each commission and advisory board shall make 2 reports to the joint standing committee having jurisdiction over health and human services matters, the first by January 15, 2009 and the second by January 15, 2010, and may also report after any organizational or structural change in the department. The reports must address the performance of programs and services operated by the department that pertain to the work of the commission or advisory board, the relationship of the programs or services to other programs and services in the department, the implications of organizational structure on resources and priorities and other issues pertaining to the duties of the commission or advisory board.

Sec. N-75. Planning and transition process. The Department of Health and Human Services shall undertake a planning and transition process for the privatization of the Elizabeth Levinson Center as provided in this section and that section of this Part that governs the contracting process for the privatization of the Elizabeth Levinson Center.

1. The planning and transition process must begin by June 1, 2008 and must be completed by September 15, 2008.

2. The goals of the process are comprehensive planning that involves residents and their families, guardians, advocates and the staff at the Elizabeth Levinson Center in a manner that encourages their participation; transition of the care of Elizabeth Levinson Center residents, operation of the facility and provision of staffing, all at the same standard of high quality as has been provided by the State, from state responsibility to the responsibility of a privately owned corporation beginning October 1, 2008; transition of state employees from employment at the Elizabeth Levinson Center to new employment of their choice to the extent possible and consistent with state personnel law and collective bargaining rights and the contract developed and entered into under that section of this Part that governs the contracting process for the privatization of the Elizabeth Levinson Center; and efficient use of state resources and facilities and available federal funding.

3. The process must honor personal planning, the rights of children in need of treatment and persons with mental retardation or autism, and all other applicable provisions of the Maine Revised Statutes, Title 34-B, chapters 5 and 6.

4. The process must include notification to members of the joint standing committee of the Legislature having jurisdiction over health and human services matters of planning meetings for the purposes of this section, other than personal planning meetings specific to a resident, and progress reports to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters every month beginning August 1, 2008 until April 1, 2009.

Sec. N-76. Contracting process. To the extent consistent with applicable law, rule and federal regulation, the Department of Health and Human Services shall undertake a contracting process for the privatization of the Elizabeth Levinson Center as provided in this Part.

1. The contracting process must build on the results of the planning and transition process under that section of this Part that requires the Department of Health and Human Services to undertake a planning and transition process for the privatization of the Elizabeth Levinson Center and must be completed in time for the privately operated corporation that procures the contract to operate the facility on October 1, 2008 without disruption to the quality of care of the residents.

2. The contract must require the provision of residential care to meet reasonably projected need and must include the provision of respite and transitional residential care.

3. In evaluating bids for the contract, the department shall give substantial weight to the following:

A. Whether the bidder will commit to employing the state employees displaced by the privatization of the Elizabeth Levinson Center; and

B. Whether the bidder will commit to providing health coverage and retirement benefits to the employees working at the new center.

Sec. N-77. Commissioner's review; cross-references. The Commissioner of Health and Human Services shall review the Maine Revised Statutes and submit a bill to the First Regular Session of the 124th Legislature that includes sections necessary to correct and update any cross-references in the statutes to provisions of law repealed or position titles eliminated in this Part.

PART O

Sec. O-1. 5 MRSA §1767, as enacted by PL 1985, c. 128, is amended to read:

§ 1767. Energy service companies and 3rd-party financing

Any department or agency of the State, subject to approval of the Bureau of ~~Public Improvements~~General Services, may enter into an agreement 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 improvements at state facilities.

Any department or agency of the State, subject to approval by the Bureau of ~~Public Improvements~~General Services, 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.

All agreements made with private parties as contemplated in this section ~~shall be~~ subject to review by a subcommittee of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

The provisions of section 1587 ~~shall~~do not apply to an agreement with a private party as contemplated in this section, except in the event that the state department or agency chooses to exercise an option to purchase energy conservation improvements, the department or agency before or at the time of the exercise of the option shall submit the proposed purchase of the energy conservation improvements for approval by the Legislature through the usual budget procedure.

The Bureau of General Services on behalf of any department or agency of the State is authorized to enter into agreements with private parties to study, plan, design, install, operate, maintain, finance and secure other services as may be necessary for the delivery of energy conservation projects at state facilities and projects to generate or cogenerate energy at state facilities for use on site and elsewhere. Nothing in this section may be construed to compel the Bureau of General Services to enter into such agreements. An agreement made subject to this section must be submitted to the Legislature for approval through the usual budget procedure if the agreement would require a new expenditure beyond existing appropriations or allocations.

PART P

Sec. P-1. Lump-sum payment. Except for employees identified in the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraph E, Judicial Department employees in the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit and employees referred to in sections 4 and 5 of this Part who were employed in a full-time capacity by the State on July 1, 2007 are entitled to receive a \$700 lump-sum payment in fiscal year 2007-08. Payment must be prorated for an employee employed less than full time consistent with the terms of the collective bargaining agreement. This sum may not be considered earnable compensation under the Maine Public Employees Retirement System.

Sec. P-2. Adjustment of salary schedules for fiscal year 2008-09. Effective at the beginning of the pay week commencing after the effective date of this Part and closest to July 1, 2008, the salary schedules for Judicial Department employees in the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit and employees referred to in section 4 of this Part must be adjusted upward by 3%.

Sec. P-3. Adjustment of salary schedules for calendar year 2009. Effective at the beginning of the pay week commencing after the effective date of this Part and closest to April 1, 2009, the salary schedules for Judicial Department employees in the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit and employees referred to in section 4 of this Part must be adjusted upward by 3%.

Sec. P-4. Other employees; similar and equitable treatment. Employees of the Judicial Department in classifications included in the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, F and G must be given similar and equitable treatment on a pro rata basis similar to that treatment given employees covered by the collective bargaining agreements.

Sec. P-5. Excepted employees. For the purposes of this Part, "excepted employees" means the employees within the Judicial Department who are in positions excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, D and E, other than those referred to in section 4 of this Part. For excepted employees identified in Title 26, section 1282, subsection 5, paragraphs C and D, effective at the beginning of the pay week commencing after the effective date of this Part and closest to July 1, 2008, the salary schedules must be adjusted upward by 2%. Effective at the beginning of the pay week commencing after the effective date of this Part and closest to January 1, 2009, the salary schedules for those excepted employees must be adjusted by eliminating the first step and creating a new last step that is 4% higher than the previous step. For excepted employees identified in Title 26, section 1282, subsection 5, paragraph E, effective at the beginning of the pay week commencing closest to July 1, 2007, the salary schedules must be adjusted upward by 2%. Effective at the beginning of the pay week commencing closest to July 1, 2008, the salary schedules must be adjusted upward by 2%.

PART Q

Sec. Q-1. 5 MRSA §1710-A, sub-§3, as amended by PL 1997, c. 643, Pt. W, §1, is further amended to read:

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

Sec. Q-2. 5 MRSA §1710-F, sub-§3, as amended by PL 1997, c. 157, §1, is further amended to read:

3. Current and ensuing biennium adjustments. No later than ~~March~~May 1st and December 1st ~~annually of each odd-numbered year and no later than March 1st and December 1st of each even-numbered year~~ the committee shall submit to the Governor, the Legislative Council, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the State Budget Officer a report that presents the analyses, findings and recommendations for adjustments to General Fund revenue and Highway Fund revenue for the current and ensuing fiscal biennia. In each

report the committee shall fully describe the methodology employed in reaching its recommendations. Revenue adjustments for other funds of the State may be included in the report at the discretion of the committee.

PART R

Sec. R-1. Public school purchasing portal. The Department of Education shall review the Western Maine Educational Collaborative's initiative to establish a cooperative purchase system to achieve cost efficiencies. The Department of Education shall assess the scalability and application of this initiative for schools statewide and report its results and recommendations to the Joint Standing Committee on Education and Cultural Affairs by September 30, 2008.

PART S

Sec. S-1. 5 MRSA §1541, sub-§10-B is enacted to read:

10-B. Confidentiality of internal audit working papers belonging to the Office of the State Controller. Prior to the release of a final audit or investigation report and in the sole discretion of the State Controller, to disclose internal audit working papers to the department, commission or agency subject to the audit or investigation and to other auditors or law enforcement when such disclosure will not prejudice the audit or investigation. Except as provided in this subsection, internal audit working papers are confidential and may not be disclosed to any person. After release of the final audit or investigation report, internal audit working papers may be released as necessary to:

- A. The department, commission or agency that was subject to the audit or investigation;
- B. A federal agency providing a grant to the audited entity;
- C. Law enforcement agencies for the purpose of criminal law enforcement or investigations; and
- D. Other auditors in their work, including but not limited to the State Auditor;

PART T

Sec. T-1. 10 MRSA §8002, first ¶, as amended by PL 1999, c. 687, Pt. C, §2, is further amended to read:

The Commissioner of Professional and Financial Regulation, referred to in this chapter as the "commissioner," is the chief administrative officer of the department and is responsible for supervising the administration of the department. The commissioner is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, and to confirmation by the Legislature. In making the appointment under this paragraph, the Governor shall appoint one of the following officials as commissioner, who shall also continue to act as a superintendent or director, as the case may be: the Superintendent of Financial Institutions, the Superintendent of Consumer Credit Protection, the Superintendent of Insurance or the Director of

the Office of Licensing and Registration. The commissioner serves at the pleasure of the Governor. Unless otherwise provided in law, the commissioner may not exercise or interfere with the exercise of discretionary regulatory authority granted by statute to the bureaus, offices, boards or commissions within and affiliated with the department. As chief administrative officer of the department, the commissioner has the following duties and authority to:

PART U

Sec. U-1. Salary Plan; lapsed balances; Administrative and Financial Services, General Fund. Notwithstanding any other provision of law, \$15,000 of unencumbered balance forward in the Personal Services line category in the Salary Plan, General Fund account in the Department of Administrative and Financial Services lapses to the General Fund at the close of fiscal year 2008-09.

Sec. U-2. Office of State Controller - Carrying; lapsed balances; Administrative and Financial Services, General Fund. Notwithstanding any other provision of law, \$150,000 of unencumbered balance forward in the All Other line category in the Office of the State Controller - Carrying, General Fund account in the Department of Administrative and Financial Services lapses to the General Fund at the close of fiscal year 2008-09.

PART V

Sec. V-1. Transfer from unappropriated surplus; Callahan Mine Site Restoration, Department of Transportation. Notwithstanding any other provision of law, the State Controller shall transfer \$400,000 in fiscal year 2007-08 by June 30, 2008 and \$350,000 in fiscal year 2008-09 by August 15, 2008 from the unappropriated surplus of the General Fund to the Callahan Mine Site Restoration Other Special Revenue Funds program within the Department of Transportation.

PART W

Sec. W-1. 20-A MRSA §15689-A, sub-§10, as amended by PL 2007, c. 240, Pt. D, §8, 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 ~~6-61511~~ 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. W-2. 20-A MRSA §15689-A, sub-§16 is enacted to read:

16. Coordination of services for juvenile offenders. The commissioner may pay certain costs attributed to staff support and associated operating costs for providing coordination of education, treatment and other services for juvenile offenders at youth development centers in Charleston and South Portland. A transfer of All Other funds from the General Purpose Aid for Local Schools account to the Personal Services and All Other line categories in the Learning Systems program General Fund account within the Department of Education sufficient to support 2 Education Specialist II positions and 2 Office Associate II positions may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. W-3. 20-A MRSA §15689-A, sub-§17 is enacted to read:

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

PART X

Sec. X-1. 36 MRSA §2872, sub-§1, as repealed and replaced by PL 2003, c. 467, §5, is amended to read:

1. Residential treatment facilities. The tax imposed on a residential treatment facility under this section is calculated as follows:

A. For the state fiscal year beginning July 1, 2002, the tax imposed against each residential treatment facility is equal to 6% of its annual gross patient services revenue for the state fiscal year;

B. For facility fiscal years beginning on or after July 1, 2002 and before July 1, 2003, the tax imposed against each residential treatment facility in addition to the tax imposed pursuant to paragraph A is equal to 6% of its gross patient services revenue for that portion of the facility fiscal year occurring after June 30, 2003; and

C. For whole or partial facility fiscal years beginning on or after July 1, 2003 and before January 1, 2008, the tax imposed against each residential treatment facility is equal to 6% of its annual gross patient services revenue for the corresponding whole or partial facility fiscal year; and

D. Beginning January 1, 2008 for any partial facility fiscal year and for whole facility fiscal years beginning on or after January 1, 2008, the tax imposed against each residential treatment facility is equal to 5.5% of its annual gross patient services revenue for the corresponding whole or partial facility fiscal year.

Sec. X-2. 36 MRSA §2872, sub-§2, as repealed and replaced by PL 2003, c. 467, §5, is amended to read:

2. Nursing homes. The tax imposed on a nursing home under this section is calculated as follows:

A. For the state fiscal year beginning July 1, 2002, the tax imposed against each nursing home is equal to 6% of its annual net operating revenue for the state fiscal year;

B. For facility fiscal years beginning on or after July 1, 2002 and before July 1, 2003, the tax imposed against each nursing home in addition to the tax imposed pursuant to paragraph A is equal to 6% of its net operating revenue for that portion of the facility fiscal year occurring after June 30, 2003; ~~and~~

C. For whole or partial facility fiscal years beginning on or after July 1, 2003 and before January 1, 2008, the tax imposed against each nursing home is equal to 6% of its annual net operating revenue for the corresponding whole or partial facility fiscal year.; and

D. Beginning January 1, 2008 for any partial facility fiscal year and for whole facility fiscal years beginning on or after January 1, 2008, the tax imposed against each nursing home is equal to 5.5% of its annual net operating revenue for the corresponding whole or partial facility fiscal year.

PART Y

Sec. Y-1. 34-B MRSA §5481, as enacted by PL 1995, c. 685, §1 and amended by PL 2003, c. 689, Pt. B, §6, is repealed.

PART Z

Sec. Z-1. Rename Office of Licensing and Regulatory Services program. Notwithstanding any other provision of law, the "Office of Licensing and Regulatory Services" program within the Department of Health and Human Services is renamed the "Division of Licensing and Regulatory Services" program.

Sec. Z-2. Rename State Boarding Homes program. Notwithstanding any other provision of law, the "State Boarding Homes" program within the Department of Health and Human Services is renamed the "MR/Elderly PNMI Room and Board" program.

Sec. Z-3. Rename Foster Care program. Notwithstanding any other provision of law, the "Foster Care" program within the Department of Health and Human Services is renamed the "IV-E Foster Care/Adoption Assistance" program.

Sec. Z-4. Rename Child Welfare Services program. Notwithstanding any other provision of law, the "Child Welfare Services" program within the Department of Health and Human Services is renamed the "State-Funded Foster Care/Adoption Assistance" program.

PART AA

Sec. AA-1. PL 2007, c. 240, Pt. X, §3 is amended to read:

Sec. X-3. Authorized MaineCare program transfers defined. The authority to transfer funds pursuant to section 2 of this Part is limited to the following General Fund programs:

1. Medical Care - Payments to Providers;
2. Nursing Facilities;
3. Medicaid Match - Mental Retardation;
4. Mental Health Services - Child Medicaid;
5. Mental Health Services - Community Medicaid;
6. Mental Retardation Waiver - MaineCare Waiver;
7. Office of Substance Abuse - Medicaid Seed;
8. Low-cost Drugs to Maine's Elderly; and
9. Bureau of Medical Services;
10. Mental Retardation Waiver - Supports; and
11. MR/Elderly PNMI Room and Board.

PART BB

Sec. BB-1. Disproportionate Share - Dorothea Dix Psychiatric Center; lapsed balances. Notwithstanding any other provision of law, \$730,641 of the unencumbered balance in fiscal year 2007-08 in the Disproportionate Share - Dorothea Dix Psychiatric Center General Fund account in the Department of Health and Human Services lapses to the General Fund in fiscal year 2007-08.

Sec. BB-2. Disproportionate Share - Riverview Psychiatric Center; lapsed balances. Notwithstanding any other provision of law, \$331,921 of the unencumbered balance in fiscal year 2007-08 in the Disproportionate Share - Riverview Psychiatric Center General Fund account in the Department of Health and Human Services lapses to the General Fund in fiscal year 2007-08.

Sec. BB-3. Low-cost Drugs to Maine's Elderly; transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$300,000 in fiscal year 2007-08 from the Low-cost Drugs to Maine's Elderly, Other Special Revenue Funds account in the Department of Health and Human Services to the unappropriated surplus of the General Fund no later than June 30, 2008.

PART CC

Sec. CC-1. PL 2007, c. 1, Pt. K, §1 is amended to read:

Sec. K-1. Transfer from Personal Services - Dorothea Dix Psychiatric Center to All Other. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available Personal Services salary savings in Dorothea Dix Psychiatric Center accounts, which

result from Physician positions, Nurse positions and Psychologist positions that are vacant as a result of the inability to recruit, may be transferred to All Other by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. CC-2. PL 2007, c. 1, Pt. K, §2 is amended to read:

Sec. K-2. Transfer from Personal Services - Riverview Psychiatric Center to All Other. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available Personal Services salary savings in Riverview Psychiatric Center accounts, which result from Physician positions, Nurse positions and Psychologist positions that are vacant as a result of the inability to recruit, may be transferred to All Other by financial order upon recommendation of the State Budget Officer and approval of the Governor.

PART DD

Sec. DD-1. Transfer of funds; leased space agreements. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available balances of All Other appropriations in Department of Health and Human Services General Fund accounts may be transferred to the Office of Management and Budget General Fund account to be used to fund leased space agreements within the department. The amounts transferred pursuant to this section are considered adjustments to appropriations in fiscal year 2007-08 and fiscal year 2008-09. These funds may be transferred by financial order upon recommendation of the State Budget Officer and approval of the Governor.

PART EE

Sec. EE-1. 22 MRSA §1971, sub-§1, as amended by PL 2007, c. 1, Pt. D, §3, is further amended to read:

1. Establishment. The position of school nurse consultant is established jointly within the department and the Department of Education. The Director of the Bureau of Health and the team leader of special services within the Department of Education jointly shall supervise the school nurse consultant.

PART FF

Sec. FF-1. Department of Conservation, Division of Forest Fire Control account; lapsed balances; General Fund. Notwithstanding any other provision of law, \$28,960 of unencumbered balance forward in the Personal Services line category in the Division of Forest Fire Control, General Fund account in the Department of Conservation lapses to the General Fund at the close of fiscal year 2007-08.

PART GG

Sec. GG-1. Reorganization of accounts in the Department of Education.

Notwithstanding any other provision of law, the State Budget Officer in cooperation with the Commissioner of Education may create programs and accounts in fiscal year 2008-09 for the purpose of reorganizing accounts to improve the financial management and reporting of funds in the Department of Education. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, appropriations, allocations and positions in the Department of Education may be transferred by financial order between accounts in the same fund in fiscal year 2008-09 upon the recommendation of the State Budget Officer and approval of the Governor in order to implement improvements in the financial management and reporting of funds in the Department of Education. These transfers are considered adjustments to appropriations, allocations and positions in fiscal year 2008-09. The Commissioner of Education and the State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs reports of the transfers no later than January 15, 2009.

PART HH

Sec. HH-1. 22 MRSA §3194 is enacted to read:

§ 3194. Report on cost of dispensing medication

The Office of MaineCare Services within the department shall biennially review and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding the cost of dispensing a medication in the State. By July 1st of each even-numbered year, the Office of MaineCare Services shall consider adjusting, through MaineCare rule amendment, the MaineCare pharmacy professional fee to reflect the cost of dispensing a medication in the State.

Sec. HH-2. MaineCare pharmacy professional fees. The Department of Health and Human Services, Office of MaineCare Services shall:

1. After implementation by the federal Centers for Medicare and Medicaid Services of the federal regulations setting new average manufacturer-price-based federal upper limits pursuant to the federal Deficit Reduction Act of 2005, review the projected impact of those regulations for fiscal years 2007-08 and 2008-09 on MaineCare pharmacy reimbursement for multiple source drugs. Within 90 days of implementation, the department shall report on the review to the joint standing committee of the Legislature having jurisdiction over health and human services matters; and

2. Within 15 days of the department's submitting the report under subsection 1 to the joint standing committee of the Legislature having jurisdiction over health and human services matters, adopt emergency rules that use any savings accruing to the MaineCare program from the new average manufacturer-price-based federal upper limits to adjust the professional fee paid to licensed pharmacies for dispensing multiple source drugs to MaineCare members. The purpose of this adjustment is to compensate pharmacies in the State for reimbursement projected to be lost throughout fiscal years 2007-08 and 2008-09 as a result of the new federal upper limits on MaineCare payments to pharmacies for multiple source drugs.

PART II

Sec. II-1. Transfer of funds from Bureau of Revenue Services Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$120,000 by June 30, 2008 and \$200,000 by June 30, 2009 from the Bureau of Revenue Services Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund.

PART JJ

Sec. JJ-1. 4 MRSA §4, sub-§3, ¶A, as enacted by PL 1983, c. 853, Pt. C, §§4 and 18, is amended to read:

A. Each justice ~~shall~~must be reimbursed by the State, upon presentation to the State Controller of a detailed statement, for those expenses, as established by judicial branch policy, actually and reasonably incurred in attending meetings and the sessions of the court and the Law Court. ~~When any justice of the court holds nisi prius terms of the Superior Court in any town other than the town in which he resides, or when hearing of any court matter is had before a Justice of the Supreme Judicial Court or the Superior Court other than one residing in the town where the hearing is had, that justice shall be reimbursed by the State, upon presentation to the State Controller of a detailed statement, for the expenses actually and reasonably incurred in holding the terms or in attending the hearing.~~Reimbursement for mileage must be paid at the rate paid state employees under Title 5, section 8.

Sec. JJ-2. 4 MRSA §157, sub-§5, as repealed and replaced by PL 1983, c. 863, Pt. B, §§7 and 45, is amended to read:

5. Expenses. Each judge ~~shall~~must be reimbursed by the State, upon presentation to the State Controller of a detailed statement, for those expenses ~~approved by the Chief Judge as actually and reasonably incurred in the performance of his duties~~as established by judicial branch policy, actually and reasonably incurred in attending meetings and sessions of the court. Reimbursement for mileage must be paid at the rate paid state employees under Title 5, section 8.

Sec. JJ-3. 4 MRSA §653 is amended to read:

§ 653. Authentication of evidence

In all cases coming before the ~~law court~~Law Court from the Supreme Judicial Court or from the Superior Court in which a copy of the evidence is required by statute, rule of court or order of the presiding justice, a certificate signed by the Official Court Reporter or a transcriber of an electronically recorded record, stating that the report furnished by ~~him~~the reporter or transcriber is a correct transcript of ~~his~~the reporter's stenographic notes or the electronically recorded record of the testimony and proceedings at the trial of the cause, ~~shall be~~is a sufficient authentication thereofof the reporter's stenographic notes or the electronically recorded record without the signature of the presiding justice.

Sec. JJ-4. 4 MRSA §655 is amended to read:

§ 655. Testimony proved by certified copy of notes or transcript of former testimony

Whenever it becomes necessary in any court in the State to prove the testimony of a witness at the trial of any former case in any court in the State, the certified copy of the notes of such testimony, taken by the Official Court Reporter at the court where ~~said~~the witness testified, or the transcript created by a transcriber of the electronically recorded record made at the court where the witness testified, is evidence to prove the ~~same~~witness's testimony.

Sec. JJ-5. 4 MRSA §656 is amended to read:

§ 656. Stenographic reports, transcripts taxed in bill of costs

Any amount legally chargeable by Official Court Reporters for writing out their reports or for transcribers for creating transcripts from the electronically recorded records for use in civil actions and actually paid by either party whose duty it is to furnish ~~them~~the reports or records may be taxed in the bill of costs and allowed against the losing party, as is ~~now~~ allowed for copies, if furnished by the clerk.

