

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. .

## **PART B**

Sec. .

## **PART C**

**Sec. C-1. PL 2009, c. 213, Pt. TT, §1** is amended to read:

**Sec. TT-1. Consolidation of statewide information technology functions, systems and funding to improve efficiency and cost-effectiveness.** The Chief Information Officer shall review the current organizational structure, systems and operations of information technology units to improve organizational efficiency and cost-effectiveness. The Chief Information Officer is authorized to manage and operate all information technology systems in the executive branch and to approve all information technology expenditures from a consolidated account within each agency to fulfill strategic and operational objectives as expressed in a memorandum of agreement with each agency. An annual reconciliation of actual services rendered against budgeted amounts will be performed. Notwithstanding any other provision of law, the State Budget Officer shall transfer position counts and available balances where allowable by financial order upon approval of the Governor to the Department of Administrative and Financial Services, Office of Information Technology for the provision of those services. These

transfers are considered adjustments to authorized position count, appropriations and allocations in fiscal years 2009-10 and 2010-11. The State Budget Officer shall report to the Joint Standing Committee on Appropriations and Financial Affairs the transferred amounts no later than January 15, 2010.

Notwithstanding any other provision of law, the Chief Information Officer or the Chief Information Officer's designee shall provide direct oversight and management over statewide technology services and oversight over the technology personnel assigned to information technology services. The Chief Information Officer is authorized to identify savings and position eliminations to the General Fund and other funds from efficiencies to achieve the savings identified in this Part.

**Sec. C-2. PL 2009, c. 213, Pt. TT, §3** is enacted to read:

**Sec. TT-3. Carrying accounts; technology.** Notwithstanding any other provision of law, the State Controller shall allow information technology funds to carry forward and shall establish a separate technology account in the consolidated information technology program within each agency to consolidate the funding for those accounts containing information technology funds that currently carry forward.

## PART D

**Sec. D-1. Transfer; unexpended funds; Baxter Compensation Authority account.**

Notwithstanding any other provision of law, the State Controller shall transfer \$2,570 in unexpended funds from the Baxter Compensation Authority, Other Special Revenue Funds account within the Baxter Compensation Authority to General Fund unappropriated surplus at the close of fiscal year 200910.

## PART E

**Sec. E-1. 20-A MRSA §1305-A,** as amended by PL 2005, c. 12, Pt. WW, §1 and c. 683, Pt. A, §21, is repealed.

**Sec. E-2. 20-A MRSA §1305-B,** as amended by PL 2005, c. 683, Pt. A, §22, is repealed.

**Sec. E-3. 20-A MRSA §1481-A, sub-§2-A** is enacted to read:

**2-A. Reformulated school administrative district cost-sharing.** For those school administrative districts recreated as regional school units pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12 as amended by chapter 668, methods of cost-sharing and amendments of the cost-sharing formula must be in accordance with section 1301.

**Sec. E-4. 20-A MRSA §1486, sub-§3,** as amended by PL 2009, c. 415, Pt. B, §§7 and 8, is further amended to read:

**3. Budget validation referendum voting.** The method of calling and voting at a budget validation referendum is as provided in sections 1502 and 1503 and 1504, except as otherwise provided in this subsection or as is inconsistent with other requirements of this section.

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

C. The warrant and absentee ballots must be delivered to the municipal clerk no later than the day after the date of the regional school unit budget meeting.

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

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

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

(1) "Do you favor approving the (name of regional school unit) budget for the upcoming school year that was adopted at the latest (name of regional school unit) budget meeting?"

Yes No"

**Sec. E-5. 20-A MRSA §1701, sub-§11, ¶B**, as amended by PL 1999, c. 710, §9, is further amended to read:

B. Unless authorized by the voters or except as provided in section 1701A, subsection 5, the district school committee may not transfer funds between line item categories.

**Sec. E-6. 20-A MRSA §1701-A**, as amended by PL 2005, c. 12, Pt. WW, §2, is repealed.

**Sec. E-7. 20-A MRSA §1701-B**, as amended by PL 2005, c. 2, Pt. D, §14 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is repealed.

**Sec. E-8. 20-A MRSA §5806, sub-§2**, as amended by PL 2009, c. 213, Pt. C, §2, is further amended to read:

**2. Maximum allowable tuition.** The maximum allowable tuition charged to a school administrative unit by a private school 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. For school year 20092010 only, the maximum allowable tuition rate, prior to the addition of the insured value factor, must be reduced by 2%; the insured value factor must be based on this reduced rate. The insured value factor 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. For the ~~2008-09~~2008-2009 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. Beginning in school year ~~2009-10~~2009-2010, a school administrative unit is not required to

pay an insured value factor greater than 5% of the school's tuition rate or \$500 per student, whichever is less, 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.

**Sec. E-9. 20-A MRSA §6051, sub-§1, ¶E**, as amended by PL 2005, c. 683, Pt. A, §24, is further amended to read:

E. A determination as to whether the school administrative unit has complied with applicable provisions of the Essential Programs and Services Funding Act; and

**Sec. E-10. 20-A MRSA §6051, sub-§1, ¶F**, as enacted by PL 1985, c. 797, §36, is amended to read:

F. Any other information ~~which~~that the commissioner may require.;

**Sec. E-11. 20-A MRSA §6051, sub-§1, ¶G** is enacted to read:

G. A determination of whether the school administrative unit has complied with transfer limitations between budget cost centers pursuant to section 1485, subsection 4;

**Sec. E-12. 20-A MRSA §6051, sub-§1, ¶H** is enacted to read:

H. A determination of whether the school administrative unit has complied with budget content requirements pursuant to section 15693, subsection 1 and cost center summary budget format requirements pursuant to sections 1305C, 1485, 1701C and 2307; and

**Sec. E-13. 20-A MRSA §6051, sub-§1, ¶I** is enacted to read:

I. A determination of whether the school administrative unit has exceeded its authority to expend funds, as provided by the total budget summary article.

**Sec. E-14. 20-A MRSA §6051, sub-§7** is enacted to read:

**7. Exception.** If a municipal school administrative unit meets all of the following eligibility criteria, then the municipal school administrative unit may file the annual municipal audit or audits in lieu of the annual audit required by this section:

A. The municipal school administrative unit does not operate a school or schools;

B. A school administrative unit audit is not necessary to meet federal audit requirements;

C. The municipal school administrative unit files the municipal audit or audits that include the fiscal year specified in subsection 2; and

D. The municipal school administrative unit is not a member of a school administrative district, community school district, regional school unit or alternative organizational structure.

**Sec. E-15. 20-A MRSA §6051, sub-§8** is enacted to read:

**8. Corrective action plan.** The commissioner shall review the audits of the school administrative unit and determine if the school administrative unit should develop a corrective action plan for any audit issues specified in the annual audit. The corrective action plan must address those audit findings and management comments and recommendations that have been identified by the commissioner, and the plan must be filed within the timelines established by the commissioner. The school administrative unit shall provide assurances to the commissioner that the school administrative unit has implemented its corrective action plan within the timelines established by the commissioner. If the school administrative unit has not met the conditions for submitting a corrective action plan or providing assurances that the school administrative unit has implemented the plan, the commissioner may withhold monthly subsidy payments from the school administrative unit in accordance with section 6801A.