Sec. JJ-6. 15 MRSA §454, as amended by PL 1979, c. 663, §91, is further amended to read:

§ 454. Murder or felony murder; filing copies of proceedings; expenses

Whenever any person is convicted of murder or felony murder, a copy of the Maine Rules of Criminal Procedure, Rule 11, if applicable, trial testimony and charge of the presiding justice, certified by the Official Court Reporter who created a transcript of the reporter's stenographic notes or the transcriber who created a transcript from the electronically recorded record, ~~shall~~must be filed with the clerk of the court where that trial is held, and the expense ~~thereof shall~~for the transcript must be paid by the State. A copy of the Maine Rules of Criminal Procedure, Rule 11, if applicable, trial testimony and charge of the presiding justice, certified by the Official Court Reporter who created a transcript of the reporter's stenographic notes or the transcriber who created a transcript from the electronically recorded record, ~~shall~~must be furnished by the clerk of court to the Secretary of State at no charge for use in any pardon hearing before the Governor, when the individual is indigent.

Sec. JJ-7. 16 MRSA §251, first ¶, as amended by PL 1985, c. 384, §6, is further amended to read:

Witnesses, other than law enforcement officers testifying in their official capacity, in the Supreme Judicial Court, the Superior Court, the District Court or in the Probate Court, unless the court ~~shall~~ otherwise ~~order~~orders, ~~shall~~must receive \$10, and before referees, auditors or commissioners specially appointed to take testimony or special commissioners on disputed claims appointed by Probate Courts, \$10, or before the county commissioners, \$10 for each day's attendance and 22¢ a mile for each mile's travel going and returning home. The party calling the witness shall pay the witness. Payments made under this section to witnesses called on behalf of the State must be made from the county treasury upon authorization of the prosecuting attorney, unless otherwise directed by law. The court in its discretion may allow at the trial of any cause, civil or criminal, in the Supreme Judicial Court, the Superior Court or the District Court, a reasonable sum for each day's attendance of any expert witness or witnesses at the trial, in taxing the costs of the prevailing party, and the expense of all expert witnesses for the State in murder cases ~~shall~~must be paid by the State and charged against the appropriation for the Department of

the Attorney General. Such party or ~~his~~the attorney of record shall first file an affidavit within 30 days after entry of judgment and before the cause is settled, stating the name, residence, number of days in attendance and the actual amount paid or to be paid each expert witness in attendance at such trial. No more than \$10 per day may be allowed or taxed by the clerk of courts in the costs of any civil action for the per diem attendance of a witness, unless the affidavit is filed, and the per diem is determined and allowed by the presiding justice.

Sec. JJ-8. General Fund savings; judicial branch. Notwithstanding any other provision of law, the State Court Administrator shall adjust the Personal Services and All Other line categories to achieve the amount of projected savings in Part A in the judicial branch related to maintaining costs within available resources and shall transfer the amounts by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2007-08 and fiscal year 2008-09.

Sec. JJ-9. Judicial revenues. The State Court Administrator shall establish a fee for summary judgment motions of \$200 beginning in fiscal year 2008-09.

Sec. JJ-10. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 16, section 251, first paragraph takes effect July 1, 2009.

PART KK

Sec. KK-1. 22 MRSA §661, as amended by PL 2005, c. 683, Pt. A, §33, is further amended to read:

§ 661. Public policy

In the interests of the public health and welfare of the people of this State, it is the declared public policy of this State that a facility licensed by the United States Nuclear Regulatory Commission and situated in the State must be accomplished in a manner consistent with protection of the public health and safety and in compliance with the environmental protection policies of this State. It is the purpose of this chapter, in conjunction with sections 671 to 690; Title 25, ~~sections~~section 51 and 52; and Title 35-A, sections 4351 to 4393, to exercise the jurisdiction of the State to the maximum extent permitted by the United States Constitution and federal law and to establish in cooperation with the Federal Government a state nuclear safety inspector program for the on-site monitoring, regulatory review and oversight of a facility within the State that holds a license issued by the United States Nuclear Regulatory Commission. Nothing in this chapter may be construed as an attempt by the State to regulate radiological health and safety reserved to the Federal Government by reason of the United States Atomic Energy Act of 1954, as amended.

Sec. KK-2. 22 MRSA §663-A is enacted to read:

§ 663-A. State Nuclear Safety Inspector

There is established within the department the State Nuclear Safety Inspector Office administered by the State Nuclear Safety Inspector. The State Nuclear Safety Inspector is a classified employee, subject to the Civil Service Law.

1. Qualifications. The State Nuclear Safety Inspector must be an individual knowledgeable in the field of commercial nuclear power production and possess, at a minimum, a master's degree with major work in nuclear, mechanical, electrical or chemical engineering and have at least 3 years' experience in nuclear operations.

2. Duties. The State Nuclear Safety Inspector shall serve as an on-site nuclear safety inspector of a facility and of the on-site storage and transportation of high-level and low-level nuclear waste.

3. Staff. The State Nuclear Safety Inspector may employ other personnel as necessary to carry out the purposes of this chapter.

Sec. KK-3. 22 MRSA §664, sub-§1, as amended by PL 2005, c. 254, Pt. B, §3, is further amended to read:

1. Records. Each facility licensee shall permit the inspection and copying, for the purposes of this chapter, of its books and records, maintained in any form, except that books and records that are privileged as a matter of law, proprietary, security-related or restricted by federal law, are not open to inspection. Subject to the approval of the United States Nuclear Regulatory Commission and of the facility licensee, access to books and records that are proprietary, security-related or restricted by federal law may be granted if ~~an authorized representative of the State~~the State Nuclear Safety Inspector, on behalf of the State, enters into a nondisclosure agreement. For purposes of this section, proprietary information includes personnel records, manufacturers' proprietary information, licensee proprietary information and trade secrets. For purposes of this subsection, "trade secrets" means any confidential formula, pattern, process, device, information or compilation of information, including chemical name, that is used in any employer's business that gives the employer an opportunity to obtain any advantage over competitors who do not know or use it.

Sec. KK-4. 22 MRSA §664, sub-§2, as amended by PL 2005, c. 254, Pt. B, §4, is further amended to read:

2. Monitoring. Each facility licensee shall permit monitoring, for the purposes of this chapter, of the premises, equipment and materials, including source, special nuclear and by-product materials, in its possession or use, or subject to its control and any vehicle or means of transportation used to remove materials or equipment from the site, including, but not limited to, by rail, water, roadway or air. Monitoring of vehicles or other means of transportation used to remove materials or equipment from the site must be undertaken in a manner that is safe, that employs properly calibrated instruments and that does not result in unreasonable delays in the removal of materials or equipment from the site.

For the purposes of this subsection, "monitoring" means any one or combination of the following:

A. Observing the conduct of operations, including maintenance, quality assurance activities, the preparation, transportation and handling of radioactive waste, emissions monitoring, radiation protection and the observation of emergency preparedness tests and drills;

B. Taking analytical radiological measurements using properly calibrated instruments to confirm:

- (1) The results of quality assurance activities undertaken by or on behalf of the facility licensee;
- (2) That the preparation, transportation and handling of radioactive waste is undertaken in accordance with applicable standards;
- (3) The results of emissions monitoring undertaken by or on behalf of the facility licensee; or
- (4) That adequate radiation protection measures are in place; and

C. Taking radiological measurements for the purpose of verifying compliance with applicable state laws, including, but not limited to, Title 38, section 1455, and confirming and verifying compliance with the standards of the United States Nuclear Regulatory Commission for unrestricted license termination, provided that the taking of such measurements employs techniques, protocols, instruments and quality assurance practices in accordance with generally accepted scientific or industry practices, including, but not limited to, those described in the federal Multi-Agency Radiation Survey and Site Investigation Manual.

The licensee shall, upon request, provide split samples to ~~an authorized representative of the department~~the State Nuclear Safety Inspector. All analytical measurements taken pursuant to this subsection must be shared with the licensee. The licensee may provide data to explain any conflicts between measurements taken by the licensee and measurements taken pursuant to this subsection.

Sec. KK-5. 22 MRSA §666, as repealed by PL 2005, c. 254, Pt. B, §7, is reenacted to read:

§ 666. Responsibilities of the State Nuclear Safety Inspector

The responsibilities of the State Nuclear Safety Inspector are as follows.

1. Damages to public health and safety. If the State Nuclear Safety Inspector has reason to believe that any activity poses a danger to public health and safety, and after notifying the facility licensee and the United States Nuclear Regulatory Commission, the inspector shall immediately notify the Governor, the Commissioner of Health and Human Services and the State Nuclear Safety Advisor within the State Planning Office. This subsection may not be construed as precluding the State Nuclear Safety Inspector from discussing the safety inspector's concerns with the United States Nuclear Regulatory Commission or others before making a determination that any activity poses a danger to public health and safety.

2. Reports. The State Nuclear Safety Inspector, with the cooperation of the Director of Health Engineering, shall prepare a report of the safety inspector's activities under this chapter to be submitted July 1st of each year to the State Nuclear Safety Advisor and the Legislature. The State Nuclear Safety

Inspector shall prepare monthly reports for the State Nuclear Safety Advisor, the President of the Senate and the Speaker of the House, with copies to the United States Nuclear Regulatory Commission and the facility licensee.

3. Confidential and privileged information. The State Nuclear Safety Inspector shall keep confidential and privileged the identity of any person providing communications that, in the opinion of the State Nuclear Safety Inspector, support a presumption of unsafe activities, conduct or operation of a facility or that indicate any violation of the facility licensee's license issued by the United States Nuclear Regulatory Commission, unless the request for confidentiality is waived or withdrawn by such person. The safety inspector shall make all prudent efforts to investigate the basis for any related allegation of unsafe or improper activities and shall cooperate to the extent feasible with the United States Nuclear Regulatory Commission personnel in this effort. Any information brought to the attention of the safety inspector that involves the safety of the plant or a possible violation of United States Nuclear Regulatory Commission regulations must be immediately brought to the attention of the United States Nuclear Regulatory Commission and the facility licensee.

Sec. KK-6. 22 MRSA §668 is enacted to read:

§ 668. Interim Spent Fuel Storage Facility Oversight Fund

The Interim Spent Fuel Storage Facility Oversight Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the radiation control program in the department. All fees paid under this subchapter are collected by the department for deposit in the fund. The Radiation Control Program shall oversee the fund and may disburse amounts in the fund to agencies or to other appropriate state funds in order to pay or contribute to the payment of costs incurred by agencies with respect to federal or state proceedings; safety, radiation and environmental monitoring; and security or other oversight-related activities related to the decommissioning of a nuclear power plant or the development or operation of an interim spent fuel storage facility in this State. The State Nuclear Safety Inspector shall keep an annual accounting of all funds received by the fund and all disbursements from the fund and shall make a report of this accounting to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by the first Monday in February of each year.

Sec. KK-7. 22 MRSA §669 is enacted to read:

§ 669. State assessment

1. Annual fee. Any licensee operating an interim spent fuel storage facility in this State shall pay a fixed annual fee to cover all present and reasonably foreseeable future state fees, costs and assessments with respect to the licensee, including, but not limited to, the costs of any commission investigation; the commission's participation in wholesale rate proceedings; safety, radiation and environmental monitoring; and security oversight-related costs. This annual fee consolidates the various fees and assessments imposed by the State on the licensee.

2. Amount. The amount of the fixed payment is as follows:

A. Calendar year 2008, \$296,667; and

B. Calendar years 2009 to the 12th month of the year following the year the spent nuclear fuel is removed from the site, \$220,000 per year.

3. Compliance costs. The fees paid under this section are independent of and in addition to any compliance costs incurred either by the licensee or by any contractor hired by the Department of Environmental Protection to oversee, monitor or implement measures necessary to ensure compliance pursuant to the federal Resource Conservation and Recovery Act of 1976, as amended.

Sec. KK-8. 22 MRSA §670 is enacted to read:

§ 670. Review of oversight activities and funding; report

1. Review. Representatives of the Office of the Public Advocate, the Department of Public Safety, the radiation control program of the department and the Department of Environmental Protection; an independent expert in radiological and nuclear engineering selected by the radiation control program in the department; and a licensee operating an interim spent fuel storage facility in this State, referred to in this section as "the licensee," shall meet on a regular basis and no fewer than 4 times per calendar year:

A. To review activities being undertaken by the licensee, the radiation control program in the department, the Department of Public Safety and other agencies of State Government, including, but not limited to, the department and the Department of Environmental Protection, with respect to ensuring:

(1) The protection of public health and safety at the site of the interim spent fuel storage facility; and

(2) Timely contract performance by the United States Department of Energy regarding the removal of spent nuclear fuel from the site;

B. To identify necessary activities to be undertaken by the parties in paragraph A for the next calendar year to ensure the protection of public health and safety at the site of the interim spent fuel storage facility and timely contract performance by the United States Department of Energy regarding the removal of spent nuclear fuel from the site; and

C. To develop recommendations regarding funding requirements to carry out the activities identified in paragraph B.

2. Report. Based on the activities conducted under subsection 1, the radiation control program in the department, in consultation with the Office of the Public Advocate, the Department of Public Safety, the Department of Environmental Protection, the independent expert in radiological and nuclear engineering selected under subsection 1 and the licensee, referred to in this subsection as "the consulting parties," shall prepare and submit an annual report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters no later than February 15th of

each year. The report must provide a summary of the review conducted pursuant to subsection 1 and include specific recommendations regarding funding requirements for the next calendar year pursuant to subsection 1, paragraph C. If the radiation control program in the department and the consulting parties are unable to agree on recommendations regarding funding requirements, the consulting parties shall submit their individual recommendations in writing to the radiation control program in the department and the department shall include the individual recommendations of the consulting parties in the report. The radiation control program in the department, with input from the consulting parties, shall determine the format of the report. To assist in the preparation of the report, the Department of Public Safety, the Office of the Public Advocate and the Department of Environmental Protection shall submit to the Department of Health and Human Services no later than December 15th of each year an annual accounting of expenditures of funds from the Interim Spent Fuel Storage Facility Oversight Fund established pursuant to section 668.

3. Authority for legislation; annual fee. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall review the report submitted under subsection 2, including, but not limited to, the recommendations regarding funding requirements. On the basis of its review, the committee may submit legislation to amend the level of the annual fee required of the licensee under section 669.

Sec. KK-9. 22 MRSA §674, sub-§5, as repealed and replaced by 1987, c. 769, Pt. A, §70 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

5. Coordination. ~~In consultation with the State Nuclear Safety Advisor in fulfillment of the advisor's duties pursuant to Title 25, sections 51 and 52, the~~The commissioner shall serve as the coordinator of radiation activities among the Maine Emergency Management Agency, Department of Public Safety, Department of Health and Human Services and Department of Environmental Protection. The commissioner shall:

A. Consult with and review regulations and procedures of the agencies and federal law to assure consistency and to prevent unnecessary duplication, inconsistencies or gaps in regulatory requirements; and

B. Review, prior to ~~promulgation~~adoption, the proposed rules of all agencies of the State relating to use of control of radiation, to assure that these rules are consistent with ~~the Maine Administrative Procedure Act, Title 5, chapter 375, and rules of other agencies of the State.~~ The review shall ~~be~~must completed within 15 days.

If the commissioner determines that proposed rules are inconsistent with rules of other agencies of the State or federal law, the commissioner shall consult with the agencies involved in an effort to resolve these inconsistencies. In the event no inconsistency is reported within 15 days, the proposed rules shall ~~bear~~be presumed consistent for the purposes of this subsection. Upon notification by the commissioner that the inconsistency has not been resolved, the Governor may find that the proposed rules or parts of rules are inconsistent with rules of other agencies of the State or the Federal Government and may issue or

order to that effect, in which event the proposed rules or parts of rules ~~shall~~do not become effective. The Governor may direct, in the alternative, upon a similar determination, the appropriate agency or agencies to amend or repeal existing rules to achieve consistency with the proposed rules.

Sec. KK-10. 22 MRSA §676, sub-§4, as amended by PL 2005, c. 254, Pt. B, §9, is further amended to read:

4. Radioactive waste. The Department of Health and Human Services shall coordinate management of and shall serve as point of contact with the United States Nuclear Regulatory Commission for high-level and low-level radioactive wastes, in consultation with the Department of Environmental Protection ~~and the State Nuclear Safety Advisor in fulfillment of the State Nuclear Safety Advisor's duties pursuant to Title 25, sections 51 and 52~~ and the State Nuclear Safety Inspector in fulfillment of the State Nuclear Safety Inspector's duties pursuant to section 666.

Sec. KK-11. 25 MRSA §51, as amended by PL 1987, c. 519, §9 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

§ 51. Agreements

The Governor, the Department of Health and Human Services and other state agencies designated in Title 22, section 676, ~~in consultation with the State Nuclear Safety Advisor, in fulfillment of his duties pursuant to section 52,~~ shall have authority to may enter into agreements, understandings or arrangements with any other department or agency of this State, any federal agency, state, political subdivision or person to provide for mutual aid plans, emergency plans, evacuation plans and their implementation, memoranda of understanding and any other agreements deemed necessary to protect public and property in this State from hazards or dangers from radiation, radioactive materials, nuclear materials or the occurrence of a radiological incident as a result of the presence of, release of or emissions from radioactive materials, radioactivity or nuclear materials in this State. The hazards or dangers referred to in this section ~~shall bear~~are only those arising from the peaceful use, transportation or storage of nuclear or atomic materials.

Sec. KK-12. 25 MRSA §52, as amended by PL 2005, c. 254, Pt. B, §11, is repealed.

Sec. KK-13. 35-A MRSA §116, sub-§8, as amended by PL 2005, c. 3, Pt. J, §1 and c. 135, §3, is further amended to read:

8. Public Advocate assessment. Every utility subject to assessment under this section is subject to an additional annual assessment on its intrastate gross operating revenues to produce sufficient revenue for expenditures allocated by the Legislature for operating the Office of Public Advocate; ~~excluding amounts allocated for the full cost of the State Nuclear Safety Advisor established pursuant to Title 25, section 52.~~ The portion of this assessment applicable to each category of public utility is based on an accounting by the Public Advocate of resources devoted to matters related to each category. The Public Advocate shall develop a reasonable and practicable method of accounting for resources devoted by the Public Advocate 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 revenues produced from this assessment are transferred to the Public Advocate Regulatory Fund and may only be used to fulfill the duties specified in chapter 17. The assessments charged to utilities under this subsection are considered just and reasonable operating costs for rate-making purposes. The Public Advocate shall

develop a method of accounting for staff time within the Office of Public Advocate. All professional and support staff shall account for their time in such a way as to identify the percentage of time devoted to public utility regulation and the percentage of time devoted to other duties that may be required by law.

A. The Public Advocate shall submit its budget recommendations as part of the unified current services budget legislation in accordance with Title 5, sections 1663 to 1665. The assessments and expenditures provided in this section are subject to legislative approval. The Public Advocate shall make an annual report of its planned expenditures for the year and on its use of funds in the previous year. The Public Advocate may also receive other funds as appropriated by the Legislature.

B. The Public Advocate may use the revenues provided in accordance with this section to fund the Public Advocate and 9 employees and to defray the costs incurred by the Public Advocate pursuant to this Title, including administrative expenses, general expenses, consulting fees and all other reasonable costs incurred to administer this Title.

C-1. Funds that are not expended at the end of a fiscal year do not lapse but must be carried forward to be expended for the purposes specified in this section in succeeding fiscal years.

Sec. KK-14. 35-A MRSA c. 43, sub-c. 6, as amended, is repealed.

PART LL

Sec. LL-1. Legislative account; lapsed balances; Legislative-General Fund.

Notwithstanding any other provision of law, \$122,350 of unencumbered balance forward in the Personal Services line category in the Legislative General Fund account in the Legislature lapses to the General Fund in fiscal year 2007-08. In addition, \$194,600 of unencumbered balance forward in the Personal Services line category in the Legislative General Fund account in the Legislature lapses to the General Fund in fiscal year 2008-09.

Sec. LL-2. Legislative account; lapsed balances; Law and Legislative Reference Library-General Fund. Notwithstanding any other provision of law, \$9,000 of unencumbered balance forward in the Personal Services line category in the Law and Legislative Reference Library General Fund account in the Legislature lapses to the General Fund in fiscal year 2007-08. In addition, \$15,000 of unencumbered balance forward in the Personal Services line category in the Law and Legislative Reference Library General Fund account in the Legislature lapses to the General Fund in fiscal year 2008-09.

Sec. LL-3. Legislative account; lapsed balances; Office of Program Evaluation and Government Accountability-General Fund. Notwithstanding any other provision of law, \$25,000 of unencumbered balance forward in the All Other line category in the Office of Program Evaluation and Government Accountability General Fund account in the Legislature lapses to the General Fund in fiscal year 2007-08. In addition, \$50,000 of unencumbered balance forward in the All Other line category in the Office of Program Evaluation and Government Accountability General Fund account in the Legislature lapses to the General Fund in fiscal year 2008-09.

Sec. LL-4. Legislature; lapsed balances. Notwithstanding any other provision of law, \$1,021,234 of unencumbered balance forward from the various program accounts and line categories in the legislative accounts, as specified by the Executive Director of the Legislative Council, lapses to the General Fund in fiscal year 2008-09. The executive director shall review the legislative accounts and identify to the State Controller and State Budget Officer by May 15, 2009 the unencumbered balance forward amounts by account and line category totaling \$1,021,234 that will lapse to the General Fund to achieve targeted savings for fiscal year 2008-09.

PART MM

Sec. MM-1. PL 2007, c. 240, Pt. YY, §1 is amended to read:

Sec. YY-1. Information technology position transfers. Notwithstanding any other provision of law, the State Budget Officer, based on information provided by the Chief Information Officer, shall transfer position counts and adjust the Personal Services and All Other funds for those affected departments and agencies by financial order upon approval of the Governor in order to complete the consolidation of information technology positions within the Department of Administrative and Financial Services, Office of Information Technology. These transfers are deemed adjustments to authorized position counts, appropriations and allocations in fiscal year 2007-08 and fiscal year 2008-09.

PART NN

Sec. NN-1. Carrying balance; Management Information Systems program, General Fund account. Notwithstanding any other provision of law, any balance remaining from the \$3,500,000 appropriation in fiscal year 2007-08 to the Department of Education's Management Information Systems program, General Fund account in Public Law 2007, chapter 240, Part A, section 22 to provide statewide support for certain operational efficiencies, such as GIS routing software and consolidated payroll and accounting systems, associated with school consolidation does not lapse but must carry forward to June 30, 2009 to be used for the same purposes.

Sec. NN-2. General Purpose Aid for Local Schools; lapsed balances; Department of Education, General Fund. Notwithstanding any other provision of law, \$53,590 of unencumbered balance forward in the All Other line category in the General Purpose Aid for Local Schools, General Fund account in the Department of Education lapses to the General Fund at the close of fiscal year 2008-09.

PART OO

Sec. OO-1. 22 MRSA §1714-A, sub-§7, as amended by PL 2003, c. 673, Pt. YYY, §1, is further amended to read:

7. Other collection actions. In addition to the other remedies provided in this section, the department may seek collection of any debt established under subsection 2 pursuant to Title 14, chapter 502, Title 36, chapter 7 and Title 36, section 5276-A.

A business entity, including a sole proprietorship, is considered out of business for the purposes of the department's recovering indebtedness if, after reasonable investigation, the department or its legal counsel has certified in writing that the business entity is no longer conducting operations and that there is no realistic expectation of collecting any significant money from the entity based upon one or more of the following conditions:

- A. The business entity has ceased offering retail or wholesale goods and services to the public;
- B. Upon reasonable investigation, nonexempt assets of the business entity of substantial value can not be identified or are otherwise unavailable for attachment and recovery;
- C. The business entity's physical location or locations of business are closed to the public;
- D. The business entity's corporate status is no longer in good standing;
- E. The business entity has admitted that it has insufficient assets to satisfy the debt;
- F. After reasonable investigation, the department or its counsel can not locate the business entity or identify the debtor's nonexempt assets; and
- G. The business entity has transferred substantially all of its business assets to a 3rd party and there are no recoverable assets as a result of the transfer.

Certification by the department that a business entity is out of business under this subsection does not preclude further collection and recovery procedures by the department, whether to formally adjudicate the indebtedness or to proceed with collection and recovery if the department becomes aware of facts that merit further recovery efforts.

Sec. OO-2. 36 MRSA §111, sub-§5, as amended by PL 2005, c. 332, §3, is further amended to read:

5. Tax. "Tax" means the total amount required to be paid, withheld and paid over or collected and paid over with respect to estimated or actual tax liability under this Title and any amount assessed by the State Tax Assessor pursuant to this Title, including any interest or penalties provided by law. For purposes of sections ~~171, 175-A, 176-A and 186~~this chapter, "tax" also means any fee, fine, penalty or other ~~obligation~~debt owed to the State provided for by law if this ~~obligation~~debt is subject to collection by the assessor pursuant to an ~~agreement entered into by the bureau and another agency of the State~~section 112-A.

Sec. OO-3. 36 MRSA §112, sub-§9, as amended by PL 2001, c. 439, Pt. L, §5, is further amended to read:

9. Services provided to another agency of State. The assessor may undertake, by ~~arrangement~~written agreement with another agency of the State, to provide or assist with revenue collection services for that agency ~~after consultation with the joint standing committee of the Legislature having jurisdiction over state and local government matters.~~

Sec. OO-4. 36 MRSA §112-A is enacted to read:

§ 112-A. Agreements for transfer from another state agency of debt for collection

1. Generally. Any agency of the State may transfer to the bureau solely for the purposes of collection any fee, fine, penalty or other debt owed to the State provided for by law if the debt is final without further right of administrative or judicial review and if the transfer of the debt is made pursuant to a written agreement entered into by the bureau and that agency.

2. Transfer of collected proceeds. After the deduction of the assessor's collection fee authorized by subsection 3, the assessor shall remit collections of the transferred debt to the creditor agency.

3. Collection fee. A collection fee calculated pursuant to section 114 for service costs of the assessor in undertaking the collection of transferred debt may be charged to the creditor agency. The fee may be deducted from collected amounts transferred to the creditor agency and deposited in the Bureau of Revenue Services Fund, Internal Services Fund account authorized by section 114. If a creditor agency is either entitled to federal matching funds against all debts collected or required by federal regulations to specially handle debts collected, the assessor shall transfer to that creditor agency the gross proceeds from collections of the transferred debt, and that agency shall promptly reimburse the collection fee to the assessor for deposit in the Bureau of Revenue Services Fund, Internal Services Fund account.

4. Accounting. The creditor agency shall credit the account of the debtor with the full amount of the collected debt, including the collection fee retained by, or reimbursed to, the assessor, except that the collection fee may not be credited to the account of an individual required to make restitution as provided in Title 17-A, section 1152, subsection 2-A.

5. Priority. The assessor may proceed with collection of any tax, including transferred debt deemed a tax debt pursuant to section 111, subsection 5, in any order of priority among such tax obligations.

Sec. OO-5. 36 MRSA §191, sub-§2, ¶II, as amended by PL 2007, c. 328, §3, is further amended to read:

II. The disclosure to an authorized representative of the Maine Milk Commission of information on the quantity of packaged milk handled in the State and subject to the milk handling fee established in section 4902 and other information obtained by the assessor in the administration of chapter 721; and

Sec. OO-6. 36 MRSA §191, sub-§2, ¶JJ, as enacted by PL 2007, c. 328, §4, is amended to read:

JJ. The disclosure to the State Purchasing Agent of a person's sales tax standing as necessary to enforce Title 5, section 1825-B, subsection 14.; and

Sec. OO-7. 36 MRSA §191, sub-§2, ¶KK is enacted to read:

KK. The disclosure to any state agency of information relating to the administration and collection of any debt transferred to the bureau for collection pursuant to section 112-A.

PART PP

Sec. PP-1. Transfer from Other Special Revenue Funds; Department of Public Safety, Office of the State Fire Marshal. Notwithstanding any other provision of law, the State Controller shall transfer \$2,750,000 of surplus funds not needed for current operations by June 30, 2008 from the Office of the State Fire Marshal Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund consistent with past practice.

PART QQ

Sec. QQ-1. Review of statewide vacancies. The Commissioner of Administrative and Financial Services shall review vacant positions throughout State Government, regardless of funding source, and shall identify positions to be eliminated. The Commissioner of Administrative and Financial Services is authorized to identify savings to the General Fund from this review. Notwithstanding any other provision of law, the State Budget Officer shall eliminate positions and available balances by financial order upon approval of the Governor in order that a minimum of \$1,000,000 in General Fund savings is realized in fiscal year 2008-09.

Sec. QQ-2. Calculation and transfer; General Fund savings through eliminating vacant positions. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amounts of savings from position eliminations that result from this Part that apply against each General Fund account and shall transfer the amounts by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations and position counts in fiscal year 2008-09. The State Budget Officer shall provide the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and over state and local government matters a report of the transferred amounts not later than January 15, 2009.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Deappropriates funds from position vacancies identified in this Part.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(20.000)
Personal Services	\$0	(\$1,000,000)
	<hr/>	
GENERAL FUND TOTAL	\$0	(\$1,000,000)

PART RR

Sec. RR-1. 36 MRSA §2527, as amended by PL 2007, c. 1, Pt. O, §§3 and 4 and affected by §9, is repealed.

Sec. RR-2. 36 MRSA §5219-U, as amended by PL 2007, c. 1, Pt. O, §§6 and 7 and affected by §9, is repealed.

Sec. RR-3. Review by Maine Revenue Services; cross-references. Maine Revenue Services shall review the Maine Revised Statutes and submit a bill to the First Regular Session of the 124th Legislature that includes all sections necessary to correct and update any cross-references in the statutes to provisions of law repealed in this Part.

PART SS

Sec. SS-1. 36 MRSA §2528, as amended by PL 2007, c. 1, Pt. O, §5 and affected by §9, is repealed.

Sec. SS-2. 36 MRSA §5219-V, as amended by PL 2007, c. 1, Pt. O, §8 and affected by §9, is repealed.

Sec. SS-3. Review by Maine Revenue Services; cross-references. Maine Revenue Services shall review the Maine Revised Statutes and submit a bill to the First Regular Session of the 124th Legislature that includes all sections necessary to correct and update any cross-references in the statutes to provisions of law repealed in this Part.

PART TT

Sec. TT-1. Prescription drugs under the MaineCare childless adult waiver. This section applies to the provision of prescription drugs under the MaineCare childless adult waiver.

1. Waiver application. The Department of Health and Human Services, Office of MaineCare Services shall submit an amendment to the federal Centers for Medicare and Medicaid Services for the Medicaid waiver for childless adults to establish a different preferred drug list for MaineCare members who are enrolled in the childless adult waiver. The different preferred drug list must provide for:

A. Coverage of brand-name prescription drugs for which there is no suitable generic and therapeutically equivalent drug available, such as for the treatment of HIV or Hepatitis B;

B. Use of a variant of the 5-brand limit on brand-name prescription drugs established pursuant to the Maine Revised Statutes, Title 22, section 3174-FF, subsection 3, paragraph H, subparagraph (3) that provides for drug classes when generic and therapeutically equivalent drugs are available. Once the waiver is granted, the department is authorized to implement the different preferred drug list notwithstanding that it is more restrictive than the 5 brand-name limitation contained in Title 22, section 3174-FF, subsection 3, paragraph H, subparagraph (3); and

C. Modification of the prior approval process to tighten the criteria for allowable prescription drugs.

2. Other provisions. Provisions in addition to those in subsection 1 regarding the MaineCare childless adult waiver are as set out in this subsection.

A. The Department of Health and Human Services, Office of MaineCare Services shall undertake an initiative to identify on the membership card of an enrollee in the childless adult waiver the enrollment of that person in the waiver. The department shall begin this initiative as soon as practicable, on a phased-in basis upon reissuance of the member's card or annual renewal of eligibility or enrollment, whichever event comes first. The manner of identifying enrollment in the childless adult waiver must enable providers of MaineCare services to easily determine the member's enrollment in the waiver.

B. The Department of Health and Human Services, Office of MaineCare Services shall initiate a procedure for the different preferred drug list for members of the childless adult waiver under subsection 1 that provides, at the time a disapproval is issued to a prescriber in response to a request for prior approval, a list of suitable and approvable generic and therapeutically equivalent drugs that could be approved.

C. By October 1, 2008 and January 1, 2009, the Department of Health and Human Services, Office of MaineCare Services shall provide an oral report to the MaineCare Advisory Committee, established pursuant to Department of Health and Human Services Rule Chapter 101, MaineCare Benefits Manual, Chapter 1, Section 1.23, regarding implementation of the different preferred drug list for members of the MaineCare childless adult waiver under subsection 1. The report must include the effects of implementation of the different preferred drug list on MaineCare members enrolled in the childless adult waiver, prescribers of drugs and the department.

PART UU

Sec. UU-1. PL 2007, c. 240, Pt. GG, §1 is amended to read:

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 identified available balances between line categories by financial order upon approval of the Governor ~~in order to achieve the position eliminations identified in section 2.~~ 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 and in fiscal year 2009-10.

Sec. UU-2. PL 2007, c. 240, Pt. GG, §2 is repealed.

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Bureau of Medical Services 0129

Initiative: Eliminates 21 General Fund positions and 79 Federal Expenditures Fund positions from projected Office of MaineCare savings.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(21.000)

FEDERAL EXPENDITURES FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(79.000)

Sec. UU-3. PL 2007, c. 240, Pt. GG, §3 is enacted to read:

Sec. GG-3. Office of MaineCare Services; position eliminations. The Commissioner of Health and Human Services shall identify a minimum of 100 Legislative Count positions in the Office of MaineCare Services, including any positions eliminated pursuant to section 1, which must be eliminated no later than June 19, 2010 upon the transition to the fiscal agent model. By December 15, 2008, the commissioner shall provide the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs a report detailing the positions to be eliminated.

PART VV

Sec. VV-1. Department of Conservation, Division of Forest Fire Control account; lapsed balances; General Fund. Notwithstanding any other provision of law, \$356,200 of unencumbered balance forward in the Personal Services line category in the Division of Forest Fire Control, General Fund account in the Department of Conservation lapses to the General Fund at the close of fiscal year 2008-09.

PART WW

Sec. WW-1. 27 MRSA §511 is enacted to read:

§ 511. Support for state rehabilitation tax credits

1. Program. The director shall administer, in consultation with the Department of Administrative and Financial Services, Bureau of Revenue Services, a program in support of state rehabilitation tax credits for income-producing historic structures pursuant to Title 36, section 5219-BB.

2. Certification. The director shall certify information necessary for applicants to demonstrate eligibility for an income tax credit under Title 36, section 5219-BB, including, but not limited to:

A. That rehabilitations of certified historic structures are consistent with the United States Secretary of the Interior's Standards for Rehabilitation;

B. That historic structures are listed in or are eligible for listing in the National Register of Historic Places or are in certified local districts; and

C. The amount of qualified rehabilitation expenditures associated with each project for which an income tax credit will be claimed.

When performing the certification required by this subsection, the director shall interpret the provisions of this subsection in a manner consistent with the provisions of the federal Internal Revenue Code, Section 47.

3. Administration. The director may provide forms, instructions and guidelines necessary for an applicant to apply for certification under the program.

4. Fees. The director may establish a schedule of processing fees, the proceeds of which must be used by the director solely for the support of the administration of certifications under this section. The processing fees collected by the director must be placed in a nonlapsing historic rehabilitation certification fund to be used solely by the director for the administration of certifications required under this section.

5. Reports. The Maine Historic Preservation Commission shall issue the following reports.

A. The Maine Historic Preservation Commission shall issue a report by March 1st of each year that identifies the approved and certified state historic preservation certification applications and documents the number of affordable housing units created, total housing units created, number of affordable housing units preserved, total aggregate square footage rehabilitated and developed, total aggregate square footage of housing, total aggregate square footage of affordable housing, total certified rehabilitation expenses and total new construction expenses.

B. By January 15, 2013, the Maine Historic Preservation Commission shall analyze the use of tax credits provided under Title 36, section 5219-BB as an incentive for rehabilitation of historic structures and economic development, analyze tax and other revenues generated by the rehabilitation to determine in relation to the cost of the credit if they exceed the costs of the credit and report the results of its analysis to the joint standing committee of the Legislature having jurisdiction over

taxation matters with recommendations as to whether the credits under Title 36, section 5219-BB should be extended, repealed or amended. The joint standing committee may submit legislation related to the report.

Sec. WW-2. 36 MRSA §4641-B, sub-§4, as amended by PL 2007, c. 240, Pt. H, §1 and c. 427, §1, is repealed and the following enacted in its place:

4. Distribution of State's share of proceeds. The State Tax Assessor shall pay all net receipts received pursuant to this section to the Treasurer of State and shall at the same time provide the Treasurer of State with documentation showing the amount of revenues derived from the tax imposed by section 4641-A, subsection 1 and the amount of revenues derived from the tax imposed by section 4641-A, subsection 2.

A. The Treasurer of State shall credit 1/2 of the revenues derived from the tax imposed by section 4641-A, subsection 1 to the General Fund and shall monthly pay the remaining 1/2 of such revenues to the Maine State Housing Authority, which shall deposit the funds in the Housing Opportunities for Maine Fund created in Title 30-A, section 4853, except that:

(1) In fiscal year 2003-04, fiscal year 2004-05 and fiscal year 2005-06, \$7,500,000 of the remaining 1/2 of those revenues must be transferred to the General Fund before any payments are made to the Maine State Housing Authority;

(2) In fiscal year 2006-07, \$7,687,067 of the remaining 1/2 of those revenues must be transferred to the General Fund before any payments are made to the Maine State Housing Authority;

(3) In fiscal year 2007-08 and fiscal year 2008-09, \$5,000,000 of the remaining 1/2 of those revenues must be transferred to the General Fund before any payments are made to the Maine State Housing Authority;

(4) In fiscal year 2008-09, \$90,000 of the remaining 1/2 of those revenues must be transferred to the General Fund before any payments are made to the Maine State Housing Authority;

(5) In fiscal year 2009-10, \$3,320,000 of the remaining 1/2 of those revenues must be transferred to the General Fund before any payments are made to the Maine State Housing Authority;

(6) In fiscal year 2010-11, \$3,720,000 of the remaining 1/2 of those revenues must be transferred to the General Fund before any payments are made to the Maine State Housing Authority;

(7) In fiscal year 2011-12, \$3,830,000 of the remaining 1/2 of those revenues must be transferred to the General Fund before any payments are made to the Maine State Housing Authority;

(8) In fiscal year 2012-13, \$3,950,000 of the remaining 1/2 of those revenues must be transferred to the General Fund before any payments are made to the Maine State Housing Authority; and

(9) In fiscal year 2008-09, \$2,972,414 of the remaining 1/2 of those revenues must be transferred to the General Fund before any payments are made to the Maine State Housing Authority.

B. Neither the Governor nor the Legislature may divert the revenues payable to the Housing Opportunities for Maine Fund to any other fund or for any other use. Any proposal to enact or amend a law to allow distribution of less than 1/2 of the revenues derived from the tax imposed by section 4641-A, subsection 1 to the Housing Opportunities for Maine Fund, as adjusted under paragraph A, must be submitted to the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over affordable housing matters at least 30 days prior to any vote or public hearing on the proposal.

C. The Treasurer of State shall credit to the General Fund all of the revenues derived from the tax imposed by section 4641-A, subsection 2.

Sec. WW-3. 36 MRSA §5219-R, sub-§1, as enacted by PL 2005, c. 519, Pt. H, §1, is amended to read:

1. Credit allowed. A taxpayer is allowed a credit against the tax imposed under this Part equal to the amount of credit claimed by the taxpayer for the taxable year under Section 47 of the Code with respect to expenditures incurred after December 31, 1999 for a certified historic structure located in the State. The credit is nonrefundable and is limited to \$100,000 annually per taxpayer. A credit received under this section is subject to the same recapture provisions, as apply to a credit received under Section 47 of the Code and to any available federal carry-back or carry-forward provisions. A credit may not be claimed under this subsection for expenditures incurred after December 31, 2007.

Sec. WW-4. 36 MRSA §5219-BB is enacted to read:

§ 5219-BB. Credit for rehabilitation of historic properties after 2007

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

A. "Affordable housing" means a decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 60% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 412, 50 Stat. 888, Section 8, as amended.

B. "Certified historic structure" means a structure that has been certified as a historic structure under Title 27, section 511.

C. "Certified qualified rehabilitation expenditure" means a qualified rehabilitation expenditure made between January 1, 2008 and December 31, 2013 certified by the director under Title 27, section 511. For purposes of subsection 2, paragraph B, qualified rehabilitation expenditures incurred in the certified rehabilitation of a certified historic structure located in the State do not include a requirement that the certified historic structure be substantially rehabilitated.

D. "Director" means the director of the Maine Historic Preservation Commission.

2. Credit allowed. A taxpayer is allowed a credit against the tax imposed under this Part:

A. Equal to 25% of the taxpayer's certified qualified rehabilitation expenditures for which a tax credit is claimed under Section 47 of the Code for a certified historic structure located in the State; or

B. Equal to 25% of the certified qualified rehabilitation expenditures of a taxpayer who incurs not less than \$50,000 and up to \$250,000 in certified qualified rehabilitation expenditures in the rehabilitation of a certified historic structure located in the State and who does not claim the federal credit with regard to those expenditures. The credit may be claimed for the taxable year in which the certified historic structure is placed in service, except that a credit may not be claimed for expenditures incurred before January 1, 2008 or after December 31, 2013.

A taxpayer is allowed a credit under paragraph A or B but not both.

3. Increased credit for affordable housing. The credit allowed under this section is increased to 30% of certified qualified rehabilitation expenditures if the project is also an affordable housing project. The 30% credit is available only for projects for which at least 50% of the aggregate square feet of the completed project is housing of which at least 50% of the aggregate square feet of the completed housing creates new affordable housing or for which at least 33% of the aggregate square feet of the completed project creates new affordable housing. Affordable housing created using the 30% credit must remain affordable for 30 years pursuant to a mechanism acceptable to the Maine State Housing Authority. The mechanism must provide that if the property does not remain affordable for 30 years, the owner of the property must pay to the Housing Opportunities for Maine Fund under Title 30-A, section 4853 an amount equal to the credit increase allowed to the taxpayer under this subsection plus interest at the rate of 7% per annum beginning when the property is placed in service and ending upon payment.

By August 1, 2009 and annually every August 1st thereafter to 2013, the Maine Historic Preservation Commission and the Maine State Housing Authority shall review the report issued pursuant to Title 27, section 511, subsection 5, paragraph A to determine the percentage of the total aggregate square feet

rehabilitated and developed using both the 25% credit under subsection 2 and the 30% credit under this subsection that constitutes new affordable housing. If the total aggregate square feet of new affordable housing does not equal or exceed 30% of the total aggregate square feet of rehabilitated and developed completed projects eligible for a credit under this section, the commission and the authority shall notify the State Tax Assessor and the credit authorized in subsection 2, paragraph B is increased by 1% for that tax year and for each succeeding year in which the 30% affordable housing threshold is not reached until a maximum credit rate of 35% is reached.

4. Maximum credit. The credit allowed pursuant to this section may not exceed \$5,000,000 for each certified rehabilitation project under Section 47 of the Code placed into service in the State during the taxable year for which a credit is claimed under this section.

5. Timing of credit. Twenty-five percent of the credit allowed pursuant to this section must be taken in the taxable year the property is placed into service and 25% must be taken in each of the next 3 taxable years.

6. Credit refundable. The credit allowed under this section is fully refundable.

7. Allocation of credit. Credits allowed to a partnership, a limited liability company taxed as a partnership or multiple owners of property must be passed through to the partners, members or owners respectively pro rata in the same manner as under section 5219-G, subsection 1 or pursuant to an executed agreement among the partners, members or owners documenting an alternate allocation method.

8. Recapture. A credit received under this section is subject to the same recapture provisions as apply to a credit received under Section 47 of the Code.

9. Limitation. A taxpayer who is eligible to claim a credit under section 5219-R, whether or not a credit is actually claimed, may not claim a credit under this section. In addition, a credit may not be claimed under this section with respect to expenditures incurred for rehabilitation of Building No. 2 in the Lockwood Mill Historic District in the City of Waterville.

Sec. WW-5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services - Bureau of 0002

Initiative: Provides one-time funds for the computer programming costs associated with the tax credit for the rehabilitation of historic properties.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$44,000
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GENERAL FUND TOTAL	\$0	\$44,000

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

	2007-08	2008-09
GENERAL FUND	\$0	\$44,000
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$44,000

HISTORIC PRESERVATION COMMISSION, MAINE

Historic Commercial Rehabilitation Fund N029

Initiative: Establishes a base allocation for the Historic Commercial Rehabilitation Fund to support the administration costs associated with certifying rehabilitations of certified historic structures.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$0	\$500
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

HISTORIC PRESERVATION COMMISSION, MAINE DEPARTMENT TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$0	\$500
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$500

SECTION TOTALS	2007-08	2008-09
GENERAL FUND	\$0	\$44,000
OTHER SPECIAL REVENUE FUNDS	\$0	\$500
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SECTION TOTAL - ALL FUNDS	\$0	\$44,500

PART XX

Sec. XX-1. 22 MRSA §3762, sub-§3, ¶B, as amended by PL 2001, c. 338, §§1 to 3, is further amended to read:

B. The department may use funds, insofar as resources permit, provided under and in accordance with the United States Social Security Act or state funds appropriated for this purpose or a combination of state and federal funds to provide assistance to families under this chapter. In addition to assistance for families described in this subsection, funds must be expended for the following purposes:

- (1) To continue the pass-through of the first \$50 per month of current child support collections and the exclusion of the \$50 pass-through from the budget tests and benefit calculations;
- (2) To provide financial and medical assistance to certain noncitizens legally admitted to the United States. Recipients of assistance under this subparagraph are limited to the categories of noncitizens who would be eligible for the TANF or Medicaid programs but for their status as aliens under PRWORA. Eligibility for the TANF and Medicaid programs for these categories of noncitizens must be determined using the criteria applicable to other recipients of assistance from these programs;
- (3) To provide benefits to certain 2-parent families whose deprivation is based on physical or mental incapacity;
- (4) To provide an assistance program for needy children, 19 to 21 years of age, who are in full-time attendance in secondary school. The program is operated for those individuals who qualify for TANF under the United States Social Security Act, except that they fail to meet the age requirement, and is also operated for the parent or caretaker relative of those individuals. Except for the age requirement, all provisions of TANF, including the standard of need and the amount of assistance, apply to the program established pursuant to this subparagraph;
- (5) To provide assistance for a pregnant woman who is otherwise eligible for assistance under this chapter, except that she has no dependents under 19 years of age. An individual is eligible for the monthly benefit for one eligible person if the medically substantiated expected date of the birth of her child is not more than 90 days following the date the benefit is received;
- (6) To provide a special housing allowance for TANF families whose shelter expenses for rent, mortgage or similar payments, homeowners insurance and property taxes equal or exceed 75% of their monthly income. The special housing allowance is limited to ~~\$50~~\$100 per month for each family. For purposes of this subparagraph, "monthly income" means the total of the TANF monthly benefit and all income countable under the TANF program, plus child support received by the family, excluding the \$50 pass-through payment;

(7) In determining benefit levels for TANF recipients who have earnings from employment, the department shall disregard from monthly earnings the following:

(a) One hundred and eight dollars;

(b) Fifty percent of the remaining earnings that are less than the federal poverty level; and

(c) All actual child care costs necessary for work, except that the department may limit the child care disregard to \$175 per month per child or \$200 per month per child under 2 years of age or with special needs;

(8) In cases when the TANF recipient has no child care cost, the monthly TANF benefit is the maximum payment level or the difference between the countable earnings and the standard of need established by rule adopted by the department, whichever is lower;

(9) In cases when the TANF recipient has child care costs, the department shall determine a total benefit package, including TANF cash assistance, determined in accordance with subparagraph (7) and additional child care assistance, as provided by rule, necessary to cover the TANF recipient's actual child care costs up to the maximum amount specified in section 3782-A, subsection 5. The benefit amount must be paid as provided in this subparagraph.