**Sec. E-16. 20-A MRS §15005, sub-§3**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**3. Return required.** An apportionment provided in this chapter, chapters 109, 205, 505 and 605606B, and section 13601, and Title 20, section 3457, may not be paid to a school administrative unit by the Treasurer of State until returns required by law have been filed with the commissioner.

**Sec. E-17. 20-A MRS §15671, sub-§7, ¶A**, as amended by PL 2009, c. 213, Pt. C, §3, 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 200506, the target is 84%.
- (2) For fiscal year 200607, the target is 90%.
- (3) For fiscal year 200708, the target is 95%.
- (4) For fiscal year 200809, the target is 97%.
- (5) For fiscal year 200910, the target is 97%.
- (6) For fiscal year 201011 ~~and succeeding years~~, the target is ~~100%~~97%.
- (7) For fiscal year 201112 and succeeding years, the target is 100%.

**Sec. E-18. 20-A MRS §15671, sub-§7, ¶B**, as amended by PL 2009, c. 1, Pt. C, §1 and c. 213, Pt. C, §4, is repealed and the following enacted in its place:

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, the target is 52.52%.

(5) For fiscal year 2009-10, the target is 48.93%.

(6) For fiscal year 2010-11, the target is 46%.

(7) For fiscal year 2011-12 and succeeding years, the target is 55%.

**Sec. E-19. 20-A MRSA §15671-A, sub-§2, ¶B**, as amended by PL 2009, c. 213, Pt. C, §5, 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 3A, 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) For the 2008 property tax year, the full-value education mill rate is the amount necessary to result in a 45.99% statewide total local share in fiscal year 2008-09.

(4-A) For the 2009 property tax year, the full-value education mill rate is the amount necessary to result in a ~~49.05%~~51.07% statewide total local share in fiscal year 2009-10.

(4-B) For the 2010 property tax year ~~and subsequent tax years~~, the full-value education mill rate is the amount necessary to result in a ~~45.0%~~54.0% statewide total local share in fiscal year 2010-11 ~~and after~~.

(4-C) For the 2011 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 2011-12 and after.

**Sec. E-20. 20-A MRSA §15683, sub-§1, ¶F**, as amended by PL 2005, c. 519, Pt. AAAA, §10, is further amended to read:

F. An isolated small unit adjustment. A school administrative unit is eligible for an isolated small school adjustment when the unit meets the size and distance criteria as established by the commissioner. The amount of the adjustment is the result of adjusting the necessary student-to-staff ratios determined in section 15679, subsection 2, the per-pupil amount for operation and maintenance of plant in section 15680, subsection 1, paragraph B or other essential programs and services components in chapter 606B, as recommended by the commissioner. The isolated small school adjustment must be applied to discrete school buildings that meet the criteria for the adjustment. The adjustment is not applicable to sections, wings or other parts of a building that are dedicated to certain grade spans.

**Sec. E-21. 20-A MRSA §15689, sub-§1, ¶A**, as repealed and replaced by PL 2005, c. 2, Pt. D, §58 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

A. The sum of the following calculations:

(1) Multiplying 5% of each school administrative unit's essential programs and services per-pupil elementary rate by the average number of resident kindergarten to grade 8 pupils as determined under section 15674, subsection 1, paragraph C, subparagraph (1); and

(2) Multiplying 5% of each school administrative unit's essential programs and services per-pupil secondary rate by the average number of resident grade 9 to grade 12 pupils as determined under section 15674, subsection 1, paragraph C, subparagraph (1); ~~and~~.

The 5% factor in subparagraphs (1) and (2) must be replaced by: 4% for the 2009-10 funding year including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009; 3% for the 2010-11 funding year including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009; and 3% for the 2011-12 funding year and subsequent years; and

**Sec. E-22. 20-A MRSA §15689, sub-§1, ¶B,** as amended by PL 2009, c. 1, Pt. C, §2 and c. 213, Pt. C, §8, is repealed and the following enacted in its place:

B. The school administrative unit's special education costs as calculated pursuant to section 15681A, 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%;

(4) In fiscal year 2008-09, 45%;

(5) In fiscal year 2009-10, 40% including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009;

(6) In fiscal year 2010-11, 35% including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009; and

(7) In fiscal year 2011-12 and succeeding years, 30%.

**Sec. E-23. 20-A MRSA §15689, sub-§2,** as amended by PL 2007, c. 466, Pt. B, §16, is further amended to read:

**2. Adjustment for debt service.** Each school administrative unit may receive an adjustment for a debt service determined as follows.

A. A school administrative unit is eligible for this adjustment under the following conditions.

(1) The school administrative unit's local share results in a full-value education mill rate less than the local cost share expectation as described in section 15671A through the 2009-10 fiscal year. Beginning in fiscal year 2010-11 and in subsequent fiscal years, the school administrative unit's debt service allocation must include principal and interest payments as defined in section 15672, subsection 2A, paragraph A.

(2) The school administrative unit has debt service costs defined under section 15672, subsection 2A that have been placed on the state board's priority list by January 2005.

(3) Beginning in fiscal year 2010-11 and in subsequent years, the school administrative unit's total debt service costs less the local share amount in paragraph B, subparagraph (2), division (b) is greater than the current state share of the total allocation.

B. The amount of the adjustment is the difference, but not less than zero, between the state share of the total allocation under this chapter and the amount computed as follows.

(2) Beginning July 1, 2007, the school administrative unit's state share of the total allocation if the local share was the sum of the following:

(a) The local share amount for the school administrative unit calculated as the lesser of the total allocation excluding debt service costs and the school administrative unit's fiscal capacity multiplied by the mill rate expectation established in section 15671A less the debt service adjustment mill rate defined in section 15672, subsection 2B; and

(b) The local share amount for the school administrative unit calculated as the lesser of the debt service costs and the school administrative unit's fiscal capacity multiplied by the debt service adjustment mill rate defined in section 15672, subsection 2B.

**Sec. E-24. 20-A MRSA §15689-B, sub-§4**, 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:

**4. Appeals.** A school board may appeal the computation of state subsidy for the school administrative unit to the state board in writing within 30 days of the date of the initial notification of the computed amount of the component that is the subject of this appeal. The state board shall review the appeal and make an adjustment if in its judgment an adjustment is justified. The state board's decision is final as to facts supported by the record of the appeal.