(a) Before the first month in which child care assistance is available to an ASPIRE-TANF recipient under this paragraph and periodically thereafter, the department shall notify the recipient of the total benefit package and the following options of the recipient: to receive the total benefit package directly; or to have the department pay the recipient's child care assistance directly to the designated child care provider for the recipient and pay the balance of the total benefit package to the recipient.

(b) If an ASPIRE-TANF recipient notifies the department that the recipient chooses to receive the child care assistance directly, the department shall pay the total benefit package to the recipient.

(c) If an ASPIRE-TANF recipient does not respond or notifies the department of the choice to have the child care assistance paid directly to the child care provider from the total benefit package, the department shall pay the child care assistance directly to the designated child care provider for the recipient. The department shall pay the balance of the total benefit package to the recipient;

(10) Child care assistance under this paragraph must be paid by the department in a prompt manner that permits an ASPIRE-TANF recipient to access child care necessary for work; and

(11) The department shall adopt rules pursuant to Title 5, chapter 375 to implement this subsection. Rules adopted pursuant to this subparagraph are routine technical rules as defined in Title 5, chapter 375, subchapter H-A2-A.

Sec. XX-2. 22 MRSA §3762, sub-§8, ¶D is enacted to read:

D. The department shall provide limited transitional food benefits to meet needs of ASPIRE-TANF program participants who lose eligibility for TANF assistance due to employment on or after July 1, 2008. Benefits must be provided for 3 years following loss of TANF eligibility and may not exceed \$100 per month per family for the first year, \$75 per month per family for the 2nd year and \$50 per month per family for the 3rd year.

Sec. XX-3. 22 MRSA §4301, sub-§3, as enacted by PL 1983, c. 577, §1, is amended to read:

3. Eligible person. "Eligible person" means a person who is qualified to receive general assistance from a municipality according to standards of eligibility determined by the municipal officers whether or not that person has applied for general assistance. Beginning July 1, 2008, "eligible person" does not include any person in a family receiving benefits from TANF, as defined in section 3762, subsection 1, paragraph E.

Sec. XX-4. 22 MRSA §4301, sub-§6, as amended by PL 1991, c. 622, Pt. M, §20, is further amended to read:

6. Household. "Household" means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants persons who apply for general assistance may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The income of household members not legally liable for supporting the household is considered available to the applicant only when there is a pooling of income.

Sec. XX-5. 22 MRSA §4308, sub-§1, as amended by PL 1993, c. 410, Pt. AAA, §6, is further amended to read:

1. Initial and subsequent applications. Except as provided in section 4316-A, subsection 1-A, a person who makes an application for assistance; who has not applied for assistance in that or any other municipality must have that person's eligibility determined solely on the basis of need, except that a person in a family receiving benefits from TANF, as defined in section 3762, subsection 1, paragraph E, on or after July 1, 2008 is not eligible for general assistance. All applications for general assistance that are not initial applications are repeat applications. The eligibility of repeat applicants must be determined on the basis of need and all other conditions of eligibility established by this chapter and municipal ordinance.

Sec. XX-6. 22 MRSA §4308, sub-§2, as amended by PL 1999, c. 45, §1, is further amended to read:

2. Emergencies. A person who does not have sufficient resources to provide one or more basic necessities in an emergency is eligible for emergency general assistance, even when that applicant has been found ineligible for nonemergency general assistance, except as provided in this subsection. Beginning July 1, 2008, a person in a family receiving benefits from TANF, as defined in section 3762, subsection 1, paragraph E, is not eligible for emergency general assistance.

A. A person who is currently disqualified from general assistance for a violation of section 4315, 4316-A or 4317 is ineligible for emergency assistance under this subsection.

B. Municipalities may by standards adopted in municipal ordinances restrict the disbursement of emergency assistance to alleviate emergency situations to the extent that those situations could not have been averted by the applicant's use of income and resources for basic necessities. The person requesting assistance shall provide evidence of income and resources for the applicable time period.

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs.

PART YY

Sec. YY-1. State agency function efficiencies. Notwithstanding any provision of law to the contrary, the following departments, under the direction of the Commissioner of Administrative and Financial Services and the Director of the State Planning Office within the Executive Department, shall, by June 30, 2008, implement a plan of collaboration or consolidation, eliminating duplication or creating greater efficiencies in the following functions:

1. Ministerial licensing and registration: Department of Agriculture, Food and Rural Resources, Department of Conservation, Department of Inland Fisheries and Wildlife, Department of Marine Resources and Department of Professional and Financial Regulation;

2. Food safety inspection: Department of Agriculture, Food and Rural Resources and Department of Health and Human Services; and

3. Drinking water and septic systems regulation: Department of Environmental Protection and Department of Health and Human Services.

The plan must be designed to achieve a savings of \$250,000 during fiscal year 2008-09.

If the commissioners of the affected departments identify a conflict or inconsistency between provisions in the Maine Revised Statutes or rules adopted by the agencies, the commissioners shall attempt to resolve that conflict or inconsistency by interpreting the laws or rules together to give effect to the intent of the Legislature or agency, as the case may be. If the commissioners determine rulemaking is required to resolve a conflict or inconsistency, the commissioners may adopt rules as authorized by law. In adopting rules under this section, the commissioners have sole discretion to determine whether an emergency exists. The commissioners shall notify the members of the joint standing committee of the

Legislature having jurisdiction over appropriations and financial affairs prior to adopting any emergency rule under this section. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. If the commissioners determine that legislation is required to resolve a conflict or inconsistency, the commissioners shall jointly submit proposed legislation necessary to fully implement the intent of this Part by October 1, 2008 to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, and the joint standing committee may submit legislation to the First Regular Session of the 124th Legislature based on the proposed legislation.

Sec. YY-2. Long-term enhancement of services and efficiencies.

1. The agencies serving the natural resources sectors within the State, including but not limited to the Department of Agriculture, Food and Rural Resources, Department of Conservation, Department of Inland Fisheries and Wildlife, Department of Marine Resources and Department of Environmental Protection, referred to in this section as "the agencies," shall work together and with a task force appointed by the Governor to participate in the creation of and implementation of a plan, developed after consideration of all ideas and organizational configurations, that is designed to eliminate duplication and create greater efficiencies to improve the delivery of services to the citizens of the State associated with the natural resources sector. The agencies shall submit legislation to implement the plan to the First Regular Session of the 124th Legislature by January 1, 2009.

2. The agencies shall, out of existing funds, secure facilitation and research expertise to:

A. Analyze existing department functions;

B. Conduct stakeholder outreach;

C. Seek increased efficiency ideas from Legislators, members of the public, businesses, outside experts and others served by the departments serving the natural resources sector; accept information; and address concerns;

D. Cooperate with other entities of State Government;

E. Research approaches to natural resources services in other states;

F. Enhance services provided to natural resources-based businesses and industries and for outdoor recreation, natural resources management and environmental protection;

G. Integrate research, scientific, land management, enforcement and outreach, promotion and education functions;

H. Utilize advances in science and technology and plan for trends in natural resources, recreation activity, environmental management and business sector needs;

I. Maximize natural resources, environmental and economic benefits;

J. Coordinate and streamline functions, services and activities;

K. Eliminate duplication of services and administrative activities; and

L. Create efficiencies and cost savings in the provision of natural resources services.

3. Any savings that are achieved through increased efficiencies must be reallocated within the natural resources agencies.

Sec. YY-3. Calculation and transfer; General Fund savings through increased efficiencies. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amounts of savings from increased efficiencies that result from this Part that apply against each General Fund account and shall transfer the amounts by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2008-09. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts not later than January 15, 2009.

Sec. YY-4. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Reduces funding from savings to be realized through increased efficiencies as authorized in section 1 of this Part.

GENERAL FUND	2007-08	2008-09
Unallocated	\$0	(\$250,000)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$250,000)

PART ZZ

Sec. ZZ-1. Sale or lease of state properties; proceeds to be deposited in General Fund. Notwithstanding any other provision of law, the proceeds identified by the Commissioner of Administrative and Financial Services from the sale or lease of the following properties, not to exceed \$600,000, must be deposited in the General Fund no later than June 30, 2009:

1. Hallowell - Stevens School campus, as authorized in Resolve 2003, chapter 92;
2. Augusta - Hospital Street, brick farmhouse, as authorized in Resolve 2005, chapter 177;
3. Bangor - Hedin Hall, as authorized in Resolve 2005, chapter 209;
4. East Machias - State Police barracks, as authorized in Resolve 2005, chapter 177;
5. Augusta - Kennebec Arsenal, as authorized in Resolve 2003, chapter 91 and Resolve 2005, chapter 98;
6. Frenchville, Star Barn Road parcel, as authorized in Resolve 2007, chapter 150; and

7. Thomaston - former prison site, as authorized in Resolve 1999, chapter 114 and Resolve 2005, chapter 98.

PART AAA

Sec. AAA-1. PL 2007, c. 240, Pt. KK, §1 is amended to read:

Sec. KK-1. Personal Services transfer. Notwithstanding any other provision of law, the State Controller shall transfer unexpended Personal Services balances in the General Fund lapsing accounts on June 30, 2007, June 30, 2008 and June 30, 2009 to the Compensation Salary Plan General Fund account in the Department of Administrative and Financial Services after all financial commitments and adjustments have been made to be used for costs associated with collective bargaining agreements for state employees.

Sec. AAA-2. Retroactivity. This Part applies retroactively to June 30, 2007.

PART BBB

Sec. BBB-1. Transfer from the Maine Coastal and Inland Surface Oil Clean-up Fund; unexpended funds. Notwithstanding any other provision of law, the State Controller shall transfer \$184,328 from the Maine Coastal and Inland Surface Oil Clean-up Fund, Other Special Revenue Funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund no later than June 30, 2009.

PART CCC

Sec. CCC-1. 36 MRSA §111, sub-§1-A, as amended by PL 2007, c. 240, Pt. CCC, §1 and affected by §4, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of ~~December 31, 2006~~ February 13, 2008.

Sec. CCC-2. 36 MRSA §5122, sub-§1, ¶X, as amended by PL 2007, c. 437, §16, is further amended to read:

X. An amount equal to the taxpayer's federal deduction relating to income attributable to domestic production activities claimed in accordance with Section 102 of the federal American Jobs Creation Act of 2004, Public Law 108-357; and

Sec. CCC-3. 36 MRSA §5122, sub-§1, ¶Y, as enacted by PL 2007, c. 437, §17 and affected by §22, is amended to read:

Y. Any amount of allowable deduction claimed for federal purposes in accordance with the election under Section 642(g) of the Code that is also used to determine the taxable estate for purposes of calculating the Maine estate tax under chapter 575-;

Sec. CCC-4. 36 MRSA §5122, sub-§1, ¶Z is enacted to read:

Z. For income tax years beginning on or after January 1, 2008, the amount of any qualified state and local tax benefit and any qualified payment excluded from gross income pursuant to the Code, Section 139(b); and

Sec. CCC-5. 36 MRSA §5122, sub-§1, ¶AA is enacted to read:

AA. For taxable years beginning on or after January 1, 2008 but prior to January 1, 2010, an amount equal to the net increase in depreciation attributable to the 50% bonus depreciation deduction claimed by the taxpayer pursuant to Section 103 of the Economic Stimulus Act of 2008, Public Law 110-185 with respect to property placed in service during the taxable year.

Sec. CCC-6. 36 MRSA §5122, sub-§2, ¶Y, as enacted by PL 2007, c. 466, Pt. A, §68 and affected by §70, is amended to read:

Y. The portion of contributions to a qualified tuition program established under Section 529 of the Code up to \$250 per designated beneficiary. This deduction may not be claimed on returns when federal adjusted gross income exceeds \$100,000 for returns with a filing status of single or married filing separately or \$200,000 for returns with a filing status of married joint or head of household; and

Sec. CCC-7. 36 MRSA §5122, sub-§2, ¶Z, as enacted by PL 2007, c. 466, Pt. A, §69, is amended to read:

Z. For income tax years beginning on or after January 1, 2006, to the extent included in federal adjusted gross income and not otherwise removed from Maine taxable income, an amount equal to the total of capital gains and ordinary income resulting from depreciation recapture determined in accordance with the Code, Sections 1245 and 1250 that is realized upon the sale of property certified as multifamily affordable housing property by the Maine State Housing Authority in accordance with Title 30-A, section 4722, subsection 1, paragraph AA.; and

Sec. CCC-8. 36 MRSA §5122, sub-§2, ¶AA, is enacted to read:

AA. For taxable years beginning on or after January 1, 2009, an amount equal to the net decrease in the depreciation deductions allowable under sections 167 and 168 of the Code that would have been applicable to that property had the 50% bonus depreciation deduction under Section 103 of the Economic Stimulus Act of 2008, Public Law 110-185 not been claimed with respect to such property for which an addition was required under subsection 1, paragraph AA in a prior year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal adjusted gross income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph AA and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed for property under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph AA for the same property.

Sec. CCC-9. 36 MRSA §5125, sub-§3, ¶D, as enacted by PL 2003, c. 390, §34, is amended to read:

D. Reduced by any amount attributable to interest or expenses incurred in the production of income exempt from tax under this Part; and

Sec. CCC-10. 36 MRSA §5125, sub-§3, ¶E, as enacted by PL 2003, c. 390, §34, is amended to read:

E. Reduced by the amount attributable to any contribution that qualified for and was actually utilized as a credit under section 5216-C; and

Sec. CCC-11. 36 MRSA §5125, sub-§3, ¶F is enacted to read:

F. For taxable years beginning on or after January 1, 2008, reduced by the amount of any deduction claimed pursuant to the Code, Section 163(h)(3)(E) for mortgage insurance premiums.

Sec. CCC-12. 36 MRSA §5164, sub-§1, as amended by PL 1999, c. 708, §38, is further amended to read:

1. Fiduciary adjustment defined. The fiduciary adjustment is the net amount of the modifications described in section 5122, including subsection 3 if the estate or trust is a beneficiary of another estate or trust, which relates to items of income or deduction of an estate or trust. Income taxes imposed by this State or any other taxing jurisdiction, mortgage insurance premiums paid or accrued on or after January 1, 2008 and claimed as a deduction pursuant to the Code, Section 163(h)(3)(E) and interest or expenses incurred in the production of income exempt from tax under this Part deducted in arriving at federal taxable income must be added back to the fiduciary adjustment. Interest or expenses incurred in the production of income taxable under this Part but exempt from federal income tax must be subtracted from the fiduciary adjustment.

Sec. CCC-13. 36 MRSA §5200-A, sub-§1, ¶P, as amended by PL 2005, c. 12, Pt. P, §8, is further amended to read:

P. The amount of the loan repayment included in the credit base of the recruitment credit under section 5219-V to the extent that the contribution has been used to adjust federal taxable income; and

Sec. CCC-14. 36 MRSA §5200-A, sub-§1, ¶S, as enacted by PL 2005, c. 12, Pt. P, §9 and affected by §10, is amended to read:

S. An amount equal to the taxpayer's federal deduction relating to income attributable to domestic production activities claimed in accordance with Section 102 of the federal American Jobs Creation Act of 2004, Public Law 108-357; and

Sec. CCC-15. 36 MRSA §5200-A, sub-§1, ¶T is enacted to read:

T. For taxable years beginning on or after January 1, 2008 but prior to January 1, 2010, an amount equal to the net increase in depreciation attributable to the 50% bonus depreciation deduction claimed by the taxpayer pursuant to Section 103 of the Economic Stimulus Act of 2008, Public Law 110-185 with respect to property placed in service during the taxable year.

Sec. CCC-16. 36 MRSA §5200-A, sub-§2, ¶P, as amended by PL 2005, c. 644, §9, is further amended to read:

P. For income tax years beginning on or after January 1, 2015, the gain attributable to the sale of sustainably managed, eligible timberlands as calculated pursuant to this paragraph.

(1) As used in this paragraph, unless the context otherwise indicates, the following terms have the following meanings.

(a) "Commercial harvesting" or "commercially harvested" means the harvesting of forest products that have commercial value.

(b) "Eligible timberlands" means land of at least 10 acres located in the State and used primarily for the growth of trees to be commercially harvested. Land that would otherwise be included within this definition may not be excluded because of:

(i) Use of the land for multiple public recreation activities;

(ii) Statutory or governmental restrictions that prevent commercial harvesting of trees or require a primary use of the land other than commercial harvesting;

(iii) Deed restrictions, restrictive covenants or organizational charters that prevent commercial harvesting of trees or require a primary use of land other than commercial harvesting and that were effective prior to January 1, 1982; or

(iv) Past or present multiple use for mineral exploration.

(c) "Forest products that have commercial value" means logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass, fuel wood, Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material or cones or other seed products.

(d) "Sustainably managed" means:

(i) A forest management and harvest plan, as defined in section 573, subsection 3-A, has been prepared for the eligible timberlands and has been in effect for the entire time period used to compute the amount of the subtraction modification under this paragraph; and

(ii) The taxpayer has received a written statement from a licensed forester certifying that, as of the time of the sale, the eligible timberlands have been managed in accordance with the plan under subdivision (i) during that period.

(2) To the extent included in the taxpayer's taxable income under the laws of the United States, the taxable income of the taxpayer under the laws of the United States must be decreased by:

(a) For eligible timberlands held by the taxpayer for at least a 10-year period beginning on or after January 1, 2005 but less than an 11-year period beginning on or after January 1, 2005, 1/15 of the gain recognized on the sale of the eligible timberlands;

(b) For eligible timberlands held by the taxpayer for at least an 11-year period beginning on or after January 1, 2005 but less than a 12-year period beginning on or after January 1, 2005, 2/15 of the gain recognized on the sale of the eligible timberlands;

(c) For eligible timberlands held by the taxpayer for at least a 12-year period beginning on or after January 1, 2005 but less than a 13-year period beginning on or after January 1, 2005, 1/5 of the gain recognized on the sale of the eligible timberlands;

(d) For eligible timberlands held by the taxpayer for at least a 13-year period beginning on or after January 1, 2005 but less than a 14-year period beginning on or after January 1, 2005, 4/15 of the gain recognized on the sale of the eligible timberlands;

(e) For eligible timberlands held by the taxpayer for at least a 14-year period beginning on or after January 1, 2005 but less than a 15-year period beginning on or after January 1, 2005, 1/3 of the gain recognized on the sale of the eligible timberlands;

(f) For eligible timberlands held by the taxpayer for at least a 15-year period beginning on or after January 1, 2005 but less than a 16-year period beginning on or after January 1, 2005, 2/5 of the gain recognized on the sale of the eligible timberlands;

(g) For eligible timberlands held by the taxpayer for at least a 16-year period beginning on or after January 1, 2005 but less than a 17-year period beginning on or after January 1, 2005, 7/15 of the gain recognized on the sale of the eligible timberlands;

(h) For eligible timberlands held by the taxpayer for at least a 17-year period beginning on or after January 1, 2005 but less than an 18-year period beginning on or after January 1, 2005, $\frac{8}{15}$ of the gain recognized on the sale of the eligible timberlands;

(i) For eligible timberlands held by the taxpayer for at least an 18-year period beginning on or after January 1, 2005 but less than a 19-year period beginning on or after January 1, 2005, $\frac{3}{5}$ of the gain recognized on the sale of the eligible timberlands;

(j) For eligible timberlands held by the taxpayer for at least a 19-year period beginning on or after January 1, 2005 but less than a 20-year period beginning on or after January 1, 2005, $\frac{2}{3}$ of the gain recognized on the sale of the eligible timberlands;

(k) For eligible timberlands held by the taxpayer for at least a 20-year period beginning on or after January 1, 2005 but less than a 21-year period beginning on or after January 1, 2005, $\frac{11}{15}$ of the gain recognized on the sale of the eligible timberlands;

(l) For eligible timberlands held by the taxpayer for at least a 21-year period beginning on or after January 1, 2005 but less than a 22-year period beginning on or after January 1, 2005, $\frac{4}{5}$ of the gain recognized on the sale of the eligible timberlands;

(m) For eligible timberlands held by the taxpayer for at least a 22-year period beginning on or after January 1, 2005 but less than a 23-year period beginning on or after January 1, 2005, $\frac{13}{15}$ of the gain recognized on the sale of the eligible timberlands;

(n) For eligible timberlands held by the taxpayer for at least a 23-year period beginning on or after January 1, 2005 but less than a 24-year period beginning on or after January 1, 2005, $\frac{14}{15}$ of the gain recognized on the sale of the eligible timberlands; or

(o) For eligible timberlands held by the taxpayer for at least a 24-year period beginning on or after January 1, 2005, all of the gain recognized on the sale of the eligible timberlands.

(3) Taxpayers claiming this credit must attach a sworn statement from a forester licensed pursuant to Title 32, chapter 76 that the timberlands for which the credit is claimed have been managed sustainably. For the purposes of this subparagraph, "sustainably" means that the timberlands for which the credit is claimed have been managed to protect soil productivity and to maintain or improve stand productivity and timber quality; known occurrences of threatened or endangered species and rare or exemplary natural communities; significant wildlife habitat and essential wildlife habitat; and water quality, wetlands and riparian zones.

Upon request of the State Tax Assessor, the Director of the Bureau of Forestry within the Department of Conservation may provide assistance in determining whether timberlands for which the credit is claimed have been managed sustainably. When assistance is requested under this subparagraph, the director or the director's designee may enter and examine the timberlands for the purpose of determining whether the timberlands have been managed sustainably.

In the case of timberlands owned by an entity that is treated as a pass-through entity for income tax purposes, the land must be treated as eligible timberland if ownership and use of the land by the pass-through entity satisfies the requirements of this paragraph. If the owner of the eligible timberlands is an S corporation, the taxpayer must subtract the owner's pro rata share of the gain. If the owner of the timberlands is a partnership or limited liability company taxed as a partnership, the taxpayer must subtract the taxpayer's distributive share of the gain, subject to the percentage limitations provided in this paragraph.

This modification may not reduce Maine taxable income to less than zero. To the extent this modification results in Maine taxable income that is less than zero for the taxable year, the excess negative modification amount may be carried forward and applied as a subtraction modification for up to 10 taxable years. The entire amount of the excess negative modification must be carried to the earliest of the taxable years to which, by reason of this subsection, the negative modification may be carried and then to each of the other taxable years to the extent the unused negative modification is not used for a prior taxable year. Earlier carry-forward modifications must be used before newer modifications generated in later years; and

Sec. CCC-17. 36 MRSA §5200-A, sub-§2, ¶Q, as enacted by PL 2005, c. 644, §10, is amended to read:

Q. For income tax years beginning on or after January 1, 2006, to the extent included in federal taxable income and not otherwise removed from Maine taxable income, an amount equal to the total of capital gains and ordinary income resulting from depreciation recapture determined in accordance with the Code, Sections 1245 and 1250 that is realized upon the sale of property certified as multifamily affordable housing property by the Maine State Housing Authority in accordance with Title 30-A, section 4722, subsection 1, paragraph AA.; and

Sec. CCC-18. 36 MRSA §5200-A, sub-§2, ¶R is enacted to read:

R. For taxable years beginning on or after January 1, 2009, an amount equal to the net decrease in the depreciation deductions allowable under sections 167 and 168 of the Code that would have been applicable to that property had the 50% bonus depreciation deduction under Section 103 of the Economic Stimulus Act of 2008, Public Law 110-185 not been claimed with respect to such property for which an addition was required under subsection 1, paragraph T in a prior year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal adjusted gross income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph T and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed for property under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph T for the same property.

Sec. CCC-19. Application. That section of this Part that amends the Maine Revised Statutes, Title 36, section 111, subsection 1-A applies to tax years beginning on or after January 1, 2007 and to any prior years as specifically provided by the United States Internal Revenue Code of 1986, as amended.

PART DDD

Sec. DDD-1. 36 MRSA §2551, sub-§1-A, as enacted by PL 2005, c. 12, Pt. VV, §1, is amended to read:

1-A. Community support services for persons with mental health diagnoses.

"Community support services for persons with mental health diagnoses" means rehabilitative services provided to adults at least 18 years of age or to emancipated children that are provided in the context of a supportive relationship pursuant to an individual support plan that promotes a person's recovery and integration of the person into the community and that sustain the person in that person's current living situation or another living situation of that person's choice. "Community support services for persons with mental health diagnoses" ~~include~~includes only those services provided by a designated community support services provider licensed by and operating under a contract with the Department of Health and Human Services for such services, whether the provider is reimbursed through participation in the MaineCare program or with state grant funds. "Community support services for persons with mental health diagnoses" includes only those services provided to persons with mental health diagnoses.

Sec. DDD-2. 36 MRSA §2551, sub-§1-B, as enacted by PL 2005, c. 386, Pt. S, §1 and affected by §9, is amended to read:

1-B. Community support services for persons with mental retardation or autism.

~~"Day habilitation~~Community support services for persons with mental retardation or autism" means services:

A. That are provided by community-based agencies to children or adults with mental retardation or autism and include assistance with the acquisition, retention or improvement of self-help, socialization and adaptive living skills; and

B. That take place in a nonresidential setting separate from the home or facility in which the child or adult resides, except when a physician has ordered that such services be provided in the child's or adult's home, and focus on enabling the child or adult to attain or maintain maximum functional levels.

~~"Day habilitation~~Community support services for persons with mental retardation or autism" includes only those services provided by designated agencies under a contract with the Department of Health and Human Services.

Sec. DDD-3. 36 MRSA §2551, sub-§7-B, as enacted by PL 2005, c. 386, Pt. S, §2 and affected by §9, is amended to read:

7-B. Home support services. "~~Personal~~Home support services" means services provided to ~~children or~~ adults with mental retardation or autism, including direct assistance with eating, bathing, dressing, personal hygiene and other activities of daily living. These services include only those services provided by designated agencies under a contract with the Department of Health and Human Services and:

A. May include assistance with instrumental activities of daily living such as assistance with the preparation of meals, but does not include the cost of the meals themselves;

B. If specified in the ~~child's or~~ adult's care plan, may include such housekeeping chores as bed making, dusting and vacuuming that are incidental to the care furnished, or are essential to the health and welfare of ~~the child or~~ the adult; and

C. May be provided by a provider unrelated to ~~the child or~~ the adult or by an adult relative other than an adult recipient's spouse, but may not be provided in the same setting where residential training is provided.

Sec. DDD-4. 36 MRSA §2551, sub-§13-A, as enacted by PL 2005, c. 386, Pt. S, §3 and affected by §9, is repealed.

Sec. DDD-5. 36 MRSA §2552, sub-§1, ¶H, as amended by PL 2005, c. 386, Pt. S, §5 and affected by §9, is further amended to read:

H. Community support services for persons with mental health diagnoses;

Sec. DDD-6. 36 MRSA §2552, sub-§1, ¶I, as enacted by PL 2005, c. 386, Pt. S, §6 and affected by §9, is amended to read:

I. ~~Day habilitation~~Community support services for persons with mental retardation or autism; and

Sec. DDD-7. 36 MRSA §2552, sub-§1, ¶J, as enacted by PL 2005, c. 386, Pt. S, §6 and affected by §9, is amended to read:

J. ~~Personal~~Home support services; ~~and.~~

Sec. DDD-8. 36 MRSA §2552, sub-§1, ¶K, as enacted by PL 2005, c. 386, Pt. S, §6 and affected by §9, is repealed.

Sec. DDD-9. 36 MRSA §2559, as amended by PL 2005, c. 386, Pt. S, §7 and affected by §9, is further amended to read:

§ 2559. Application of revenues

Revenues derived by the tax imposed by this chapter must be credited to a General Fund suspense account. On or before the last day of each month, the State Controller shall transfer a percentage of the revenues received by the State Tax Assessor during the preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraphs A to F to the Local Government Fund as provided by Title 30-A, section 5681, subsection 5. The balance remaining in the General Fund suspense account must be transferred to service provider tax General Fund revenue. On or before the 15th day of each month, the State Controller shall transfer all revenues received by the assessor during the preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraphs G to ~~KJ~~ to the Medical Care Services Other Special Revenue Funds account, the Other Special Revenue Funds Mental Health Services - Community Medicaid program, the Medicaid Services - Mental Retardation program and the Office of Substance Abuse - Medicaid Seed program within the Department of Health and Human Services.

PART EEE

Sec. EEE-1. Transfer from Personal Services to All Other; Dorothea Dix Psychiatric Center. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, beginning in fiscal year 2008-09 the available unencumbered balance at the end of each fiscal year in the Personal Services line category in the Disproportionate Share - Dorothea Dix Psychiatric Center General Fund account may be transferred to All Other by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Sec. EEE-2. Transfer from Personal Services to All Other; Riverview Psychiatric Center. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, beginning in fiscal year 2008-09 the available unencumbered balance at the end of each fiscal year in the Personal Services line category in the Disproportionate Share - Riverview Psychiatric Center General Fund account may be transferred to All Other by financial order upon recommendation of the State Budget Officer and approval of the Governor.

PART FFF

Sec. FFF-1. Calculation and transfer, General Fund savings; position reductions; department reorganization; Department of Health and Human Services. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings from the position eliminations in section 2 in the Department of Health and Human Services resulting from a departmentwide reorganization that applies to each applicable General Fund or other 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 and allocations in fiscal year 2008-09.

Sec. FFF-2. Report. The Department of Health and Human Services shall provide a report detailing the new organizational structure of the department, the specific positions eliminated and any necessary legislation to implement the reorganization to the First Regular Session of the 124th Legislature by December 12, 2008.

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Departmentwide 0640

Initiative: Eliminates 21 positions and reduces funding as part of a departmentwide reorganization.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(20.000)
Personal Services	\$0	(\$1,475,290)
All Other	\$0	(\$141,457)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$1,616,747)

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$102,457)
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$102,457)

PART GGG

Sec. GGG-1. Request for proposal. Notwithstanding any other provision of law, the Commissioner of Administrative and Financial Services shall issue a request for proposal for an independent and unbiased evaluation of economic development programs and tax incentives implemented throughout State Government, including programs identified by the Office of Program Evaluation and Governmental Accountability, tax credits and any other programs identified by other entities. All state agencies shall cooperate with the Commissioner of Administrative and Financial Services and the contractor selected to conduct the evaluation.

Sec. GGG-2. Evaluation. In conducting the evaluation, the contractor shall determine the degree of effectiveness or lack of effectiveness of economic development programs and tax incentives including the extent to which each program has created new jobs or retained jobs and whether jobs would have been created or retained without the benefit of the programs.

Sec. GGG-3. Report. The entity selected to conduct the evaluation, known as the contractor, shall provide a preliminary report to the Joint Standing Committee on Business, Research and Economic Development; the Joint Standing Committee on Taxation; and the Joint Standing Committee on Appropriations and Financial Affairs no later than October 15, 2008. The contractor shall complete and

present the final report with findings and recommendations to the Joint Standing Committee on Business, Research and Economic Development; the Joint Standing Committee on Taxation; and the Joint Standing Committee on Appropriations and Financial Affairs no later than December 8, 2008.

Sec. GGG-4. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Office of the Commissioner - Administrative and Financial Services

Initiative: Provides one-time funds for an independent review and evaluation of the effectiveness of economic development programs and tax incentives implemented throughout State Government, including programs identified by the Office of Program Evaluation and Governmental Accountability, tax credits and any other programs identified by other entities.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$150,000
	<hr/>	
GENERAL FUND TOTAL	\$0	\$150,000

PART HHH

Sec. HHH-1. Transfer of funds; Capital Construction Reserve Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$2,500,000 of surplus funds not needed for current operations by June 30, 2008 from the Department of Administrative and Financial Services, Bureau of General Services - Capital Construction Reserve Fund, Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

PART III

Sec. III-1. Calculation and transfer; General Fund savings for cooperative agreement with University of Maine System; Department of Health and Human Services. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of projected savings in section 2 in the Department of Health and Human Services related to reducing the services provided through the cooperative agreement with the University of Maine System 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 2008-09.

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Departmentwide 0640

Initiative: Reduces funding by reducing the services provided through University of Maine System cooperative agreements.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$1,000,000)
GENERAL FUND TOTAL	\$0	(\$1,000,000)

PART JJJ

Sec. JJJ-1. Calculation and transfer; consolidation of outpatient services; Department of Health and Human Services. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of projected savings in section 2 in the Department of Health and Human Services related to consolidating outpatient services into one section of MaineCare 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 2008-09.

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Departmentwide 0019

Initiative: Reduces funding for outpatient mental health and substance abuse services in MaineCare. The Department of Health and Human Services and the providers of services shall collaborate and reach agreement on reimbursement changes that will produce savings to the General Fund of \$1,000,000 in fiscal year 2008-09. If no agreement is reached by June 1, 2008, the department shall adopt rules on an emergency basis to achieve \$1,000,000 of savings to the General Fund for outpatient mental health and substance abuse costs by consolidating outpatient services into one section of MaineCare. The corresponding federal match reduction is in the Medical Care - Payments to Providers program.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$1,000,000)
GENERAL FUND TOTAL	\$0	(\$1,000,000)

PART KKK

Sec. KKK-1. 36 MRSA §1951-A, sub-§3 is enacted to read:

3. Reporting tax on casual rentals on individual income tax returns. A person whose only sales tax collection responsibility under this Title is the collection of sales tax on casual rentals of living quarters pursuant to section 1764 and whose sales tax liability in connection with those rentals during the period of the individual's income tax return is expected to be less than \$2,000 may report and pay that sales tax on the person's Maine individual income tax return for that year in lieu of filing reports under subsection 1. If the person's actual liability for the year is \$2,000 or more, the person must file reports as required under subsection 1 during the succeeding year.

PART LLL

Sec. LLL-1. Commissioner of Conservation; camping fee. Pursuant to the Maine Revised Statutes, Title 12, section 1819, the Commissioner of Conservation shall increase the camping fee for nonresidents by \$5 per night. Additionally, the commissioner shall institute a procedure whereby the 7% meals and lodging tax is charged separately and in addition to the per night camping fee for both residents and nonresidents.

PART MMM

Sec. MMM-1. Transfer from Fund for Efficient Delivery of Local and Regional Services. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5681, subsection 5-B or any other provision of law, the State Controller shall transfer \$500,000 from the Fund for the Efficient Delivery of Local and Regional Services to the unappropriated surplus of the General Fund no later than June 30, 2008 and transfer \$500,000 from the Fund for the Efficient Delivery of Local and Regional Services to the unappropriated surplus of the General Fund no later than June 30, 2009.

PART NNN

Sec. NNN-1. 22 MRSA §3174-G, sub-§1-D is enacted to read:

1-D. Enrollment fee. The department may assess an annual enrollment fee of \$25 for participation in the MaineCare program for a family including a parent or caretaker relative of a child described in subsection 1, paragraph B or D when the family's income exceeds 150% of the nonfarm income official poverty line.

PART OOO

Sec. OOO-1. Transfer from Other Special Revenue Funds to unappropriated surplus of the General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$10,000,000 in fiscal year 2007-08 from Other Special Revenue Funds to the unappropriated

surplus of the General Fund no later than June 30, 2008. On July 1, 2008, the State Controller shall transfer \$10,000,000 from the General Fund unappropriated surplus along with interest to Other Special Revenue Funds as repayment. This transfer is considered an interfund advance to be repaid with interest compounded annually at the earnings rate within the Treasurer of State's cash pool on the date of the advance.

PART PPP

Sec. PPP-1. 25 MRSA §1541, sub-§6, as amended by PL 2003, c. 451, Pt. S, §1, is further amended to read:

6. Establishment of fees. The State Bureau of Identification may charge a fee to individuals, nongovernmental organizations, governmental organizations that are engaged in licensing and governmental organizations that are not a governmental entity of the State, a county of the State or a municipality of the State for each criminal history record check requested for noncriminal justice purposes pursuant to Title 16, chapter 3, subchapter 8. The requestor shall provide a name and date of birth for each record being requested. A request made pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints. A governmental organization that is engaged in licensing may charge an applicant for the cost of the criminal history record check. The commissioner shall establish a schedule of fees that covers the cost of providing these services. RevenuesOne dollar of each fee generated under this subsection must be deposited to the Other Special Revenue account within the Bureau of State Police to offset the cost of maintenance and replacement of both hardware and software associated with the criminal history record check system. The remaining revenues generated from these fees must be credited to the General Fund.

Sec. PPP-2. Increase in fee schedule for criminal history record check. Pursuant to the authority granted under the Maine Revised Statutes, Title 25, section 1541, subsection 6, the Commissioner of Public Safety shall adjust the fee schedule for criminal history record checks requested for noncriminal justice purposes in such amounts necessary to result in an estimated \$533,174 increase in additional undedicated revenue to the General Fund in fiscal year 2008-09.

PART QQQ

Sec. QQQ-1. 28-A MRSA §1361, sub-§2, as amended by PL 2001, c. 20, §1, is further amended to read:

2. Fee for certificate of approval. The fee for a certificate of approval is ~~\$600~~\$1,000 per year for malt liquor only and ~~\$600~~\$1,000 for wine only, except that the fee for a manufacturer or foreign wholesaler of wine who ships 120 gallons of wine or less per year is \$100. Payment of the fee must accompany the application for the certificate.

Sec. QQQ-2. 28-A MRSA §1551, sub-§1, as enacted by PL 1987, c. 342, §114, is amended to read:

1. Certificate of approval. The license fees for certificates of approval are:

A. For malt liquor (one year)..... ~~\$600~~\$1,000; and

B. For wine (one year).....~~\$600~~\$1,000.

PART RRR

Sec. RRR-1. 26 MRSA §2031, sub-§8, as enacted by PL 1995, c. 665, Pt. DD, §5 and affected by §12, is amended to read:

8. Eligibility for funding. Applicants eligible to receive funding from the program include, but are not limited to, employers, regional and local economic development agencies or partnerships, community-based organizations, job training service providers, registered apprenticeship service providers, local adult education providers and postsecondary education institutions.

An applicant that is not a business shall demonstrate, in partnership with a business or a consortium of businesses, the ability to link training services with actual job creation, expansion, upgrade or retention. Training provided under this section is considered approved training under the unemployment insurance laws and the laws regarding dislocated workers administered by the Department of Labor.

Training funds authorized under this section must be paid to the employer on a reimbursement basis. Reimbursement may not exceed \$800 for each newly hired employee or \$350 for each incumbent employee who is trained.

PART SSS

Sec. SSS-1. 34-A MRSA §1210-B, sub-§3, as enacted by PL 2007, c. 377, §12 and affected by §17, is amended to read:

3. Distribution. Beginning July 1, 2008 and annually thereafter, the department shall distribute to the counties amounts to be dedicated to the Community Corrections Fund under subsection 1 and to the County Jail Prisoner Support Fund under subsection 2. The department ~~shall~~may distribute amounts to each county based on each county's percentage of statewide jail inmate days, which must be calculated for the last fiscal year for which data is available. ~~If a county's percentage results in a lower subsidy than it received pursuant to former section 1210-A, that county may not receive a reduction. If the county's percentage results in a subsidy higher than it received pursuant to former section 1210-A, that county must receive an increase in funding in proportion to available funding to move the entire county jail system toward greater equity.~~

Sec. SSS-2. Transfers and adjustments to position count. The Commissioner of Corrections shall review the current organizational structure to improve organizational efficiency and cost-effectiveness. Notwithstanding any other provision of law, the State Budget Officer shall transfer position counts and available balances by financial order upon approval of the Governor in order to achieve the purposes of this section. These transfers are considered adjustments to authorized

position count, appropriations and allocations in fiscal year 2007-08 and fiscal year 2008-09. The State Budget Officer shall provide 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.

PART TTT

Sec. TTT-1. Calculation and transfer; General Fund central services savings.

Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of projected savings in section 2 that applies against each General Fund account for all departments and agencies from savings in central services from the elimination of audio visual operations and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2008-09.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Reduces funding from a reduction in the rates for the Central Services - Purchases program associated with the elimination of 2 Audio Visual Operation positions that were subsidized by the Postal, Printing and Supply Fund. This is part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$40,644)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$40,644)

PART UUU

Sec. UUU-1. Calculation and transfer; General Fund telecommunications

savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of projected savings in section 2 that applies against each General Fund account for all departments and agencies from savings through the elimination of desktop phones for those employees who have both a desktop phone and a state-provided cellular phone, a low volume of call minutes per month on their desk phones and good cellular coverage in their offices. The State Budget Officer shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2008-09.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Reduces funding through the elimination of desktop telephones for those employees who are currently assigned cellular telephones and do not need desktop telephones for their offices as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$27,360)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$27,360)

PART VVV

Sec. VVV-1. Calculation and transfer; General Fund technology training savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of projected savings in section 2 that applies against each General Fund account for all departments and agencies from savings associated with the realignment and reduction in training dollars for information technology and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2008-09.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Reduces funding from a realignment of training dollars for information technology to focus training in critical skills for the delivery of information technology and through a reduction in nonessential training in the Information Services program as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$104,500)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$104,500)

PART WWW

Sec. WWW-1. Calculation and transfer; General Fund postal and printing savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of projected savings in section 3 that applies against each General Fund account for all departments and agencies from savings associated with the elimination of a position and the reduction of All Other expenditures in the Printing, Postal and Supply Internal Services Fund through the consolidation of the printing and postal activities currently carried out in the Department of Labor and the Department of Administrative and Financial Services, Bureau of General Services and Office of Information Technology. The State Budget Officer shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2008-09.

Sec. WWW-2. Position transfers; appropriation and allocation adjustments; postal and printing consolidation. Notwithstanding any other provision of law, the Director of the Office of Information Technology within the Department of Administrative and Financial Services is authorized to transfer by financial order positions to achieve the consolidation of the postal and printing functions referenced in section 1. The State Budget Officer shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations and allocations and position counts in fiscal year 2008-09.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Reduces funding through the consolidation of printing and postal activities as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$75,816)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$75,816)

PART XXX

Sec. XXX-1. Calculation and transfer; General Fund savings from general advertising. The Commissioner of Administrative and Financial Services shall identify and eliminate current contracts for broadcast sponsorships and other advertising that does not have a direct educational benefit to consumers. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of the projected savings in section 2 that applies to each General Fund account for all executive branch departments and agencies and shall transfer the amounts by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2008-09.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Reduces funding to reflect savings to the State from executive branch departments and independent agencies statewide from the elimination of contracts for broadcast sponsorships and advertising as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$30,000)
	<hr/>	
GENERAL FUND TOTAL	\$0	(\$30,000)

PART YYY

Sec. YYY-1. Calculation and transfer; General Fund savings from employment advertising. The Commissioner of Administrative and Financial Services shall reduce newspaper advertisements for state employment opportunities to the extent possible and require that all employment opportunities be posted on the Internet instead of in newspapers unless the vacancy is specialized and approval for newspaper advertisement is granted by the Department of Administrative and Financial Services, Bureau of Human Resources. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of the projected savings in section 2 that applies to each General Fund account for all executive branch departments and agencies and shall transfer the amounts by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2008-09.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Reduces funding to departments and agencies statewide for costly newspaper advertisements for state employment opportunities and requires all employment opportunities to be posted on the Internet unless the vacancy is in a specialized position and approval for newspaper advertisement is granted by the Bureau of Human Resources as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$200,000)
GENERAL FUND TOTAL	\$0	(\$200,000)

PART ZZZ

Sec. ZZZ-1. Calculation and transfer; General Fund insurance savings.

Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of projected savings in section 2 that applies against each General Fund account for all departments and agencies from savings in the cost of property insurance and vehicle liability insurance 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.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Reduces funding to reflect savings to the State for the cost of property insurance and vehicle liability insurance through negotiated plan savings and adjustments in coverage as part of the initiative to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

GENERAL FUND	2007-08	2008-09
All Other	(\$168,000)	(\$168,000)
GENERAL FUND TOTAL	(\$168,000)	(\$168,000)

PART AAAA

Sec. AAAA-1. 36 MRSA §5200-A, sub-§2, ¶H, as amended by PL 2005, c. 218, §56, is further amended to read:

H. For each taxable year subsequent to the year of the loss, an amount equal to the absolute value of the net operating loss arising from tax years beginning on or after January 1, 1989 but before January 1, 1993 and the absolute value of the amount of any net operating loss arising from tax years beginning on or after January 1, 2002, for which federal adjusted gross income was increased under subsection 1, paragraph H and that, pursuant to the Code, Section 172, was carried back for federal income tax purposes, less the absolute value of loss used in the taxable year of loss to offset any addition modification required by subsection 1, but only to the extent that:

- (1) Maine taxable income is not reduced below zero;
- (2) The taxable year is within the allowable federal period for carry-over; and
- (3) The amount has not been previously used as a modification pursuant to this subsection; and
- (4) For taxable years beginning in 2008, the amount does not exceed \$100,000. In the case of an affiliated group of corporations engaged in a unitary business, the \$100,000 threshold applies with respect to the entire affiliated group of corporations.

Sec. AAAA-2. 36 MRSA §5200-A, sub-§2, ¶L, as amended by PL 2005, c. 416, §4, is further amended to read:

L. An amount equal to the absolute value of any net operating loss arising from a tax year beginning or ending in 2001 for which federal taxable income was increased under subsection 1, paragraph M and that, pursuant to Section 102 of the federal Job Creation and Worker Assistance Act of 2002, Public Law 107-147, was carried back more than 2 years to the taxable year for federal income tax purposes, but only to the extent that:

- (1) Maine taxable income is not reduced below zero;
- (2) The taxable year is either within 2 years prior to the year in which the loss arose or within the allowable federal period for carry-over of net operating losses; and
- (3) The amount has not been previously used as a modification pursuant to this subsection; and
- (4) For taxable years beginning in 2008, the amount does not exceed \$100,000. In the case of an affiliated group of corporations engaged in a unitary business, the \$100,000 threshold applies with respect to the entire affiliated group of corporations.

PART BBBB

Sec. BBBB-1. 36 MRSA §6201, sub-§1, as amended by PL 2005, c. 2, Pt. E, §1 and affected by §§7 and 8, is further amended to read:

1. Benefit base. "Benefit base" means property taxes accrued or rent constituting property taxes accrued. In the case of a claimant paying both rent and property taxes for a homestead, benefit base means both property taxes accrued and rent constituting property taxes accrued. TheFor application periods beginning on or after August 1, 2008, the benefit base may not exceed \$3,000 for single-member households and \$4,000 for households with 2 or more members.

Sec. BBBB-2. 36 MRSA §6209, sub-§2, as enacted by PL 2005, c. 2, Pt. E, §6 and affected by §§7 and 8, is repealed.