**Sec. E-25. 20-A MRSA §15690, sub-§1, ¶D** is enacted to read:

D. Beginning in fiscal year 2010-11, in any fiscal year in which the sum of the State's contribution toward the cost of the components of essential programs and services, exclusive of federal funds that are provided and accounted for in the cost of the components of essential programs and services, plus any federal stimulus funds applied to the State's contribution, falls below the State's target of 55% of the cost of the components of essential programs and services, the commissioner shall calculate the percentage of the State's 55% share that is funded by state appropriations and federal stimulus funds and, notwithstanding any other provision of this paragraph, a school administrative unit that raises at least the same percentage of its required local contribution to the total cost of funding public education from kindergarten to grade 12, including state-funded debt service, as the

State's contribution plus federal stimulus funds toward its 55% share of the cost of the components of essential programs and services may not have the amount of its state subsidy limited or reduced under paragraph C.

This paragraph is repealed June 30, 2012.

**Sec. E-26. 20-A MRSA §15690, sub-§2**, as amended by PL 2005, c. 12, Pt. WW, §6 and affected by §18, is further amended to read:

**2. Non-state-funded debt service.** For a school administrative unit's indebtedness previously approved by its legislative body for non-state-funded major capital school construction projects or non-state-funded portions of major capital school construction projects ~~and minor capital projects~~, the legislative body of each school administrative unit may vote to raise and appropriate an amount up to the municipality's or district's annual payments for non-state-funded debt service.

A. An article in substantially the following form must be used when a school administrative unit is considering the appropriation for debt service allocation for non-state-funded school construction projects or non-state-funded portions of school construction projects ~~and minor capital projects~~.

(1) "Article ....: To see what sum the (municipality or district) will raise and appropriate for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects;~~or non-state-funded portions of school construction projects and minor capital projects~~ in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12. (Recommend \$.....)"

(2) The following statement must accompany the article in subparagraph (1). "Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the (municipality's or district's) long-term debt for major capital school construction projects ~~and minor capital renovation projects~~ that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body."

**Sec. E-27. 20-A MRSA §15693, sub-§3, ¶B**, 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:

B. The format of the school budget may be determined in accordance with section ~~1306~~1485.

**Sec. E-28. 20-A MRSA §15694**, as enacted by PL 2005, c. 2, Pt. D, §62 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

### **§ 15694.Actions on budget**

The following provisions apply to approving a school budget under this chapter.



**4. Line-item transfers.** Meetings/Votes requested by a school board for the purpose of transferring funds from one category or line item to another must be posted for voter or council action within 15 days of the date of the request.

**Sec. E-29. PL 2009, c. 213, Pt. C, §17** is amended to read:

**Sec. C-17. Mill expectation.** The mill expectation pursuant to the Maine Revised Statutes, Title 20A, section 15671A for fiscal year 2009-10 is ~~6.736.99~~ and must be lowered to ~~6.376.69~~ as a result of funds provided under Title XIV of the State Fiscal Stabilization Fund of the federal American Recovery and Reinvestment Act of 2009 as part of the amount restored to school administrative units in fiscal year 2009-10.

**Sec. E-30. PL 2009, c. 213, Pt. C, §19** is amended to read:

**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, 2009 and ending June 30, 2010 is calculated as follows:

	<b>2009-10 LOCAL</b>	<b>2009-10 STATE</b>
<b>Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12</b>		
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	\$923,174,744	\$958,971,492
	<u>\$961,272,967</u>	<u>\$920,873,269</u>
<b>Portion to be paid from Federal IDEA balance</b>		(\$11,600,000)
<b>Adjusted state contribution - <u>subject to statewide distributions required by law</u></b>		\$947,371,492
		<u>\$909,273,269</u>

**Sec. E-31. Mill expectation.** The mill expectation pursuant to the Maine Revised Statutes, Title 20A, section 15671A for fiscal year 201011 is 7.46 and must be lowered to 6.96 as a result of funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009 as part of the amount restored to school administrative units in fiscal year 2010-11.

**Sec. E-32. 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 201011 is as follows:

	<b>2010-11 TOTAL</b>
<b>Total Operating Allocation</b>	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 without transitions percentage	\$1,377,907,552
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 97% transitions percentage	\$1,336,568,385
Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$399,182,922
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<b>Total Operating Allocation</b>	\$1,735,751,307
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	
<b>Total Debt Service Allocation</b>	
Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$99,049,370
<b>Total Adjustments and Miscellaneous Costs</b>	
Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, sections 15689 and 15689-A	\$74,663,270
	<hr/>
<b>Total Cost of Funding Public Education from Kindergarten to Grade 12</b>	
Total cost of funding public education from kindergarten to grade 12 for fiscal year 2010-11 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	\$1,909,463,947

**Sec. E-33. 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, 2010 and ending June 30, 2011 is calculated as follows:

	<b>2010-11 LOCAL</b>	<b>2010-11 STATE</b>
<b>Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12</b>		
Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683 - subject to statewide distributions required by law	\$1,031,138,925	\$878,325,022

**Sec. E-34. Limit of State's obligation.** If the State's continued obligation for any individual component contained in sections 32 and 33 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 this Part may not lapse but must be carried forward for the same purpose.

**Sec. E-35. Authorization of payments.** Sections 32 and 33 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, 2010 and ending June 30, 2011.

## PART F

**Sec. F-1. Lapse; unencumbered balance; BGS - Capital Construction Repair.** Notwithstanding any other provision of law, the State Controller shall lapse \$175,190 from the unencumbered balance in All Other and \$24,809 in Capital Expenditures from the General Fund BGS - Capital Construction Repair Fund account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

**Sec. F-2. Transfer; unexpended funds; Sale of State Property account.** Notwithstanding any other provision of law, the State Controller shall transfer \$55,174 in unexpended funds from the Other Special Revenue Funds, Sale of State Property account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

**Sec. F-3. Transfer; unexpended funds; BPI Insurance and Loss Prevention Property account.** Notwithstanding any other provision of law, the State Controller shall transfer \$22,536 in unexpended funds from the Other Special Revenue Funds, BPI Insurance and Loss Prevention account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

## PART G

**Sec. G-1. Transfer; unexpended funds; Food Vending Services account.** Notwithstanding any other provision of law, the State Controller shall transfer \$70,000 in unexpended funds from the Other Special Revenue Funds, Food Vending Services account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

**Sec. G-2. Transfer; unexpended funds; Bangor Campus Office Space account.** Notwithstanding any other provision of law, the State Controller shall transfer \$75,000 by June 30, 2010 and \$25,000 by June 30, 2011 in unexpended funds from the Other Special Revenue Funds, Bangor Campus Office Space account in the Department of Administrative and Financial Services to General Fund unappropriated surplus.

**Sec. G-3. Transfer; unexpended funds; Monument for Women Veterans account.**

Notwithstanding any other provision of law, the State Controller shall transfer \$9,500 in unexpended funds from the Other Special Revenue Funds, Monument for Women Veterans account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

**Sec. G-4. Transfer; unexpended funds; Memorial for Emergency Medical Services Personnel account.** Notwithstanding any other provision of law, the State Controller shall transfer \$2,000 in unexpended funds from the Other Special Revenue Funds, Memorial for Emergency Medical Services Personnel account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

**PART H**

**Sec. H-1. Transfer; unexpended funds; Bureau of General Services - Capital Construction Reserve Fund account.** Notwithstanding any other provision of law, the State Controller shall transfer \$227,359 in unexpended funds from the Bureau of General Services - Capital Construction Reserve Fund, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus at the close of fiscal year 2009-10.