PART CCCC

Sec. CCCC-1. 7 MRSA §3910-B, sub-§1, as amended by PL 2005, c. 510, §6, is further amended to read:

1. Establishment. There is established the Companion Animal Sterilization Fund, an interest-bearing account, referred to in this section as "the fund." The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5284-A, revenues generated in accordance with this section, all revenue from the surcharges collected under section 3933, subsection 4, money transferred from the Animal Welfare Fund in accordance with section 3906-B, subsection 2 and any money contributed voluntarily to the fund. All money deposited in the fund and the earnings on that money remain in the fund to be used for the spaying or neutering of companion animals owned by persons meeting income limit standards and for the necessary direct administrative and personnel costs associated with the management of the fund and may not be deposited in the General Fund or any other fund except as specifically provided by law. The fund may not be charged for indirect costs under a departmental indirect cost allocation plan.

Sec. CCCC-2. 7 MRSA §3910-B, sub-§1-A is enacted to read:

1-A. Option to contract for administration of the fund. The commissioner may contract the administration of the fund to a suitable organization or individual selected through a competitive process. The contracting organization or individual shall administer the fund in accordance with procedures and eligibility standards established under subsection 2. The contracting organization or individual may not expend more than 15% of the fund annually for administrative costs.

Sec. CCCC-3. 7 MRSA §3910-B, sub-§4 is enacted to read:

4. Oversight. The Animal Welfare Advisory Council established in section 3906-C or a subcommittee of the council shall review the objectives of the fund and make recommendations for maximizing use of available resources to meet the objectives of the fund. The council or subcommittee shall review the administration of the fund and make recommendations, which may include the development of a competitive process to contract for the administration of the fund.

PART DDDD

Sec. DDDD-1. Transfer of funds; Department of Professional and Financial Regulation. Notwithstanding any other provision of law, the State Controller shall transfer \$3,257,549 from various accounts within the Other Special Revenue Funds accounts of the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2009. The amount to be transferred represents available balances. The department may not increase fees in order to offset the transfer of funds required by this section.

PART EEEE

Sec. EEEE-1. Transfer of funds; Emergency Services Communications Bureau.

Notwithstanding any other provision of law, the State Controller shall transfer \$2,623,253 of surplus funds not needed for current operations by June 30, 2009 from the Emergency Services Communications Bureau, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund consistent with past practice.

PART FFFF

Sec. FFFF-1. Unclaimed property stock sale. The Treasurer of State, as unclaimed property administrator, shall implement a policy regarding the sale of unclaimed shares of stock authorized for sale under the Maine Revised Statutes, Title 33, chapter 41. The policy must require the Treasurer of State on or about July each year to liquidate all shares of stock held in custody as unclaimed property after advertisement in a newspaper of general circulation in the State. Proceeds from that sale must be transferred to the General Fund no sooner than December 1st of each year.

PART GGGG

Sec. GGGG-1. 10 MRSA §2412, sub-§1, as amended by PL 1997, c. 454, §5, is further amended to read:

1. Certificate of registration. The state sealer shall provide application forms and shall issue a certificate of registration upon receipt of a completed application accompanied by an annual fee of ~~\$8 per dispensing nozzle~~ as determined under subsection 5. A certificate of registration expires on December 31st. The state sealer may issue a registration for a one-year, 2-year or 3-year period. Registrations for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year registration is 2 times the annual fee. The fee for a 3-year registration is 3 times the annual fee.

Sec. GGGG-2. 10 MRSA §2412, sub-§3, as amended by PL 1995, c. 665, Pt. T, §1, is further amended to read:

3. Payment from local sealers account. Upon receiving verification from a local sealer that a registered fuel dispenser has been inspected and conforms to standards established for fuel dispensers, the state sealer shall pay to the local sealer ~~\$8 per dispensing nozzle~~ an amount as determined under subsection 5.

Sec. GGGG-3. 10 MRSA §2412, sub-§5 is enacted to read:

5. Rulemaking. The Commissioner of Agriculture, Food and Rural Resources shall adopt rules to establish a fee for issuing a certificate of registration under subsection 1 and the payment to a local sealer under subsection 3. The fee and payment established in rule must be per dispensing nozzle certified or inspected. Notwithstanding Title 5, section 8071, subsection 3, paragraph B, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. GGGG-4. 22 MRSA §2168, sub-§1, as amended by PL 1997, c. 454, §10, is further amended to read:

1. Application and renewal. Each application for, or renewal of, a license to operate a food establishment must be accompanied by a fee, ~~based on the number of employees as follows:~~determined by the commissioner in accordance with subsection 5.

- A. ~~For 0 to 10 employees, \$10 annually;~~
- B. ~~For 11 to 25 employees, \$30 annually; and~~
- C. ~~For 26 or more employees, \$100 annually.~~

A license may be issued for a one-year, 2-year or 3-year period. Licenses for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year license is 2 times the annual fee. The fee for a 3-year license is 3 times the annual fee.

Sec. GGGG-5. 22 MRSA §2168, sub-§2, as amended by PL 1997, c. 454, §10, is further amended to read:

2. Food salvage. Each application for, or renewal of, a license to operate a food salvage establishment or to act as a salvage broker must be accompanied by a fee, ~~not to exceed \$30 annually,~~ determined by the commissioner in accordance with subsection 5. A license may be issued for a one-year, 2-year or 3-year period. Licenses for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year license is 2 times the annual fee. The fee for a 3-year license is 3 times the annual fee.

Sec. GGGG-6. 22 MRSA §2168, sub-§5 is enacted to read:

5. Rules. The commissioner shall adopt rules to establish a schedule of fees for licenses issued under this chapter. Fees must be appropriate to the size of the establishment. Notwithstanding Title 5, section 8071, subsection 3, paragraph B, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. GGGG-7. 22 MRSA §2514, sub-§5, as enacted by PL 1999, c. 777, §1, is amended to read:

5. Annual license fee; rules. ~~The annual license fee for a retail vendor license is \$10 and for all other licenses listed under subsection 1 is \$50. All licenses issued under this section expire on December 31st.~~ The commissioner shall adopt rules to establish a schedule of fees for licenses issued under this

chapter. Fees must be appropriate to the size of the establishment. Notwithstanding Title 5, section 8071, subsection 3, paragraph B, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. GGGG-8. 32 MRSA §1851, 4th ¶, as enacted by PL 1993, c. 410, Pt. S, §4, is amended to read:

The fee for a license issued under this section is based on the number of persons employed by the manufacturer or bottler. The fee for a manufacturer or bottler with 5 or fewer employees is \$50. The fee for all other manufacturers or bottlers is \$100. The commissioner shall adopt rules to establish a schedule of fees for licenses issued under this subchapter. Fees must be appropriate to the size of the beverage plant. Notwithstanding Title 5, section 8071, subsection 3, paragraph B, rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. GGGG-9. Directive to the Commissioner of Agriculture, Food and Rural Resources. The Commissioner of Agriculture, Food and Rural Resources shall adopt rules in accordance with the Maine Revised Statutes, Title 22, section 2168 and Title 32, section 1851 that establish fees at a level that generates a minimum of an additional \$106,000 in revenue in fiscal year 2008-09.

PART HHHH

Sec. HHHH-1. Transfer of funds; domestic violence and sexual assault programs. Notwithstanding any other provision of law, the State Controller shall transfer \$225,000 in fiscal year 2007-08 and \$1,000,000 in fiscal year 2008-09 from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund to avoid a reduction in funds for domestic violence and sexual assault programs.

Sec. HHHH-2. Transfer of funds; Hancock County Drug Court. Notwithstanding any other provision of law, the State Controller shall transfer \$150,000 in fiscal year 2008-09 from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund to avoid a reduction in funds for the Hancock County Drug Court.

Sec. HHHH-3. Transfer of funds; HIV/AIDS services. Notwithstanding any other provision of law, the State Controller shall transfer \$41,000 in fiscal year 2008-09 from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund to avoid a reduction in funds for agencies providing HIV/AIDS services.

Sec. HHHH-4. Transfer of funds; family planning services. Notwithstanding any other provision of law, the State Controller shall transfer \$273,406 in fiscal year 2008-09 from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund to avoid a reduction in funds for agencies providing family planning services.

Sec. HHHH-5. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

FHM - Family Planning 0956

Initiative: Provides one-time funds from the Fund for a Healthy Maine for family planning services to offset a reduction in federal block grant funds.

FUND FOR A HEALTHY MAINE	2007-08	2008-09
All Other	\$0	\$415,278
	<hr/>	
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$415,278

PART III

Sec. III-1. 20-A MRSA §6602, sub-§1, as amended by PL 1991, c. 9, Pt. II, §3, is repealed and the following enacted in its place:

1. Participation. A public school shall participate in food service programs.

A. A public school shall participate in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007) and provide Type A meals as determined by the United States Department of Agriculture.

B. A public school that serves breakfast shall provide all students who are eligible for free and reduced-price meals under paragraph A a meal that meets the requirements of the federal School Breakfast Program set forth in 7 Code of Federal Regulations, Part 220 (2007) at no cost to the student. The State shall provide funding equal to the difference between the federal reimbursement for a free breakfast and the federal reimbursement for a reduced-price breakfast for each student eligible for a reduced-price breakfast and receiving breakfast.

Sec. III-2. 20-A MRSA §6602, sub-§6, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

6. Nutrition report. The commissioner may assess the nutritional benefits of school lunch programs and school breakfast programs and report to the state board.

Sec. III-3. 22 MRSA §1511, sub-§6, ¶H, as enacted by PL 1999, c. 401, Pt. V, §1, is amended to read:

H. Comprehensive school health and nutrition programs, including school-based health centers.

Sec. III-4. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

FHM - School Breakfast Program N034

Initiative: Allocates funds from the Fund for a Healthy Maine to reimburse those public schools kindergarten to grade 12 that provide breakfast for the amount equal to the difference between the federal reimbursement for a free breakfast and the federal reimbursement for a reduced-price breakfast for each student eligible for a reduced-price breakfast who is receiving breakfast.

FUND FOR A HEALTHY MAINE	2007-08	2008-09
All Other	\$0	\$178,925
	<hr/>	<hr/>
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$178,925

EDUCATION, DEPARTMENT OF

FHM - School Breakfast Program N034

Initiative: Allocates one-time funds from the Fund for a Healthy Maine for system modifications to allow the Department of Education to reimburse those public schools that are providing breakfast for the cost of providing free breakfasts to eligible students.

FUND FOR A HEALTHY MAINE	2007-08	2008-09
All Other	\$0	\$35,000
	<hr/>	<hr/>
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$35,000

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2007-08	2008-09
FUND FOR A HEALTHY MAINE	\$0	\$213,925
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$213,925

PART JJJJ

Sec. JJJJ-1. 20-A MRSA §7801, first ¶, as amended by PL 1989, c. 899, §2, is further amended to read:

It is the purpose of this chapter to plan, coordinate and implement service planning and coordination for youth with handicaps, 14 years of age or older and under 26 years of age, who are in transition from school to the community. ~~Local projects have been established to provide more effective and efficient~~

~~statewide delivery of services to handicapped youths in transition from school to the community~~It is also the purpose of this chapter to provide for an efficient and streamlined system of services across state agencies to include local and private entities that effectively deliver a combination of services that meet the needs of youth with handicaps by:

Sec. JJJJ-2. 20-A MRSA §7801, sub-§1, as corrected by RR 2003, c. 2, §37, is amended to read:

1. Coordination. Coordinating existing programs ~~and services~~ presently provided for these youths by the Department of Health and Human Services, the Department of Education, the Department of Labor, the Department of Corrections and other public and private agencies;

Sec. JJJJ-3. 20-A MRSA §7802, sub-§3, ¶B, as enacted by PL 1989, c. 899, §3, is amended to read:

B. Referral to appropriate community services ~~and information~~ regarding their location;

Sec. JJJJ-4. 20-A MRSA §7802, sub-§8, as enacted by PL 1989, c. 899, §4, is repealed.

Sec. JJJJ-5. 20-A MRSA §7802, sub-§9, as enacted by PL 1989, c. 899, §4, is repealed.

Sec. JJJJ-6. 20-A MRSA §7803, as corrected by RR 2003, c. 2, §39, is amended to read:

§ 7803. Interdepartmental Committee on Transition

An Interdepartmental Committee on Transition ~~is established~~ pursuant to Title 5, chapter 379, representing the Department of Education, the Department of Health and Human Services, the Department of Labor,~~and~~ the Department of Corrections,~~and~~ at least 2 ~~of the local coordination sites and the public,~~ must be appointed by the commissioners ~~to establish guidelines, including continuation applications, to monitor grants and to evaluate the performance of area coordination programs developed through the grants~~clients of services and one member of a school district that is a significant user of transition services. ~~The committee members representing state departments must consist of the commissioners of these departments or their designees. The Commissioner of Education shall serve as the initial chair of the committee and shall appoint members representing clients and the public. The committee may adopt procedures to provide for alternating chairs of the committee.~~

~~The members of this committee shall be compensated~~representing clients and the school district representative are entitled to compensation in accordance with Title 5, chapter 379.

~~The committee shall identify, plan, coordinate and provide for the delivery of services as defined in section 7802, subsection 3. The committee shall work closely with contact persons at each high school, including guidance counselors, to provide for the services and assistance needed for eligible students in each school.~~

~~In developing a coordinated and efficient delivery system of services to youth, the committee shall give significant consideration to interdepartmental consolidation of administration and services that avoids duplication of services and effort.~~

The committee shall meet as often as necessary to achieve the purpose of this chapter and to develop a streamlined and efficient delivery system. The committee shall report to the joint standing committee of the Legislature having jurisdiction over education matters by January 15th of each year. By January 15, 2009, the committee shall present a report that describes the streamlined delivery system and how it will eliminate duplication of effort and costs.

The report must provide basic data regarding school and client requests for services, number and costs of services provided, savings incurred as a result of the streamlined system and the results of the services to include the number of clients who have successfully transitioned to employment or other educational institutions. The report may contain any other data and information determined significant by the committee.

Sec. JJJJ-7. 20-A MRSA §7803-A, as corrected by RR 2003, c. 2, §40, is amended to read:

§ 7803-A. Transition services

Each school administrative unit shall provide an annual statement of the transition services needed by a handicapped youth in transition enrolled in that unit. The statement of transition services must be provided to all handicapped youth in transition who are 16 years of age or older and enrolled in school and may be provided to younger students when the school administrative unit finds it necessary. When appropriate, a cooperative agreement among the Department of Education, the Department of Health and Human Services, the Department of Corrections and the Department of Labor must be included as part of the annual statement describing the responsibilities of and coordination required by those agencies. If a cooperating agency fails to provide agreed-upon services, the school administrative unit ~~is responsible for reconvening~~ may notify the chair of the committee who may reconvene the cooperating agencies for the purposes of developing alternative strategies to meet the transition objectives. This section does not require any school administrative unit to provide noneducational services to students.

Sec. JJJJ-8. 20-A MRSA §7804, as corrected by RR 2003, c. 2, §41, is amended to read:

§ 7804. Authorization for expenditure of funds

1-A. Grants. The committee, as established in section 7803, ~~shall~~ may provide funds ~~for the maintenance of existing sites and shall provide funds for new or expanded sites, as funds are available. These funds must~~to support the effective delivery of services to handicapped youth in transition by coordinating existing programs, when possible, and establishing a mechanism for ongoing coordination of programs for handicapped youths in transition at a local or regional level, including local educational agencies, community mental health centers, regional mental retardation services, regional rehabilitation programs and other public and private agencies as appropriate. Each project must establish a method to identify unserved and underserved handicapped youths in transition and develop services for these youths.

2. Rules. The committee shall ~~promulgate by~~adopt rules policy and procedures that assure participation at the local level by agencies currently serving handicapped youths in transition from school to community. They shall, among other provisions, require that existing resources for providing services to handicapped youths in transition be exhausted prior to using grants funds to provide services.

3. Fiscal agent. ~~The agency, institution or school administrative unit receiving a grant under this chapter may function only in the role of fiscal agent, as described in rules promulgated by the department for regulating the local administration of these programs.~~

4. Area coordinating committee. ~~An~~The committee may provide for area coordinating committee, organized prior to application for receipt of a grant, is responsible for governance of each local site. Membership must include representatives of transitional services programs in the region to be served by the grant; representatives of the appropriate regional offices of the Department of Health and Human Services, the Department of Corrections and the Department of Labor; representatives of participating school administrative units; representatives of adult service agencies, including rehabilitation facilities; parents of children with handicapping conditions; employers; and other community members as appropriate. Terms of membership and methods of appointment or election must be determined by area coordinating committee bylaws, subject to approval of the committee. Responsibilities of area coordinating committees must be detailed in the rules promulgated by the committee~~committees to advise the committee with respect to the needs and effectiveness of the service delivery system and other issues authorized by the committee for consideration.~~

5. Evaluation. ~~Continuous evaluation of the project sites shall be~~is required and ~~shall be~~is an integral part of each project. The committee shall ~~cause to be developed~~conduct an evaluation ~~design~~designed to determine the success of the projects and shall ensure its implementation.

6. Report. The committee shall present to the Legislature an annual report on its activities. This report must provide an evaluation summary of the projects and recommendations, including legislation, necessary to support and maintain a statewide transitional services planning and delivery system.

Sec. JJJJ-9. 20-A MRSA §7805, as amended by PL 1991, c. 716, §1 and PL 2003, c. 545, §2, is repealed.

PART KKKK

Sec. KKKK-1. 12 MRSA §12701, sub-§4, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

4. Fees. The commissioner may establish reasonable fees for admission to the Maine Wildlife Park and the Steve Powell Wildlife Management Area at Perkins Township, Sagadahoc County, known as Swan Island and Little Swan Island. Fees associated with the Steve Powell Wildlife Management Area must be deposited into a dedicated revenue account. In addition to those fees, the commissioner may accept and deposit into the dedicated revenue account money from any other source, public or private.

PART LLLL

Sec. LLLL-1. 3 MRSA §162, sub-§1-B, as enacted by PL 2001, c. 702, §1, is repealed.

Sec. LLLL-2. 3 MRSA §312-A, sub-§10-C, as enacted by PL 2007, c. 373, §2, is amended to read:

10-C. Official in the executive branch. "Official in the executive branch" means an individual in a major policy-influencing position listed in Title 5, chapter 71, the Governor's cabinet and staff and any individual in a major policy-influencing position in any other agency ~~or independent agency~~, as defined in Title 1, section 953501, who is not specifically named in Title 5, chapter 71.

Sec. LLLL-3. 3 MRSA c. 35, as amended, is repealed.

Sec. LLLL-4. 3 MRSA c. 37, as amended, is repealed.

Sec. LLLL-5. 3 MRSA c. 38 is enacted to read:

CHAPTER 38

PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY

§ 1001. Short title

This chapter may be known and cited as "the Program Evaluation and Government Accountability Act."

§ 1002. Scope

This chapter provides for a system of periodic financial and programmatic review of agencies of State Government in order to evaluate their efficacy and performance. Agencies or parts of those agencies that receive support from the General Fund or that are established, created or incorporated by reference in the Maine Revised Statutes are subject to the provisions of this chapter. The review must include, but is not limited to, a review of agency management and organization, program delivery, agency goals and objectives, statutory mandate and fiscal accountability.

§ 1003. Definitions

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

1. Agency. "Agency" means a governmental entity that receives funding from the General Fund or that is established, created or incorporated by reference in the Maine Revised Statutes.

2. Committee. "Committee" means the joint standing committee of the Legislature established as the Joint Standing Committee on Program Evaluation and Government Accountability.

§ 1004. Agency review

1. Authorization. The committee shall review those agencies listed in section 1009 according to the review schedule published by the committee.

2. Waiver from review. The committee may, with a 2/3 vote of all committee members, do one of the following with regard to an agency review:

- A. Exempt an agency from review and establish a new review date;
- B. Establish a modified review process in which an agency may be required to provide more or less information than required by this chapter; or
- C. Add an additional agency for review, except that an agency that has been reviewed in accordance with this chapter in the legislative session immediately preceding the current legislative session may not be added for review.

§ 1005. Committee schedule

1. Review established. The committee shall establish its agency review schedule in accordance with this chapter and upon approval of the necessary resources by the Legislative Council. The committee shall provide each agency with a written notice of its intent to review an agency by no later than May 1st of the year prior to the session of the Legislature in which the program evaluation report is required to be submitted.

2. Submission of program evaluation report. Each agency subject to review shall prepare and submit a program evaluation report to the committee no later than November 1st prior to the first regular session of the Legislature in which the report is to be reviewed.

3. Conduct review. The committee shall begin its agency review process of an agency no later than February 1st of the first regular session of the Legislature immediately following submission of the program evaluation report.

4. Report issued. For those agencies reviewed by the committee, the committee shall submit to the Legislature no later than February 15th of the second regular session of the Legislature in which the program evaluation report was submitted a report including the findings, administrative recommendations and legislation required to implement recommendations made as a result of its review, analysis and evaluation.

5. Follow-up review. The committee shall establish in its final report submitted pursuant to subsection 4 a specified time in which the committee may review the progress of an agency in meeting the recommendations of the committee report. A follow-up review may consist of written progress reports, public hearings with the agency and committee or any other method approved by the committee in its final report.

§ 1006. Program evaluation report

1. Report required. Each agency shall prepare and submit its program evaluation report by the date required by section 1005, subsection 2 or, notwithstanding section 1005, subsection 2, by another date established by the committee in accordance with procedures established by the committee.

2. Program evaluation report; contents. Each program evaluation report under section 1005, subsection 2 must include the following information in a concise but complete manner:

- A. Enabling or authorizing law or other relevant mandate, including any federal mandates;
- B. A description of each program administered by the agency, including for each program:
 - (1) Established priorities, including the goals and objectives in meeting each priority;
 - (2) Performance criteria, timetables or other benchmarks used by the agency to measure its progress in achieving the goals and objectives; and
 - (3) An assessment by the agency indicating the extent to which it has met the goals and objectives using the performance criteria. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the corrective measures the agency has taken to meet the goals and objectives;
- C. Organizational structure, including a position count and funding sources, a job classification and organizational flow chart indicating lines of responsibility;
- D. Compliance with federal and state health and safety laws, including the federal Americans with Disabilities Act and the federal Occupational Safety and Health Act, affirmative action requirements and workers' compensation requirements;
- E. A financial summary, including sources of funding by program and the amounts allocated or appropriated and expended over the past 10 years;
- F. When applicable, the regulatory agenda and summary of rules adopted;
- G. Identification of those areas where an agency has coordinated its efforts with other state and federal agencies in achieving program objectives and other areas in which an agency could establish cooperative arrangements, including, but not limited to, cooperative arrangements to coordinate services and eliminate redundant requirements;
- H. Identification of the constituencies served by the agency or program, noting any changes or projected changes;
- I. A summary of efforts by the agency or program regarding the use of alternative delivery systems, including privatization, in meeting its goals and objectives;
- J. Identification of emerging issues for the agency or program in the coming years;
- K. A comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program;

L. Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the fair information practice principles of notice, choice, access, integrity and enforcement;

M. A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:

(1) The statutory authority for each filing requirement;

(2) The date each filing requirement was adopted or last amended by the agency;

(3) The frequency that filing is required;

(4) The number of filings received annually for the previous 2 years and the number anticipated to be received annually for the subsequent 2 years; and

(5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication; and

N. Any other information specifically requested by the committee.

§ 1007. Committee analysis and recommendations

For each agency or a component part of each agency subject to review pursuant to this chapter, the committee may conduct an analysis and evaluation that may include, but need not be limited to, an evaluation of the program evaluation report, including the extent to which the agency has increased or reduced filing requirements and paperwork duplication burdens on the public; the extent to which the agency operates in accordance with its legislative authority; and the degree of success achieved by the agency in meeting its statutory and administrative mandate. In consultation with the Legislative Council, the committee shall select an agency for review either in accordance with section 1009 or, notwithstanding section 1009, at any time determined necessary or warranted by the committee.

§ 1008. Termination of agencies

1. Termination process; grace period. The committee may recommend to the Legislature that any agency be terminated if indicated or warranted by the committee's review, analysis and evaluation of the agency. An agency may be accorded a grace period of not more than one year from the effective date of the legislation approving termination in which to complete its business. During the grace period, the statutory powers and duties of the agency are not limited or reduced.

2. Disposition of property, funds and records. During the grace period allowed under subsection 1, the Legislature shall determine the disposition of:

- A. All property, including any land, buildings, equipment and supplies used by the agency;
- B. All funds remaining in any account of the agency; and
- C. All records resulting from the activities of the agency.

3. Expiration of grace period. Upon the expiration of the grace period allowed under subsection 1, the agency shall cease its activities and terminate.

§ 1009. Agency review schedule

1. Schedule to be determined by the committee. Beginning on April 1, 2009, and every 2 years thereafter, the committee shall publish a schedule for the periodic review of all agencies listed in this subsection. Subsequent reviews must be scheduled on an ongoing basis every 8 years after the dates specified by the committee. Agencies subject to periodic review by the committee are:

A. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters:

(1) Baxter State Park Authority;

(2) Department of Conservation;

(3) Blueberry Advisory Committee;

(4) Board of Pesticides Control;

(5) Wild Blueberry Commission of Maine;

(6) Seed Potato Board;

(7) Maine Dairy and Nutrition Council;

(8) Maine Dairy Promotions Board;

(9) Maine Milk Commission;

(10) State Harness Racing Commission;

(11) Maine Agricultural Bargaining Board;

(12) Department of Agriculture, Food and Rural Resources; and

(13) Land for Maine's Future Board;

B. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters:

(1) State Employee Health Commission; and

(2) Programs and functions within the Department of Professional and Financial Regulation that relate to banking and insurance matters;

C. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters:

(1) Maine Development Foundation;

(2) Programs and functions within the Department of Professional and Financial Regulation that relate to business, research and economic development matters;

(3) Department of Economic and Community Development;

(4) Maine State Housing Authority;

(5) Finance Authority of Maine;

(6) Board of Dental Examiners;

(7) Board of Osteopathic Licensure;

(8) Board of Licensure in Medicine;

(9) State Board of Nursing;

(10) State Board of Optometry;

(11) State Board of Registration for Professional Engineers; and

(12) Maine Science and Technology Foundation;

D. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters:

(1) Department of Public Safety, except for the Emergency Services Communication Bureau and the division designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of liquor and to administer those laws relating to licensing and the collection of taxes on malt liquor and wine;

(2) Department of Corrections; and

(3) The Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management;

E. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over education and cultural affairs:

(1) Department of Education;

(2) State Board of Education;

(3) Maine Arts Commission;

(4) Maine Historic Preservation Commission;

(5) Maine Historical Society;

(6) Maine Library Commission;

(7) Maine State Cultural Affairs Council;

(8) Maine State Library;

(9) Maine State Museum;

(10) Maine State Museum Commission;

(11) Office of State Historian;

(12) Board of Trustees of the Maine Maritime Academy;

(13) Board of Trustees of the University of Maine System;

(14) Maine Community College System;

(15) Maine Health and Higher Educational Facilities Authority; and

(16) Maine Educational Loan Authority;

F. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over health and human services matters:

(1) Office of Substance Abuse;

(2) Department of Health and Human Services;

(3) Board of the Maine Children's Trust Incorporated; and

(4) Maine Developmental Disabilities Council;

G. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters:

(1) Department of Inland Fisheries and Wildlife;

(2) Advisory Board for the Licensing of Taxidermists; and

(3) Atlantic Salmon Commission;

H. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over judiciary matters:

(1) Maine Human Rights Commission;

(2) Maine Indian Tribal-State Commission;

(3) Department of the Attorney General; and

(4) Right to Know Advisory Committee;

I. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over labor matters:

(1) Maine Public Employees Retirement System;

(2) Department of Labor;

(3) Maine Labor Relations Board; and

(4) Workers' Compensation Board;

J. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs:

(1) State Liquor and Lottery Commission;

(2) The division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of liquor and to administer those laws relating to licensing and the collection of taxes on malt liquor and wine; and

(3) Department of Defense, Veterans and Emergency Management, except for the Maine Emergency Management Agency within the department;

K. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over marine resources matters:

(1) Atlantic States Marine Fisheries Commission;

(2) Department of Marine Resources; and

(3) Lobster Advisory Council;

L. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over natural resources matters:

(1) Department of Environmental Protection;

(2) Board of Environmental Protection;

(3) Saco River Corridor Commission; and

(4) Board of Underground Oil Tank Installers;

M. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over state and local government matters:

(1) Capitol Planning Commission;

(2) Maine Governmental Facilities Authority;

(3) State Civil Service Appeals Board;

(4) State Claims Commission;

(5) Maine Municipal Bond Bank;

(6) Office of the Treasurer of State;

(7) Department of Administrative and Financial Services, except for the Bureau of Revenue Services;

(8) Department of the Secretary of State, except for the Bureau of Motor Vehicles; and

(9) State Planning Office, except for the Land for Maine's Future Board;

N. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over taxation matters:

(1) State Board of Property Tax Review; and

(2) Department of Administrative and Financial Services, Bureau of Revenue Services;

O. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over transportation matters:

(1) Maine Turnpike Authority;

(2) Bureau of Motor Vehicles within the Department of the Secretary of State;

(3) Department of Transportation; and

(4) Maine State Pilotage Commission; and

P. Agencies within the jurisdiction of the joint standing committee of the Legislature having jurisdiction over utilities and energy matters:

(1) Public Advocate;

(2) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency;

(3) Public Utilities Commission;

(4) Emergency Services Communication Bureau within the Public Utilities Commission; and

(5) Telecommunications Relay Services Advisory Council.

2. Review outside the published schedule. Notwithstanding any schedule established pursuant to this section, the committee may review any agency at any time if the committee determines that circumstances require such a review.

§ 1010. Future or reorganized agencies

The chief administrator of a newly created or substantially reorganized agency shall contact the committee within 180 days to ensure placement of that agency in the review schedule in section 1009. The committee and the Legislative Council shall determine the appropriate placement of that agency in the schedule.

§ 1011. Legislative Council

The Legislative Council shall issue rules necessary for the efficient administration of this chapter and shall provide the committee with assistance as required to carry out the purposes of this chapter.

§ 1012. Legal claims

Termination, modification or establishment of an agency as a result of the review required by this chapter does not extinguish any legal claims against the State, any state employee or state agency. The provisions of this chapter do not relieve the State or any agency of responsibility for making timely payment of the principal and interest of any debt issued in the form of a bond or note.

Sec. LLLL-6. 5 MRSA §651, sub-§3, ¶E, as enacted by PL 2003, c. 692, §1 and affected by §2, is amended to read:

E. The board shall forward all suggestions to the ~~Office of~~Joint Standing Committee on Program Evaluation and Government Accountability, as ~~established by~~defined in Title 3, section ~~991~~1003, a minimum of 2 times per year.

Sec. LLLL-7. 5 MRSA §1541, sub-§10-A, ¶F, as amended by PL 2005, c. 490, §1, is further amended to read:

F. Access to resources and records must be limited to authorized individuals as determined by the state agency or department head, except that the powers and duties of the State Auditor may not be limited by this subsection. Restrictions on access to resources depend upon the vulnerability of the resource and the perceived risk of loss, both of which must be periodically assessed. The state agency or department head is responsible for maintaining accountability for the custody and use of resources and shall assign qualified individuals for that purpose. Periodic comparison must be made between the resources and the recorded accountability of the resources to reduce the risk of unauthorized use or loss and protect against waste and wrongful acts. The vulnerability and value of the state agency or department resources determine the frequency of this comparison.

Within each state agency or department there must be a qualified employee whose responsibility, in addition to the employee's regularly assigned duties, is to ensure that the state agency or department has written documentation of its internal accounting and administrative control system on file. The

employee shall, annually, or more often as conditions warrant, evaluate the effectiveness of the state agency's or department's internal control system and establish and implement changes necessary to ensure the continued integrity of the system. The employee shall:

- (1) Ensure that the documentation of all internal control systems is readily available for examination by the State Controller, Commissioner of Administrative and Financial Services and State Auditor;
- (2) Certify to the State Controller that the appropriate updates have been made and implemented by the state agency or department;
- (3) Ensure that the results of audits and recommendations to improve state agency or department internal controls are promptly evaluated by the state agency or department management;
- (4) Ensure that timely and appropriate corrective actions are effected by the state agency or department management in response to an audit;
- (5) Ensure that all actions determined by the state agency or department management as necessary to correct or otherwise resolve matters are addressed by the state agency or department in its budgetary request to the Legislature; and
- (6) Immediately notify the State Controller when an auditor, inspector general or other representative from the Federal Government or another nonstate organization requests access to state agency resources and records related to internal controls. The State Controller shall notify the State Auditor, the ~~Office of~~ Joint Standing Committee on Program Evaluation and Government Accountability as defined in Title 3, section 1003 and other interested parties of the audits and investigations in a timely manner.

All unaccounted for variances, losses, shortages or thefts of funds or property must be immediately reported to the State Controller, who shall review the matter to determine the amount involved that must be reported to the appropriate state agency or department management, law enforcement officials and the State Auditor. The State Controller shall also determine the internal control weakness that contributed to or caused the condition. The State Controller shall then make recommendations to the state agency or department official overseeing the internal control system and other appropriate management officials. The recommendations of the State Controller must address the correction of the conditions found and the necessary internal control policies and procedures that must be modified. The state agency or department oversight official and the appropriate management officials shall immediately implement policies and procedures necessary

to prevent a recurrence of the problems identified and report the steps taken to the State Controller. From time to time the State Controller shall examine the policies and procedures implemented to ensure that the relevant policies and procedures are functioning appropriately.

Sec. LLLL-8. 5 MRSA §1581, 5th ¶, as enacted by PL 2001, c. 702, §3, is repealed.

Sec. LLLL-9. 5 MRSA §1664, sub-§3, as enacted by PL 2005, c. 601, §1, is repealed.

Sec. LLLL-10. 5 MRSA §13063, sub-§6, ¶D, as amended by PL 1995, c. 488, §3, is further amended to read:

D. A joint standing committee of the Legislature that recommends legislation that involves a new permit for retail businesses shall indicate in the legislation whether the permit is to be included in the municipal centralized permitting program.

During a review under Title 3, chapter ~~3538~~ of a permit issuing agency, the ~~joint standing committee having responsibility for the review~~ Joint Standing Committee on Program Evaluation and Government Accountability, as defined in Title 3, section ~~1003~~, shall recommend whether any of the permits issued by that agency should be included in the municipal centralized permitting program.

Sec. LLLL-11. 20-A MRSA §11435, as amended by PL 2005, c. 397, Pt. B, §4, is further amended to read:

§ 11435. Review of authority

For purposes of Title 3, chapter ~~3538~~, the authority is an independent agency subject to the review requirements specified in Title 3, section ~~9591009~~.

Sec. LLLL-12. 22 MRSA §4058, as amended by PL 2005, c. 397, Pt. B, §6, is further amended to read:

§ 4058. Review

The provision in this chapter dealing with family rehabilitation and reunification must be reviewed in accordance with Title 3, chapter ~~3538~~.

Sec. LLLL-13. 32 MRSA §94, as amended by PL 2005, c. 397, Pt. A, §40, is further amended to read:

§ 94. Sunset

The operations and conduct of Maine Emergency Medical Services must be reviewed in accordance with Title 3, chapter ~~3538~~.

Sec. LLLL-14. Transition provisions; office space and documents. The following provisions govern elimination of the Office of Program Evaluation and Government Accountability, referred to in this section as "OPEGA."

1. The Commissioner of Administrative and Financial Services shall continue to provide at no charge for legislative use, as designated by the Legislative Council, the office space provided for OPEGA offices within the Burton M. Cross Building.

2. All working papers, writings, drafts, electronic communications, information, records or materials held or in the possession of OPEGA or its director on the effective date of this Part pursuant to former Maine Revised Statutes, Title 3, chapter 37, referred to in this subsection as "the OPEGA materials," are transferred to the custody of the Executive Director of the Legislative Council, referred to in this subsection as "the executive director." The OPEGA materials are confidential and exempt from disclosure under Title 1, chapter 13 in accordance with this subsection.

A. The OPEGA materials, other than those that have been released by OPEGA and made available to the public prior to the effective date of this Part, are confidential and exempt from disclosure pursuant to Title 1, chapter 13. This paragraph may not be construed to prohibit or prevent public access to the records of a state agency or other entity that may be included in the OPEGA materials that would otherwise be subject to disclosure pursuant to the provisions of Title 1, chapter 13. The executive director shall refer requests for access to those records directly to the state agency or other entity that is the official custodian of the requested records, which shall respond to the request for public records.

B. The executive director shall observe any standards and procedures set forth in any written agreements entered into by the director of OPEGA to protect information obtained from any agency or other entity that is confidential or privileged, referred to in this subsection as "confidentially obtained information." Confidentially obtained information is privileged or confidential to the same extent under law that that information would be privileged or confidential in the possession of the state agency or other entity providing the information. Confidentially obtained information may be disclosed only as provided by law and with the agreement of the state agency or other entity that provided the information. The executive director shall comply with the state agency's or other entity's standards or procedures for handling that information.

C. The executive director shall review the OPEGA materials to determine which materials, due to their sensitive nature, should continue to remain confidential and exempt from disclosure under Title 1, chapter 13. After this review, the executive director may, upon determining that confidentiality is no longer appropriate or necessary, recommend that the Legislative Council authorize the executive director to release and make public any part or portion of these materials, except that the executive director may not release confidentially obtained information or the identity of any confidential source of information whose identity was designated as confidential by the director of OPEGA in accordance with former Title 3, section 997, subsection 6.

Sec. LLLL-15. Legislative account; lapsed balances; Office of Program Evaluation and Government Accountability - General Fund. Notwithstanding any other provision of law, \$16,517 of unencumbered balance forward in the Personal Services line category and \$350,964 in the unencumbered balance forward in the All Other line category in the Office of Program Evaluation and Government Accountability General Fund account in the Legislature lapses to the General Fund in fiscal year 2008-09.

Sec. LLLL-16. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature

Initiative: Provides funding for one full-time Senior Analyst position and one full-time Analyst position effective September 29, 2008 for the Office of Fiscal and Program Review to perform program evaluations of agencies and programs of State Government.

LEGISLATURE	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT		2.000
Personal Services	\$0	\$148,077
All Other	\$0	\$3,750
	<hr/>	
GENERAL FUND TOTAL	\$0	\$151,827

Legislature

Initiative: Provides funding for meetings of the Joint Standing Committee on Program Evaluation and Government Accountability.

LEGISLATURE	2007-08	2008-09
Personal Services	\$0	\$4,400
All Other	\$0	\$5,600
	<hr/>	
GENERAL FUND TOTAL	\$0	\$10,000

LEGISLATURE DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	\$161,827
	<hr/>	
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$161,827

PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, OFFICE OF
Program Evaluation and Government Accountability, Office of

Initiative: Eliminates funding as a result of the abolishment of the office and the reassignment of certain functions to other legislative offices effective June 14, 2008.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNT		(7,000)
Personal Services	\$0	(\$727,714)
All Other	\$0	(\$254,499)
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	(\$982,213)
OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$0	(\$982,213)
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$982,213)
SECTION TOTALS	2007-08	2008-09
GENERAL FUND	\$0	(\$820,386)
	<hr/>	<hr/>
SECTION TOTAL - ALL FUNDS	\$0	(\$820,386)

PART MMMM

Sec. MMMM-1. Consultation prior to taking action. Prior to taking action to change administrative staffing positions at the Riverview Psychiatric Center or to change administrative position counts at the Riverview Psychiatric Center in order to bring about efficiencies or budget savings, the Commissioner of Health and Human Services shall consult with the Court Master in the case of *Bates v. Harvey*, Kennebec County Superior Court, CV-89-88, and shall provide notice to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding the department's proposed changes and shall report to the committee regarding the results of the consultation with the Court Master.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.'

SUMMARY

PART A

This Part makes appropriations and allocations of funds for the 2008-2009 biennium.

PART B

This Part makes appropriations and allocations of funds for approved reclassifications and range changes.

PART C

This Part provides the funding level for general purpose aid for local schools. It specifies a mill expectation of 6.55 for fiscal year 2008-09; 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 provides that in implementing the \$500,000 reduction in fiscal year 2008-09, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf must exhaust all funds carried forward from the 2007-08 fiscal year before reducing any educational programs and services provided to students.

PART D

This Part makes appropriations and allocations of funds for initiatives that streamline State Government.

PART E

This Part is associated with the streamlining initiatives in Part D and does the following.

1. It authorizes the State Controller and the Treasurer of State to establish an electronic funds transfer system for the purpose of transferring directly into payees' accounts held at accredited financial institutions the payment of any amount or obligation owed by the State.

2. It repeals the requirement that the Department of Inland Fisheries and Wildlife provide summaries of fish and wildlife laws with each license or registration purchased, in order to implement proposed changes to the current schedule and method of providing these summaries. It also amends various provisions of law to reflect the repeal of the Maine Revised Statutes, Title 12, section 10103, subsection 7.

3. It requires the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs to review the Office of Program Evaluation and Government Accountability's report and the Office of Fiscal and Program Review's analysis on administrative positions within state agencies and to include its recommendations in the next budget bill following its review.

4. It recognizes additional undedicated revenue to the General Fund in fiscal year 2008-09 from a new policy implemented by the Treasurer of State that reduces the earnings distribution costs for the Treasurer of State's cash pool by retaining the float earnings bonus for the General Fund.

5. It provides that a total of \$60,000 from the legislative General Fund account and \$100,000 from the Office of Program Evaluation and Government Accountability General Fund account within the Legislature lapses to the General Fund in fiscal year 2007-08.

PART F

This Part does the following.

It increases the base and per unit fees assessed by the Department of Health and Human Services for the licensure of eating establishments, lodging places, recreational camps and camping areas and increases the maximum fee to \$175 and requires all fees collected by the department for this purpose to be deposited into a special revenue fund for licensing and inspection activities.

It directs the Department of Health and Human Services and the Department of Agriculture, Food and Rural Resources to redefine the jurisdictions of the 2 departments in the food inspection process to eliminate dual licensing processes.

PART G

This Part provides dedicated funding for the Harness Racing Commission from revenues collected by the commission, the state share of the handle and a portion of slot machine income. Currently the commission is funded out of the General Fund.

PART H

This Part does the following:

1. It requires the State Controller to transfer \$500,000 by June 30, 2008 and \$1,117,799 by June 30, 2009 from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund. The State Controller is also required to transfer the equitable share of health insurance savings to each participating fund by June 30, 2008 and June 30, 2009. The fund transfers are to recognize health insurance savings achieved through changes to be adopted by the State Employee Health Commission;

2. It requires the transfer of \$10,438,051 representing the health insurance excess equity reserve balance to the unappropriated surplus of the General Fund by June 30, 2008 and the equitable share transfer to each participating fund by June 30, 2008;

3. It requires the transfer of \$16,832,248 representing the retiree health insurance excess equity reserve balance to the unappropriated surplus of the General Fund by June 30, 2008 and the equitable share transfer to each participating fund by June 30, 2008; and

4. It recognizes retiree health insurance savings of \$185,196, which will be achieved through changes to be adopted by the State Employee Health Commission.

PART I

This Part does the following:

1. It authorizes the Department of Administrative and Financial Services, Office of Information Technology to enter into financing arrangements on or after July 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 the Maine Revised Statutes, Title 5, section 1520; and

2. It authorizes the Department of Administrative and Financial Services, Office of Information Technology to enter into financing arrangements on or after July 1, 2008 for the acquisition of a statewide enterprise system to facilitate e-mail archiving and related activities, including software, necessary hardware and peripherals and contractual services associated with the implementation and deployment of the system. It sets a maximum allowable interest rate and interest amount that can be paid and makes this language consistent with other authorizations requested in the bill and formally approved in previous budgets.

PART J

This Part authorizes the State Controller to transfer \$14,648 in unexpended funds from the Maine Asthma and Lung Disease Research Fund Other Special Revenue Funds account within the Department of Administrative and Financial Services in fiscal year 2007-08 to General Fund unappropriated surplus.

PART K

This Part authorizes the State Controller to transfer funds from the Department of Inland Fisheries and Wildlife carrying account to several program accounts for various purposes within the department. It also directs the Department of Inland Fisheries and Wildlife to maintain "Maine Fish and Wildlife Magazine" and to develop a plan for the magazine to be self-supporting.

PART L

This Part transfers \$2,425,000 from General Fund undedicated revenue to the Maine Clean Election Fund in fiscal year 2009-10 and \$2,000,000 in fiscal year 2010-11.

This Part authorizes the Commission on Governmental Ethics and Election Practices to reduce the initial payment amounts established for Maine Clean Election Act candidates in the 2008 and 2009 general election by 5%. It also authorizes the State Controller to transfer \$135,199 on or before June 30, 2008 and \$135,717 on or before June 30, 2009 from the Maine Clean Election Fund to the unappropriated surplus of the General Fund.

PART M

This Part requires that the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations set off lottery winnings against Maine liquidated tax debts.

PART N

This Part continues the process of the merger of 2 departments into the Department of Health and Human Services. It repeals certain powers and duties of the Commissioner of Health and Human Services from the Maine Revised Statutes, Title 22 and Title 34-B and enacts those powers and duties in Title

22-A. This amendment provides a transition and planning process for the privatization of the Elizabeth Levinson Center on October 1, 2008.

PART O

This Part amends the Maine Revised Statutes, Title 5, section 1767 to clarify the authority of the Bureau of General Services to enter into agreements to conduct energy projects at state facilities. It authorizes the bureau to enter into agreements specifically in pursuit of projects at state facilities for on-site generation or cogeneration of energy for use at those facilities and elsewhere. It requires legislative review and approval through the usual budget process for any agreement requiring new expenditures that cannot be absorbed. Otherwise, the bureau is authorized to proceed with such energy independence projects.

PART P

This Part approves the cost items in collective bargaining agreements reached by the Judicial Department and the bargaining units pursuant to the Maine Revised Statutes, Title 26, section 1285.

PART Q

This Part changes certain reporting dates for odd-numbered years for the Consensus Economic Forecasting Commission and for the Revenue Forecasting Committee.

PART R

This Part directs the Department of Education to review the Western Maine Educational Collaborative's initiative to establish a cooperative purchase system to achieve cost efficiencies. This initiative uses a secure online portal that brings buyers and sellers together and allows a multitude of sellers to respond to multiple bids, a process that decreases prices. The Department of Education is directed to assess the scalability and application of this initiative for schools statewide and to report its results and recommendations to the Joint Standing Committee on Education and Cultural Affairs by September 30, 2008.

PART S

This Part allows for the State Controller to share confidential working papers during the investigation or audit with departments, commissions or agencies subject to the audit or investigation and other auditors and law enforcement.

PART T

This Part reorganizes the position of Commissioner of Professional and Financial Regulation.

PART U

This Part does the following:

1. It lapses \$15,000 of unencumbered balance forward in the Personal Services line category in the Salary Plan, General Fund account in the Department of Administrative and Financial Services to the General Fund at the close of fiscal year 2008-09; and

2. It lapses \$150,000 of unencumbered balance forward in the All Other line category in the Office of the State Controller - Carrying, General Fund account in the Department of Administrative and Financial Services to the General Fund at the close of fiscal year 2008-09.