**Sec. H-2. Transfer; unexpended funds; Bureau of General Services - Capital Construction Reserve Fund - Maine Criminal Justice Academy account.** Notwithstanding any other provision of law, the State Controller shall transfer \$746 in unexpended funds from the Bureau of General Services - Capital Construction Reserve Fund - Maine Criminal Justice Academy, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus at the close of fiscal year 2009-10.

**Sec. H-3. Transfer; unexpended funds; Bureau of General Services - Capital Construction Reserve Fund - Maine Youth Center account.** Notwithstanding any other provision of law, the State Controller shall transfer \$131,671 in unexpended funds from the Bureau of General Services - Capital Construction Reserve Fund - Maine Youth Center, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus at the close of fiscal year 2010-11.

**Sec. H-4. Transfer; unexpended funds; Bureau of General Services - Capital Construction Reserve Fund - Charleston account.** Notwithstanding any other provision of law, the State Controller shall transfer \$7,337 in unexpended funds from the Bureau of General Services - Capital Construction Reserve Fund - Charleston, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus at the close of fiscal year 2009-10.

**Sec. H-5. Transfer; unexpended funds; Bureau of General Services - Capital Construction Reserve Fund - Williams Pavilion account.** Notwithstanding any other provision of law, the State Controller shall transfer \$16,074 in unexpended funds from the Bureau of

General Services - Capital Construction Reserve Fund - Williams Pavilion, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus at the close of fiscal year 2009-10.

## PART I

**Sec. I-1. Transfer; unexpended funds; Maine Solid Waste Management Fund account.** Notwithstanding any other provision of law, the State Controller shall transfer \$987,605 in unexpended funds from the Maine Solid Waste Management Fund, Other Special Revenue Funds account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2010-11.

**Sec. I-2. Transfer; unexpended funds; A&C - Conference account.** Notwithstanding any other provision of law, the State Controller shall transfer \$44,814 in unexpended funds from the A&C - Conference, Other Special Revenue Funds account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

## PART J

**Sec. J-1. Transfer; equity reserve fiscal year 2008-09; Retiree Health Insurance Internal Service Fund.** Notwithstanding any other provision of law, the State Controller shall transfer \$22,590,806 representing the General Fund share of excess equity reserve for retiree health insurance on 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 by June 30, 2010. The State Controller shall also transfer the equitable share of retiree health insurance excess equity reserve to each participating fund by June 30, 2010.

**Sec. J-2. Transfer; equity reserve fiscal year 2009-10; Retiree Health Insurance Internal Service Fund.** Notwithstanding any other provision of law, the State Controller shall transfer \$23,556,012 representing the projected General Fund share of excess equity reserve for retiree health insurance on June 30, 2010 from the Retiree Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund by June 30, 2010. The State Controller shall also transfer the equitable share of retiree health insurance excess equity reserve to each participating fund by June 30, 2010.

**Sec. J-3. Calculation and transfer; General Fund; retiree health insurance savings.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings identified in section 5 of this Part in the Statewide - Retiree Health Insurance General Fund account in the Department of Administrative and Financial Services that applies against each General Fund account for departments and agencies statewide excluding legislative branch accounts as a result of a rate reduction in retiree health insurance. The State Budget Officer shall transfer the savings by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 201011. The State Budget Officer shall provide a report to the Joint Standing Committee on Appropriations and Financial Affairs of the transferred amounts not later than August 31, 2010.

**Sec. J-4. Transfer; retiree health insurance savings; Other Special Revenue Funds accounts.** Notwithstanding any other provision of law, the State Controller shall transfer \$3,739,191 from Other Special Revenue Funds accounts to the unappropriated surplus of the General Fund by June 30, 2011. This fund transfer is a result of savings achieved by departments and agencies statewide from a rate reduction for retiree health insurance in fiscal year 201011.

**Sec. J-5. 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 departments and agencies statewide excluding legislative branch accounts from projected savings in Personal Services achieved through a rate reduction for retiree health insurance.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$0	(\$15,882,850)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$15,882,850)</b>

**PART K**

**Sec. K-1. Transfer; unexpended funds; Taxation Revenue Collection account.** Notwithstanding any other provision of law, the State Controller shall transfer \$140,000 in unexpended funds from the Other Special Revenue Funds, Taxation Revenue Collection account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

**PART L**

**Sec. L-1. Transfer; unexpended funds; Bureau of Insurance account.** Notwithstanding any other provision of law, the State Controller shall transfer \$3,500,191 in unexpended funds from the Bureau of Insurance, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2010.

**Sec. L-2. Transfer; unexpended funds; Insurance Assessment Fund account.** Notwithstanding any other provision of law, the State Controller shall transfer \$75,107 in unexpended funds from the Insurance Assessment Fund, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2010.

**Sec. L-3. Transfer; unexpended funds; Office of Securities account.** Notwithstanding any other provision of law, the State Controller shall transfer \$1,600,000 in unexpended funds from the Office of Securities, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2010.

**PART M**

**Sec. M-1. Transfer; Fund for a Healthy Maine; General Fund.** Notwithstanding any other provision of law, the State Controller shall transfer \$3,925,515 by June 30, 2010 and \$1,455,770 by June 30, 2011 from the Fund for a Healthy Maine, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund. The transfer by June 30, 2010 represents unexpended funds on June 30, 2009 of \$3,403,873 and the projected increase in revenue by the Revenue Forecasting Committee of \$521,642. The transfer by June 30, 2011 represents an increase of \$177,282 in revenue projected by the Revenue Forecasting Committee for fiscal year 2010-11 and \$1,278,488 available as a result of the enhanced federal medical assistance percentage under the American Recovery and Reinvestment Act of 2009.

**PART N**

**Sec. N-1. Calculation and transfer; General Fund savings; central administration.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in the Statewide Service Center account in section 2 that applies against each General Fund account for executive branch departments and agencies statewide from a decrease in charges by the Department of Administrative and Financial Services, Division of Financial and Personnel Services associated with savings from a reduction in retiree health insurance rates. 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 2010-11. The State Budget Officer shall provide the Joint Standing Committee on Appropriations and Financial Affairs a report of the transferred amounts no later than November 30, 2010.