PART V

This Part directs the State Controller to transfer \$400,000 by June 30, 2008 and \$350,000 by August 15, 2008 from the unappropriated surplus of the General Fund to the Callahan Mine Site Restoration Other Special Revenue Funds program within the Department of Transportation.

PART W

This Part does the following.

1. It adds the positions of one Team Leader/Policy Director, one Education Specialist III, one Office Associate II and one Office Specialist I to the positions in the Management Information Systems program funded from the General Purpose Aid to Local Schools account that support the implementation of the requirements of the Essential Programs and Services Funding Act.

2. It authorizes the Commissioner of Education to pay costs from the General Purpose Aid for Local Schools account to support the Personal Services and All Other costs for 2 Education Specialist II and 2 Office Associate II positions to provide for the coordination of education, treatment and other services for juvenile offenders at the Mountain View Youth Development Center and the Long Creek Youth Development Center.

3. It authorizes the Commissioner of Education to pay costs from the General Purpose Aid to Local Schools account to support the Personal Services and All Other costs for 1 teacher position to provide special education instruction to juvenile offenders at the Mountain View Youth Development Center and for 2 teacher positions to provide special education instruction to juvenile offenders at the Long Creek Youth Development Center.

PART X

This Part revises the basis for applying residential treatment facilities and nursing facilities taxes effective January 1, 2008. For the residential treatment facilities tax, the tax is reduced from 6% of annual gross patient services revenue to 5.5% of annual gross patient services revenue. For the nursing facilities tax, the tax is reduced from 6% of annual net operating revenue to 5.5% of annual net operating revenue.

PART Y

This Part repeals provisions related to rates for fee-for-service or grant-in-aid programs paid by the Department of Health and Human Services to private agencies providing services to individuals with mental retardation.

PART Z

This Part renames 4 programs of the Department of Health and Human Services.

PART AA

This Part authorizes the transfer of funds between the Mental Retardation Waiver - Supports program, the MR/Elderly PNMI Room and Board program and other MaineCare programs.

PART BB

This Part does the following:

1. It lapses \$730,641 of the unencumbered balance in the Disproportionate Share - Dorothea Dix Center General Fund account in the Department of Health and Human Services to the General Fund in fiscal year 2007-08;
2. It lapses \$331,921 of the unencumbered balance in the Disproportionate Share - Riverview Psychiatric Center General Fund account in the Department of Health and Human Services to the General Fund in fiscal year 2007-08; and
3. It transfers \$300,000 from the Low-cost Drugs to Maine's Elderly, Other Special Revenue Funds account in the Department of Health and Human Services to the unappropriated surplus of the General Fund in fiscal year 2007-08.

PART CC

This Part adds salary savings balances from vacant Nurse and Psychologist positions in the Dorothea Dix Psychiatric Center and Riverview Psychiatric Center accounts to those salary savings balances that are authorized to be transferred to All Other upon recommendation of the State Budget Officer and approval of the Governor.

PART DD

This Part authorizes the transfer of available All Other balances in Department of Health and Human Services General Fund accounts to the Office of Management and Budget General Fund account to fund leased space agreements upon recommendation of the State Budget Officer and approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2007-08 and fiscal year 2008-09.

PART EE

This Part ensures that the school nurse consultant position, which is established jointly within the Department of Health and Human Services and the Department of Education, is also jointly supervised by staff of those 2 departments.

PART FF

This Part lapses \$28,960 of unencumbered balance forward in the Personal Services line category in the Division of Forest Fire Control, General Fund account in the Department of Conservation to the General Fund at the close of fiscal year 2007-08.

PART GG

This Part authorizes the State Budget Officer in cooperation with the Commissioner of Education to reorganize programs and accounts in the Department of Education for the purpose of improving financial management and reporting within the department.

PART HH

This Part provides a process for determining the cost of dispensing a medication under the MaineCare program, for reporting that information to legislative committees and for raising the professional fee paid to pharmacies for dispensing medications. It requires the Department of Health and Human Services, Office of MaineCare Services to consider adjusting the fee every 2 years.

PART II

This Part requires the State Controller to transfer \$120,000 by June 30, 2008 and \$200,000 by June 30, 2009 from the Bureau of Revenue Services Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund.

PART JJ

This Part does the following.

1. It authorizes a new mileage reimbursement policy for judges and justices of the judicial branch.
2. It transfers the responsibility for paying civilian witness fees to the counties.
3. It authorizes the transfer of funds between All Other and Personal Services to achieve savings in Part A in fiscal year 2007-08 and fiscal year 2008-09.
4. It amends the statutes that mention records prepared by court reporters to provide that transcripts can be created from the record of an electronically recorded court proceeding and used as evidence and for other purposes the same as a record prepared by a court reporter.
5. It establishes a fee for summary judgment motions of \$200 beginning in fiscal year 2008-09.

PART KK

This Part repeals language that establishes the State Nuclear Safety Advisor in the Office of the Public Advocate and corrects cross-references to the repealed section of law. This Part also reestablishes the State Nuclear Safety Inspection Office that was repealed pursuant to Public Law 2005, chapter 254. It also transfers the responsibility of all oversight and coordination of the spent fuel storage facility to the Department of Health and Human Services as a result of the elimination of the State Nuclear Advisor position.

PART LL

This Part does the following.

1. It provides that a total of \$415,950 from legislative accounts within the Legislature lapses to the General Fund over the 2008-2009 biennium. As a result of the downward adjustments to General Fund

revenue for the current biennium, these adjustments will achieve the target figures of \$156,350 in fiscal year 2007-08 and \$259,600 in fiscal year 2008-09, as established by the Department of Administrative and Financial Services, Bureau of the Budget for the legislative branch.

2. It lapses \$1,021,234 of unencumbered balance forward in the legislative accounts to the General Fund in fiscal year 2008-09. It requires the Executive Director of the Legislative Council to identify to the State Controller and State Budget Officer by May 15, 2009 the program accounts and line categories where these targeted savings will be achieved in fiscal year 2008-09.

PART MM

This Part extends the authority, established in Public Law 2007, Part YY, section 1, to transfer information technology positions and funding by financial order to include fiscal year 2008-09.

PART NN

This Part does the following.

1. It requires the Management Information Systems program, General Fund account to carry forward any balance remaining from the \$3,500,000 appropriation in fiscal year 2007-08 in Public Law 2007, chapter 240, Part A, section 22 for continued use in fiscal year 2008-09 for its intended purpose.

2. It lapses \$53,590 of unencumbered balance forward in the All Other line category in the General Purpose Aid for Local Schools, General Fund account in the Department of Education to the General Fund at the close of fiscal year 2008-09.

PART OO

This Part provides that the Department of Health and Human Services may seek collection of any debt established under the Maine Revised Statutes, Title 22, section 1714-A by transferring the debt to the Department of Administrative and Financial Services, Bureau of Revenue Services for collection by the bureau under its tax collection authority.

This Part also clarifies that the Department of Health and Human Services may seek collection of any debt established under Title 22, section 1714-A by using the set-off procedure provided by Title 36, section 5276-A.

PART PP

This Part authorizes the State Controller to transfer \$2,750,000 of surplus funds not needed for current operations by June 30, 2008 from the Office of the State Fire Marshal Other Special Revenue Funds account in the Department of Public Safety to the unappropriated surplus of the General Fund consistent with past practice.

PART QQ

This Part requires the Commissioner of Administrative and Financial Services to review vacant positions throughout State Government and identify positions to be eliminated to achieve a minimum savings of \$1,000,000 in the General Fund.

PART RR

This Part repeals the educational attainment investment tax credits in the income tax and insurance premiums tax statutes. The credits are currently scheduled to take effect in 2009.

PART SS

This Part repeals the recruitment credits in the income tax and insurance premiums tax statutes. The credits are currently scheduled to take effect in 2009.

PART TT

This Part directs the Department of Health and Human Services, Office of MaineCare Services to apply for a federal waiver to establish a different preferred drug list for MaineCare members enrolled in the childless adult waiver, provides for implementation of the different preferred drug list, requires issuance of MaineCare member cards that identify the member's enrollment in the childless adult waiver, requires notification to prescribers when a prior approval request is denied of a list of suitable generic and therapeutically equivalent drugs and provides for an oral report from the Office of MaineCare Services to the MaineCare Advisory Committee by October 1, 2008 and January 1, 2009.

PART UU

This Part revises the time frame for the elimination of 100 positions in the Office of MaineCare Services that will no longer be required when the office has transitioned its current management information system model to a model operated by a fiscal agent. Rather than eliminating the positions in fiscal year 2008-09, the positions will be eliminated no later than June 19, 2010. The Commissioner of Health and Human Services is required to provide a report detailing the positions to be eliminated to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Appropriations and Financial Affairs by December 15, 2008.

PART VV

This Part lapses \$356,200 of unencumbered Personal Services funds from the Department of Conservation, division of forest fire control to the General Fund at the close of fiscal year 2008-09.

PART WW

This Part does the following.

1. It incorporates the taxation committee report on L.D. 262, which changes future historic rehabilitation tax credits a taxpayer may take if the taxpayer received a credit under the United States Internal Revenue Code from an amount equal to the credit the taxpayer received under the Code to an amount equal to 25% of the qualified expenditures incurred. This Part also allows a historic rehabilitation tax credit for a taxpayer who did not receive a credit under the United States Internal Revenue Code of 25% of qualified expenditures if the taxpayer expended from \$50,000 to \$250,000 on a certified historic structure. This Part also provides for a historic rehabilitation tax credit of 30% for qualified projects that create new affordable housing and provides for a ramp-up from 30% to 35% if the affordable housing goal is not achieved. This Part makes the credit refundable and authorizes the State Historic Preservation

Officer to establish a schedule of fees for certifying the historic structures and certifying rehabilitations in the State, the proceeds of which will go to administering the program. The Part sunsets the credit in 2013. The Maine Historic Preservation Commission is required to certify qualifying projects and expenditures and to submit reports related to the use of the credit to the joint standing committee of the Legislature having jurisdiction over taxation matters by January 15, 2013.

2. It also amends the real estate transfer tax provisions regarding transfers made to the Housing Opportunities for Maine Fund by earmarking specific transfers to offset the cost of the bridging rental assistance program in fiscal year 2008-09 and to partially offset the General Fund costs of the historic rehabilitation tax credits.

PART XX

This Part makes TANF recipients ineligible for both nonemergency and emergency general assistance beginning July 1, 2008. To offset the loss of general assistance benefits to this group, this Part increases the special housing allowance available to certain TANF recipients from \$50 to \$100. In addition, this Part provides a new transitional benefit to TANF recipients who have lost their monthly grants due to employment by providing an additional monthly grant to the family for food for the 3 years following loss of TANF eligibility.

PART YY

This Part directs the development and implementation of a plan of consolidation, eliminating duplication or creating greater efficiencies in certain ministerial licensing and registration functions, food safety inspection activities and the regulation of drinking water and septic systems. This effort will involve the Department of Agriculture, Food and Rural Resources, Department of Conservation, Department of Environmental Protection, Department of Inland Fisheries and Wildlife and Department of Marine Resources as well as the Department of Health and Human Services, Department of Professional and Financial Regulation and Executive Department, State Planning Office. The plan must be implemented by June 30, 2008 and must achieve savings of \$250,000 in the current biennium. The Part authorizes the commissioners of the affected departments to adopt rules and submit legislation to implement the plan.

This Part also requires that the agencies serving the natural resources sectors work together with a task force appointed by the governor to consider all ideas and organizational configurations and develop a plan designed to eliminate duplication and create greater efficiencies to improve the delivery of services associated with the natural resources sector.

PART ZZ

This Part provides that the proceeds identified by the Commissioner of Administrative and Financial Services from the sale or lease of certain properties, not to exceed \$600,000, must be deposited in the General Fund no later than June 30, 2009.

PART AAA

This Part amends Public Law 2007, c. 240, Pt KK, section 1 by adding "after all financial commitments and adjustments have been made" to the existing provisions in order to prevent any conflict with other approved legislation. The State Controller must first ensure that all financial commitments

and adjustments have been made before transferring unexpended Personal Services balances to the Compensation Salary Plan General Fund account to be used for costs associated with collective bargaining agreements for state employees.

PART BBB

This Part authorizes the State Controller to transfer \$184,328 from the Maine Coastal and Inland Surface Oil Clean-up Fund, Other Special Revenue Funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund no later than June 30, 2009.

PART CCC

This Part does the following.

1. It updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to the United States Internal Revenue Code of 1986 as amended through February 13, 2008 for tax years beginning on or after January 1, 2007 and for any prior taxable years as specifically provided by the United States Internal Revenue Code concerning income tax and estate tax laws.

2. It enacts new modifications for individual and corporate income tax to include add-backs of the 50% bonus depreciation allowance enacted in the Economic Stimulus Act of 2008, Public Law 110-185.

3. It enacts new modifications to itemized deductions for individuals and the fiduciary adjustment for estates and trusts to disallow a deduction of mortgage insurance premiums allowed pursuant to the Internal Revenue Code, Section 163(h)(3)(E).

4. It enacts a new addition modification for individuals to reverse the exclusion from income of certain state and local tax benefits or qualified payments to a member of a qualified volunteer emergency response organization allowed pursuant to the Internal Revenue Code, Section 139(b).

PART DDD

This Part amends the service provider tax provisions of the Maine Revised Statutes, Title 36, chapter 358. It identifies 2 types of community support services: those for persons with mental health diagnoses and those for persons with mental retardation or autism. It substitutes the phrase "home support services" for "personal support services." It repeals reference to residential training services. It corrects cross-references in the service provider tax law.

PART EEE

This Part authorizes the Department of Health and Human Services to transfer any Personal Services unencumbered balances in the Disproportionate Share - Dorothea Dix Psychiatric Center General Fund account and the Disproportionate Share - Riverview Psychiatric Center General Fund account to the All Other line category beginning in fiscal year 2008-09.

PART FFF

This Part reduces funding as part of a departmentwide reorganization of the Department of Health and Human Services and provides the method of distributing departmentwide savings from the position

eliminations resulting from the departmentwide reorganization. This Part directs the Department of Health and Human Services to provide a report detailing the new organizational structure and the specific positions eliminated to the First Regular Session of the 124th Legislature by December 12, 2008.

PART GGG

This Part provides one-time funds for an independent review and evaluation to determine the effectiveness of economic development programs and tax incentives implemented throughout State Government, including programs identified by the Office of Program Evaluation and Governmental Accountability, tax credits and any other programs identified by other entities.

PART HHH

This Part transfers funds from the Department of Administrative and Financial Services, Bureau of General Services - Capital Construction Reserve Fund, Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2008.

PART III

This Part provides the method for distributing departmentwide savings within the Department of Health and Human Services that will result from reducing the services provided through the cooperative agreement with the University of Maine System.

PART JJJ

This Part provides the method for distributing departmentwide savings within the Department of Health and Human Services that will result from consolidating outpatient services into one section of MaineCare.

PART KKK

This Part allows a person to report on the income tax return the sales tax on casual rentals if that person's only responsibility under the sales tax law is the collection of tax on casual rentals and that person's estimated annual sales tax liability is less than \$2,000. These individuals may report the tax on the Maine individual income tax return rather than filing sales and use tax returns.

PART LLL

This Part directs the Commissioner of Conservation to increase the camping fee for nonresidents by \$5 per night, resulting in additional General Fund revenue in fiscal year 2008-09 and to begin charging the 7% meals and lodging tax separately and in addition to the per night camping fee for both residents and nonresidents, also resulting in additional General Fund revenue in fiscal year 2008-09.

PART MMM

This Part transfers \$500,000 in fiscal year 2007-08 and \$500,000 in fiscal year 2008-09 from the Fund for the Efficient Delivery of Local and Regional Services to the unappropriated surplus of the General Fund.

PART NNN

This Part authorizes the Department of Health and Human Services to assess an annual enrollment fee of \$25 to certain participants in the MaineCare program.

PART OOO

This Part authorizes the transfer of \$10,000,000 from Other Special Revenue Funds to the unappropriated surplus of the General Fund no later than June 30, 2008. On July 1, 2008, the State Controller shall transfer \$10,000,000 from the General Fund unappropriated surplus along with interest to Other Special Revenue Funds as repayment.

PART PPP

This Part authorizes an increase in the fee for background checks performed by the State Bureau of Identification that will result in additional undedicated revenue to the General Fund of approximately \$533,174 in fiscal year 2008-09. It also dedicates \$1 of the fee to be credited to the Bureau of State Police, Other Special Revenue Funds account in the Department of Public Safety to offset the cost of maintenance and replacement of both hardware and software associated with the criminal history record check system.

PART QQQ

This Part increases the license fee on certificates of approval from \$600 to \$1,000 for malt liquor and for wine for out-of-state alcohol manufacturers.

PART RRR

This Part requires training funds paid to the employer under the Governor's Training Initiative Program to be on a reimbursement basis. Reimbursement may not exceed \$800 for each newly hired employee or \$350 for each incumbent employee who is trained.

PART SSS

This Part amends the laws governing the County Jail Prisoner Support Fund by making the distribution discretionary and directs the Commissioner of Corrections to review the current organizational structure to improve organizational efficiency and cost-effectiveness.

PART TTT

This Part requires the State Budget Officer to calculate and transfer by financial order, as adjustments to appropriations, savings in central services. This implements a recommendation to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART UUU

This Part requires the State Budget Officer to calculate and transfer by financial order, as adjustments to appropriations, savings in the cost of telecommunications. This implements a recommendation to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART VVV

This Part requires the State Budget Officer to calculate and transfer by financial order, as adjustments to appropriations, savings in the cost of technology training. This implements a recommendation to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART WWW

This Part requires the State Budget Officer to calculate and transfer by financial order, as adjustments to appropriations, savings in the cost of postal activities and printing in this Part.

This Part also authorizes the Director of the Office of Information Technology within the Department of Administrative and Financial Services to transfer by financial order positions to achieve the consolidation of the postal and printing functions.

This Part implements a recommendation to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART XXX

This Part requires the Commissioner of Administrative and Financial Services to identify and eliminate contracts for general advertising. This implements a recommendation to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART YYY

This Part requires the Commissioner of Administrative and Financial Services to reduce newspaper advertisements for state employment opportunities to the extent possible and requires that all employment opportunities be posted on the Internet instead of in newspapers unless the vacancy is specialized and approval for newspaper advertisement is granted by the Department of Administrative and Financial Services, Bureau of Human Resources. It also requires the State Budget Officer to calculate and transfer by financial order, as adjustments to appropriations, savings in the advertising costs. This implements a recommendation to streamline State Government pursuant to Public Law 2007, chapter 240, Part QQQ.

PART ZZZ

This Part requires the State Budget Officer to calculate and transfer by financial order, as adjustments to appropriations, savings in the cost of property insurance and vehicle liability insurance. This implements a recommendation to streamline State Government in accordance with Public Law 2007, chapter 240, Part QQQ.

PART AAAA

This Part amends the Maine Revised Statutes, Title 36, section 5200-A, subsection 2, paragraphs H and L to limit the subtraction modification for the recapture of carry-back net operating losses to \$100,000 in taxable years beginning in 2008. Unused amounts resulting from the limitation may be carried over to future tax years that are within the federal carry-over period for net operating losses.

PART BBBB

This Part restores the maximum benefit base under the Maine Residents Property Tax Program to \$3,000 for single-member households and \$4,000 for multiple-member households and repeals indexing of those amounts for inflation.

PART CCCC

This Part prohibits the Companion Animal Sterilization Fund from being charged for indirect costs under a Department of Agriculture, Food and Rural Resources indirect cost allocation plan. It authorizes the Commissioner of Agriculture, Food and Rural Resources to contract out administration of the fund and limits expenditures for administration. It directs the Animal Welfare Advisory Committee to review the use of the fund and make recommendations to the commissioner regarding administration of the fund.

PART DDDD

This Part requires the State Controller to transfer \$3,257,549 from various accounts within the Other Special Revenue Funds accounts of the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2009. This Part also specifies that the amount to be transferred represents available balances and that the transfer may not result in an increase in fees assessed.

PART EEEE

This Part transfers funds from the Emergency Services Communications Bureau, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund no later than June 30, 2009.

PART FFFF

This Part requires the Treasurer of State to implement a policy requiring the annual sale of shares of stock that are delivered to the State as unclaimed property.

PART GGGG

This Part directs the Commissioner of Agriculture, Food and Rural Resources to establish by rule license fees for food and food salvage establishments, meat and poultry processors and beverage plants. It also directs the commissioner to establish the fee for registering a fuel dispensing nozzle and the payment to a local sealer for inspection of dispensing nozzles by rule. The commissioner is directed to adjust license fees for food and food salvage establishments and for beverage plants in a manner that increases revenue by \$106,000 in fiscal year 2008-09.

PART HHHH

This Part does the following.

1. It provides a one-time allocation of \$415,278 in fiscal year 2008-09 from the Fund for a Healthy Maine for family planning services and to offset a reduction in federal block grant funding.

2. It requires a \$225,000 transfer from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund in fiscal year 2007-08 and \$1,000,000 in fiscal year 2008-09 to avoid a reduction in funding for domestic violence and sexual assault programs.

3. It requires a \$150,000 transfer from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund in fiscal year 2008-09 to avoid a reduction in funds for the Hancock County Drug Court.

4. It requires a \$41,000 transfer from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund in fiscal year 2008-09 to avoid a reduction in funds for agencies that provide HIV/AIDS services.

5. It requires a \$273,406 transfer from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund in fiscal year 2008-09 to avoid a reduction in funds for agencies that provide family planning services.

PART IIII

This Part provides that the State shall provide funding to reimburse local school units that provide breakfasts to those students eligible for the reduced-price breakfast benefit for the cost of the breakfast that is currently being paid by the student.

PART JJJJ

This Part provides that the Department of Education shall work with the Department of Health and Human Services, the Department of Labor and the Department of Corrections to better coordinate efforts to assist youths with handicaps, 14 years of age or older and under 26 years of age, who are in transition from school to the community.

PART KKKK

This Part requires that any fees associated with the Steve Powell Wildlife Management Area be deposited into a dedicated revenue account. It also authorizes the Commissioner of Inland Fisheries and Wildlife to accept and deposit money from other sources, public or private, into the dedicated revenue account.

PART LLLL

This Part consolidates duplicative government oversight functions within the Legislature by combining key functions of the Office of Program Evaluation and Government Accountability (OPEGA) and the State Government Evaluation Act (SGEA) into functions that will be performed by the Joint Standing Committee on Program Evaluation and Government Accountability. The committee is charged with reviewing on a periodic basis the management and organization, program delivery, agency goals and objectives, statutory mandate and fiscal accountability of all agencies of government receiving any General Fund money and is authorized to conduct independent reviews of those agencies on an as-needed basis. Combining these functions eliminates duplication of auditing and program review efforts conducted by OPEGA, SGEA and the Department of Audit by centralizing the essential legislative oversight function within the committee and by providing annual reports and legislation to the Legislature on the effectiveness of those agencies reviewed by the committee.

Transition provisions are included to retain the legislative space within the Cross Office Building and to establish a process for maintaining the confidentiality of confidential records in the possession of OPEGA.

An appropriations and allocations section is included to implement the elimination of the Office of Program Evaluation and Government Accountability and the reassignment of key functions to other legislative offices. These changes result in overall savings to the Legislature in fiscal year 2008-09 in the amount of \$1,187,867.

PART MMMM

This Part requires the Commissioner of Health and Human Services to consult with the Court Master in the case of *Bates v. Harvey*, Kennebec County Superior Court, CV-89-88, regarding proposed administrative staffing changes or changes in administrative position counts at Riverview Psychiatric Center. It also requires the Commissioner of Health and Human Services to provide notice to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding proposed changes and to report regarding the results of the consultation with the Court Master.