**Sec. N-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 from departments and agencies statewide to recognize a reduction in charges by the Division of Financial and Personnel Services as a result of a distribution of excess reserves for retiree health insurance for fiscal years 2008-09 and 2009-10 and a reduction in retiree health insurance rates for fiscal year 2010-11.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$0	(\$874,652)

GENERAL FUND TOTAL

\$0 (\$874,652)

## PART O

**Sec. O-1. Deposit reimbursement.** Notwithstanding the Maine Revised Statutes, Title 10, section 1495-E, subsection 2-A, if a balance of the initial deposit made by the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation into the Payroll Processor Recovery Fund remains unreimbursed on May 1, 2010, the superintendent must be reimbursed the initial deposit into the fund in 2 disbursements, with 1/2 of the unreimbursed balance repaid on or before June 1, 2010 and the remaining unreimbursed balance repaid on or before June 1, 2011.

## PART P

**Sec. P-1. Maine State Library; lapsed balances.** Notwithstanding any other provision of law, \$5,810 of unencumbered balance forward from the Maine State Library, Library Special Acquisitions Fund program, General Fund account, All Other line category lapses to the General Fund no later than June 30, 2010 to achieve targeted savings for fiscal year 2009-10.

## PART Q

**Sec. Q-1. Maine State Cultural Affairs Council; lapsed balances.** Notwithstanding any other provision of law, \$3,205 of unencumbered balance forward from the Maine State Cultural Affairs Council, New Century Program Fund, General Fund account, All Other line category lapses to the General Fund no later than June 30, 2010 to achieve targeted savings for fiscal year 2009-10.

## PART R

**Sec. R-1. Transfer; unexpended funds; Blaine House Renovations and Repairs Fund account.** Notwithstanding any other provision of law, the State Controller shall transfer \$2,960 in fiscal year 2009-10 from the Blaine House Renovations and Repairs Fund, Other Special Revenue Funds account within the Executive Department to the unappropriated surplus of the General Fund.

## PART S

**Sec. S-1. Department of Agriculture, Food and Rural Resources, Pollution Control Structures - carrying account; lapsed balance; General Fund.** Notwithstanding any other provision of law, \$211,904 of unencumbered balance forward in the Pollution Control Structures program, General Fund account in the All Other line category account in the Department of Agriculture, Food and Rural Resources lapses to the General Fund at the close of fiscal year 2009-10.

## PART T

**Sec. T-1. Calculation and transfer; General Fund; technology savings.**

Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 2 of this Part with respect to the Statewide Information Technology account in the Department of Administrative and Financial Services that applies against each General Fund account for departments and agencies statewide to recognize additional technology savings. The State Budget Officer shall transfer the savings by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2009-10 and 2010-11. The State Budget Officer shall provide to the Joint Standing Committee on Appropriations and Financial Affairs a report of the transferred amounts in fiscal year 2009-10 not later than June 30, 2010 and a report of the transferred amounts in fiscal year 2010-11 not later than November 30, 2010.

**Sec. T-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 recognize additional savings resulting from efficiencies gained by the consolidation of funding, resource management of information technology and services and lease-purchase of new application development.

GENERAL FUND	2009-10	2010-11
All Other	(\$25,000)	(\$454,068)
GENERAL FUND TOTAL	(\$25,000)	(\$454,068)

## PART U

**Sec. U-1. 20-A MRSA §7206, sub-§1,** as amended by PL 2005, c. 662, Pt. A, §26, is further amended to read:

**1. Complaint.** An interested party may file with the commissioner a written complaint alleging that a school administrative unit or private school serving children with disabilities has failed to comply with this chapter. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received ~~unless a longer period is reasonable because a violation is continuing or the complaint is requesting compensatory services~~ or the complaint must request compensatory services for a violation that occurred not more than 32 years prior to the date the complaint is received.

## PART V

**Sec. V-1. 20-A MRSA §6651, sub-§6**, as amended by PL 2005, c. 683, Pt. A, §26, is repealed.

## PART W

**Sec. W-1. 20-A MRSA §203, sub-§1, ¶A**, as amended by PL 1993, c. 684, §2 and c. 708, Pt. J, §7, is further amended to read:

A. Deputy Commissioner; and

**Sec. W-2. 20-A MRSA §203, sub-§1, ¶F**, as amended by PL 2001, c. 344, §3 and c. 439, Pt. H, §3, is further amended to read:

F. Director, Planning and Management Information; and

**Sec. W-3. 20-A MRSA §203, sub-§1, ¶J**, as enacted by PL 1997, c. 266, §2, is repealed.

## PART X

**Sec. X-1. PL 2005, c. 519, Pt. WW, §1** is amended to read:

**Sec. WW-1. Maine Learning Technology Initiative computers and peripheral equipment.** Notwithstanding any other provision of law, and except for computers and peripheral equipment purchased by a school district, the Department of Education shall dispose of computers and peripheral equipment purchased for the Maine Learning Technology Initiative through the Department of Administrative and Financial Services, Bureau of General Services' surplus property program. All proceeds from the sale or other disposal agreement net of selling and disposal costs must be deposited, as an adjustment to the account balance, in the General Purpose Aid for Local Schools Learning Through Technology General Fund account within the Department of Education to be used for the continued support of the Maine Learning Technology Initiative.

**Sec. X-2. PL 2009, c. 213, Pt. C, §22** is amended to read:

**Sec. C-22. Carrying balance; School Finance and Operations 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 that carried forward to fiscal year 2008-09 pursuant to Public Law 2007, chapter 539, Part NN, section 1 does not lapse but must carry forward in the School Finance and Operations program to June 30, 2011 to be used for the same purpose.

**Sec. X-3. Resolve 2007, c. 217, §1** is amended to read:

**Sec. 1. Reimbursement to School Administrative District No. 11 for retirement contributions paid in error. Resolved:** That, notwithstanding any other provision of law, the Governor must include in the biennial budget bill for the 2010-2011 biennial budget funding in the

amount of \$90,788 for the reimbursement to School Administrative District No. 11 for the State's share of retirement contributions paid by the school district in error to be offset by a reduction in the fiscal year 2009-10 appropriation for teacher retirement.

**Sec. X-4. Lapsed balances; Workshops account in the Department of Education.**

Notwithstanding any other provision of law, the State Controller shall lapse \$292,968 of the unencumbered balance forward in the Workshops Other Special Revenue Funds account in the Department of Education and transfer this balance to the General Fund as unappropriated surplus in fiscal year 2009-10.

**PART Y**

**Sec. Y-1. 32 MRSA §88, sub-§2, ¶E**, as amended by PL 2007, c. 274, §20, is further amended to read:

E. The board shall keep records and minutes of its activities and meetings. These records and minutes must be made easily accessible to the public and be provided expeditiously upon request. ~~The board shall distribute to all licensed emergency medical services persons a publication listing training opportunities, meeting schedules of the board, proposed rule changes and other information judged by the board to have merit in improving emergency medical patient care in the State. The board shall create, print and distribute this publication in the most cost-efficient manner possible. Any paid advertising utilized to accomplish this purpose may not be solicited by board members or staff and must be included in such a way that endorsement of a product or service by the board can not reasonably be inferred.~~ The board may prepare, publish and disseminate educational and other materials to improve emergency medical patient care.

**PART Z**

**Sec. Z-1. Department of Administrative and Financial Services; lease-purchase authorization.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, on behalf of the Department of Public Safety, may enter into financing arrangements in fiscal years 2009-10 and 2010-11 for the acquisition of motor vehicles for the State Police. The financing arrangements entered into in each fiscal year may not exceed \$1,800,000 in principal costs, and a financing arrangement may not exceed 3 years in duration. The interest rate may not exceed 8%, and total interest costs with respect to the financing arrangements entered into in each fiscal year may not exceed \$300,000. The annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the Department of Public Safety General Fund and Highway Fund accounts.

**Sec. Z-2. Transfer; unexpended funds; Emergency Medical Services account.** Notwithstanding any other provision of law, the State Controller shall transfer \$192,949 in unexpended funds from the Emergency Medical Services, Other Special Revenue Funds account in the Department of Public Safety to General Fund unappropriated surplus at the close of fiscal year 2009-10.

**Sec. Z-3. Transfer; unexpended funds; Alcohol Server Education account.**

Notwithstanding any other provision of law, the State Controller shall transfer \$87,681 in unexpended funds from the Alcohol Server Education, Other Special Revenue Funds account in the Department of Public Safety to General Fund unappropriated surplus at the close of fiscal year 2009-10.

**Sec. Z-4. Transfer; unexpended funds; Administration account.**

Notwithstanding any other provision of law, the State Controller shall transfer \$2,000 in unexpended funds from the Administration, Other Special Revenue Funds account in the Department of Public Safety to General Fund unappropriated surplus at the close of fiscal year 2009-10.

**Sec. Z-5. Department of Administrative and Financial Services; lease-purchase authorization for Central Fleet vehicles.**

Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of State, may enter into financing arrangements in fiscal years 2009-10 and 2010-11 for the acquisition of motor vehicles for the Central Fleet Management Division. The financing agreements entered into in each fiscal year may not exceed \$5,000,000 in principal costs, and a financing arrangement may not exceed 4 years in duration. The interest rate may not exceed 7%. The annual principal and interest costs must be paid from the appropriate line category allocations in the Central Fleet Management Division account.

## PART AA

**Sec. AA-1. Department of Conservation; lapsed balances.**

Notwithstanding any other provision of law, \$48,891 of unencumbered balance forward from the Department of Conservation, Division of Forest Protection program, General Fund account, Capital Expenditures line category and \$1,109 in the All Other line category lapse to the General Fund no later than June 30, 2010 and \$150,000 of unencumbered balance forward from the Department of Conservation, Division of Forest Protection program, General Fund account, All Other line category lapses to the General Fund no later than June 30, 2011.

**Sec. AA-2. Transfer; unexpended funds; Division of Forest Protection account.**

Notwithstanding any other provision of law, the State Controller shall transfer \$19,974 by the close of fiscal year 2009-10 and \$92,296 by the close of fiscal year 2010-11 from the Division of Forest Protection, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund.

**Sec. AA-3. Transfer; proceeds from sale of Jet Ranger helicopter; Division of Forest Protection account.**

Notwithstanding the Maine Revised Statutes, Title 12, section 8003, subsection 3, paragraph M-1 or any other provision of law, the Department of Conservation is authorized to sell a Jet Ranger helicopter between April 1, 2011 and June 30, 2011. The State Controller shall transfer \$400,000 from the anticipated proceeds of the sale of the Jet Ranger helicopter from the Division of Forest Protection, Other Special Revenue Funds account in the Department of Conservation to the General Fund unappropriated surplus at the close of fiscal year 2010-11. The State Controller may transfer unexpended funds from the Division of Forest Protection, Other Special Revenue Funds account in the Department of Conservation to the General Fund unappropriated surplus if the proceeds from the sale of the helicopter by state surplus is less than \$400,000.

**Sec. AA-4. Transfer; unexpended funds; Geological Survey-05 PL 457 Part F account.** Notwithstanding any other provision of law, the State Controller shall transfer \$29,635 from the Geological Survey-05 PL 457 Part F, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund by the close of fiscal year 2009-10.

## PART BB

**Sec. BB-1. Transfer; unexpended funds; Fund for the Efficient Delivery of Local and Regional Services - Administration account.** Notwithstanding any other provision of law, the State Controller shall transfer \$35,500 from the Fund for the Efficient Delivery of Local and Regional Services - Administration, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund by the close of fiscal year 2009-10.

## PART CC

**Sec. CC-1. Legislature; lapsed balances; fiscal year 200910.** Notwithstanding any other provision of law, \$1,096,299 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 200910. The executive director shall review the legislative accounts and identify to the State Controller and State Budget Officer by May 15, 2010 the unencumbered balance forward amounts by account and line category totaling \$1,096,299 that will lapse to the General Fund to achieve targeted savings for fiscal year 200910.

**Sec. CC-2. Legislature; lapsed balances; fiscal year 201011.** Notwithstanding any other provision of law, \$1,198,166 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 201011. The executive director shall review the legislative accounts and identify to the State Controller and State Budget Officer by May 15, 2011 the unencumbered balance forward amounts by account and line category totaling \$1,198,166 that will lapse to the General Fund to achieve targeted savings for fiscal year 201011.

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

### LAW AND LEGISLATIVE REFERENCE LIBRARY

#### Law and Legislative Reference Library 0636

Initiative: Provides funding to restore longevity payments in the legislative branch in fiscal year 2010-11.

GENERAL FUND	2009-10	2010-11
Personal Services	\$0	\$5,366
GENERAL FUND TOTAL	\$0	\$5,366

**Law and Legislative Reference Library 0636**

Initiative: Reduces funding from projected savings in Personal Services achieved through a rate reduction for retiree health insurance.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$0	(\$47,610)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$47,610)</b>

<b>LAW AND LEGISLATIVE REFERENCE LIBRARY</b>		
<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
GENERAL FUND	\$0	(\$42,244)
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>(\$42,244)</b>

**LEGISLATURE**

**Legislature 0081**

Initiative: Provides funding to restore longevity payments in the legislative branch in fiscal year 2010-11.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$0	\$45,639
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$45,639</b>

**Legislature 0081**

Initiative: Reduces funding from projected savings in Personal Services achieved through a rate reduction for retiree health insurance.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$0	(\$787,361)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$787,361)</b>

<b>LEGISLATURE</b>		
<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>(\$741,722)</b>
	<hr/>	
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>(\$741,722)</b>

**PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, OFFICE OF**  
**Office of Program Evaluation and Government Accountability 0976**

Initiative: Provides funding to restore longevity payments for employees in the legislative branch in fiscal year 2010-11.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$0	\$832
	<hr/>	
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$832</b>

**Office of Program Evaluation and Government Accountability 0976**

Initiative: Reduces funding from projected savings in Personal Services achieved through a rate reduction for retiree health insurance.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$0	(\$31,530)
	<hr/>	
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$31,530)</b>

**PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, OFFICE OF**

<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>(\$30,698)</b>
	<hr/>	
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>(\$30,698)</b>

<b>SECTION TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>(\$814,664)</b>
	<hr/>	
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>(\$814,664)</b>

## PART DD

### **Sec. DD-1. Transfer; unexpended funds; Bureau of Revenue Services Fund.**

Notwithstanding any other provision of law, the State Controller shall transfer \$350,000 by June 30, 2010 and \$200,000 by June 30, 2011 in unexpended funds from the Bureau of Revenue Services Fund in the Department of Administrative and Financial Services to General Fund unappropriated surplus.

## PART EE

**Sec. EE-1. PL 2009, c. 213, Pt. LLL, §1** is repealed.

## PART FF

**Sec. FF-1. Sale or lease of state properties; proceeds to be deposited in General Fund.** Notwithstanding any other provision of law, the Commissioner of Administrative and Financial Services shall identify any proceeds in whole or in part from the sale or lease of state-owned properties by the commissioner as authorized by the Legislature, in the amount of \$1,500,000, to be deposited as undedicated revenue to the General Fund no later than June 30, 2011.

## PART GG

**Sec. GG-1. 36 MRSA §5211, sub-§14,** as amended by PL 2009, c. 213, Pt. NN, §1 and affected by §5, is further amended to read:

**14. Sales factor formula.** The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this State during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period. For purposes of calculating the sales factor, "total sales of the taxpayer" includes sales of the taxpayer and of any member of an affiliated group with which the taxpayer conducts a unitary business. The formula must exclude from both the numerator and the denominator sales of tangible personal property delivered or shipped by the taxpayer, regardless of F.O.B. point or other conditions of the sale, to a purchaser within a state in which the taxpayer is not taxable within the meaning of subsection 2, unless any member of an affiliated group with which the taxpayer conducts a unitary business is taxable in that state in the same manner as a taxpayer is taxable under subsection 2.

**Sec. GG-2. Application.** This Part applies to income tax years beginning on or after January 1, 2010.

## PART HH

**Sec. HH-1. 36 MRSA c. 914-C** is enacted to read:

### **CHAPTER 914-C**

### **2010 TAX RECEIVABLES REDUCTION INITIATIVES**

## **§ 6601. 2010 Tax Receivables Reduction Initiatives established**

There are established the 2010 Tax Receivables Reduction Initiatives, referred to in this chapter as "the initiatives" and consisting of 2 separate initiatives, referred to in this chapter as "the short-term initiative" and "the 5-year initiative." The initiatives are intended to encourage delinquent taxpayers to pay existing tax obligations. The goal of the initiatives is to raise revenue during fiscal year 2010-11 and to reduce existing tax receivables.

## **§ 6602. Administration**

The State Tax Assessor shall administer the initiatives. The short-term initiative applies to tax liabilities that are assessed as of December 31, 2009 and interest and penalties subsequently assessed on such tax liabilities. The 5-year initiative applies to tax liabilities that were assessed as of June 30, 2005 and interest and penalties subsequently assessed on such tax liabilities. A taxpayer may participate in the initiatives without regard to whether the amount due is subject to a pending administrative or judicial proceeding. Participation in the initiatives is conditioned upon the taxpayer's agreement to forgo or withdraw a protest or an administrative or judicial proceeding with regard to liabilities paid under the initiatives and not to claim a refund of money paid under the initiatives. These initiatives are available to a taxpayer if the taxpayer:

1. **Application.** Properly completes and files a 2010 tax initiatives application as described in section 6605 and as required by the assessor;

2. **Tax, interest and penalty paid.** Pays all tax, interest and penalty for the respective initiative as described in section 6606 by the end of the initiatives period under section 6604;

3. **No criminal action pending.** Is not currently charged with, and has not been accepted by the Attorney General for criminal prosecution arising from, a violation of the state tax law as provided in this Title or Title 17-A or is not applying for relief on a debt that is the result of a criminal conviction; and

4. **No collection by warrant or civil action.** Is not applying for relief with respect to a tax liability for which the State has secured a warrant or civil judgment in its favor in Superior Court.

## **§ 6603. Undisclosed liabilities**

This chapter does not prohibit the State Tax Assessor from instituting civil or criminal proceedings against any taxpayer with respect to any amount of tax that is not paid with the 2010 tax initiatives application described in section 6605 or on any other return filed with the assessor.

## **§ 6604. Initiatives period**

A 2010 tax initiatives application described in section 6605 may be filed from September 1, 2010 to November 30, 2010.

## **§ 6605. Initiatives application**

The State Tax Assessor shall prepare and make available the 2010 tax initiatives application. The application and associated guidelines prepared by the assessor, which govern participation in the initiatives, are exempt from the Maine Administrative Procedure Act. Each application requires the approval of the assessor and must include the amount of tax, interest and penalty to be paid, as determined pursuant to section 6606, the initiative being applied for and the periods to which the liability applies. The assessor may deny any application not consistent with this chapter.

### **§ 6606. Waiver of penalties or interest**

**1. Short-term initiative.** A taxpayer who participates in the short-term initiative and whose application is approved by the State Tax Assessor is entitled to a waiver by the assessor of 95% of the penalties otherwise due.

**2. Five-year initiative.** A taxpayer who participates in the 5-year initiative and whose application is approved by the assessor is entitled to a waiver by the assessor of 95% of the penalties and interest otherwise due.

### **§ 6607. Collection action not stayed**

An enforced collection action, including, but not limited to, a wage levy, bank levy or refund setoff, is not stayed until a taxpayer's tax initiatives application under section 6605 has been accepted by the State Tax Assessor and the taxpayer has paid all the tax, interest and penalties due pursuant to section 6602, subsection 2.

## **PART II**

**Sec. II-1. 36 MRS §691, sub-§1, ¶A**, as amended by PL 2009, c. 487, Pt. B, §14, is further amended to read:

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

"Eligible business equipment" does not include:

- (1) Office furniture, including, without limitation, tables, chairs, desks, bookcases, filing cabinets and modular office partitions;
- (2) Lamps and lighting fixtures used primarily for the purpose of providing general purpose office or worker lighting;

- (3) Property owned or used by an excluded person;
- (4) Telecommunications personal property subject to the tax imposed by section 457;
- (5) Gambling machines or devices, including any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity as that term is defined in Title 8, section 1001, subsection 15, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. "Gambling machines or devices" includes, without limitation:
  - (a) Associated equipment as defined in Title 8, section 1001, subsection 2;
  - (b) Computer equipment used directly and primarily in the operation of a slot machine as defined in Title 8, section 1001, subsection 39;
  - (c) An electronic video machine as defined in Title 17, section 1831, subsection 4;
  - (d) Equipment used in the playing phases of lottery schemes; and
  - (e) Repair and replacement parts of a gambling machine or device;
- (6) Property located at a retail sales facility and used primarily in a retail sales activity unless the property is owned by a business that operates a retail sales facility in the State exceeding 100,000 square feet of interior customer selling space that is used primarily for retail sales and whose Maine-based operations derive less than 30% of their total annual revenue on a calendar year basis from sales that are made at a retail sales facility located in the State. For purposes of this subparagraph, the following terms have the following meanings:
  - (a) "Primarily" means more than 50% of the time;
  - (b) "Retail sales activity" means an activity associated with the selection and purchase of goods or services or the rental of tangible personal property. "Retail sales activity" does not include production as defined in section 1752, subsection 9-B; and

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

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

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

**Sec. II-2. 36 MRSA §6652, sub-§1-B, ¶B,** as amended by PL 2003, c. 625, §1 and affected by §3 and amended by c. 687, Pt. A, §10 and affected by Pt. B, §11, is further amended to read:

B. Lamps and lighting fixtures; and

**Sec. II-3. 36 MRSA §6652, sub-§1-B, ¶C,** as amended by PL 2009, c. 487, Pt. B, §15, is further amended to read:

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

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

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

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

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

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

**Sec. II-4. 36 MRSA §6652, sub-§1-B, ¶D** is enacted to read:

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

**Sec. II-5. Application.** That section of this Part that amends the Maine Revised Statutes, Title 36, section 691, subsection 1, paragraph A applies to property tax years beginning on or after April 1, 2010. That section of this Part that amends Title 36, section 6652, subsection 1B applies to application periods beginning on or after August 1, 2010.

## PART JJ

**Sec. JJ-1. 30-A MRSA §5681, sub-§5-C,** as amended by PL 2009, c. 462, Pt. E, §1, is further amended to read:

**5-C. Transfers to General Fund.** For the months beginning on or after July 1, 2009, ~~\$19,383,491~~\$25,383,491 in fiscal year 200910 and ~~\$25,270,254~~\$35,270,254 in fiscal year 201011 from the total transfers pursuant to subsection 5 must be transferred to General Fund undedicated revenue. The amounts transferred to General Fund undedicated revenue each fiscal year pursuant to this subsection must be deducted from the distributions required by subsections 4A and 4B based on the percentage share of the transfers to the Local Government Fund pursuant to subsection 5. The reductions in this subsection must be allocated to each month proportionately based on the budgeted monthly transfers to the Local Government Fund as determined at the beginning of the fiscal year.

**Sec. JJ-2. Transfers to General Fund for fiscal year 200910.** Notwithstanding the requirement in the Maine Revised Statutes, Title 30A, section 5681, subsection 5C that amounts be transferred to General Fund undedicated revenue on a proportionate basis, for fiscal year 200910, the transfer of the amount as increased pursuant to this Part must be transferred on a proportional basis based on the number of months remaining in fiscal year 200910 following the effective date of this Part.

## PART KK

**Sec. KK-1. Short-term emergency contingency account; transfers.** The State Controller shall establish a short-term emergency contingency account within the Department of Administrative and Financial Services and shall transfer \$6,119,961 from the General Fund unappropriated surplus to the short-term emergency contingency account on the effective date of this Part. Expenditures from the account must be approved by the Legislature. If the Legislature does not enact legislation committing these funds by April 30, 2010, the State Controller shall transfer any unexpended balance in the account to the Maine Budget Stabilization Fund.

## PART LL

**Sec. LL-1. 5 MRSA §13080-S, sub-§3,** as enacted by PL 1995, c. 644, §2, is amended to read:

**3. Deposit and payment of revenue.** On or before ~~June 30th~~July 15th of each year, if the approval of the assessor has been issued pursuant to subsection 2, the Commissioner of Administrative and Financial Services shall deposit an amount equal to 50% of the employment tax increment for the

preceding year into a contingent account established, maintained and administered by the Commissioner of Administrative and Financial Services. On or before July 31st of each year, the Commissioner of Administrative and Financial Services shall pay that amount to the fund.

**Sec. LL-2. 36 MRSA §6758, sub-§3**, as amended by PL 2009, c. 361, §34 and c. 461, §28, is repealed and the following enacted in its place:

**3. Deposit and payment of revenue.** On or before July 15th of each year, the assessor shall certify to the State Controller the total retained employment tax increment revenues for the preceding calendar year for approved employment tax increment financing programs to be transferred to the state employment tax increment contingent account established, maintained and administered by the State Controller from General Fund undedicated revenue within the withholding tax category. On or before July 31st of each year, the assessor shall pay to each approved qualified business an amount equal to the retained employment tax increment revenues of that qualified business for the preceding calendar year.

## PART MM

**Sec. MM-1. 36 MRSA §685, sub-§4**, as enacted by PL 1997, c. 643, Pt. HHH, §3 and affected by §10, is amended to read:

**4. Estimated and final payments by the State.** Reimbursement to municipalities must be made in the following manner.

A. The bureau shall estimate the amount of reimbursement required under this section for each municipality and certify ~~80%~~75% of the estimated amount to the Treasurer of State by August 1st, annually. The Treasurer of State shall pay by August 15th, annually, the amount certified to each municipality entitled to reimbursement.

B. A municipality claiming reimbursement under this section shall submit a claim to the bureau by November 1st of the year in which the exemption applies or within 30 days of commitment of taxes, whichever occurs later. The bureau shall review the claims and determine the total amount to be paid. The bureau shall certify and the Treasurer of State shall pay by ~~December~~July 15th of the year following the year in which the exemption applies the difference between the estimated payment issued and the amount that the bureau finally determines for ~~that tax~~the year in which the exemption applies. ~~Municipal claims that are timely filed after November 1st must be paid as soon as reasonably possible after the December 15th payment date.~~ If the total amount of reimbursement to which a municipality is entitled is less than the amount received under paragraph A, the municipality shall repay the excess to the State by December 30th of ~~the~~that year, or the amount may be offset against the amount of state-municipal revenue sharing due the municipality under Title 30-A, section 5681.

**Sec. MM-2. Application.** That section of this Part that amends the Maine Revised Statutes, Title 36, section 685, subsection 4 applies to reimbursements for property tax years beginning on or after April 1, 2010.

## PART NN

**Sec. NN-1. 5 MRSA §285, sub-§1, ¶F-8** is enacted to read:

F-8. Any employee of the Finance Authority of Maine;

## **PART OO**

**Sec. OO-1. Compensation and Benefit Plan; lapsed balances; Administrative and Financial Services, General Fund.** Notwithstanding any other provision of law, \$13,500,000 of unencumbered balance forward in the Personal Services line category in the Compensation and Benefit Plan, General Fund account in the Department of Administrative and Financial Services lapses to the General Fund at the close of fiscal year 2009-10.

## **PART PP**

**Sec. PP-1. PL 2009, c. 414, Pt. D, §5** is amended to read:

**Sec. D-5. Disbursement of bond proceeds.** The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Public Utilities Commission, the University of Maine System, the Maine Maritime Academy;and the Maine Community College System ~~and the Department of Administrative and Financial Services.~~

**Sec. PP-2. PL 2009, c. 414, Pt. D, §6** is amended to read:

**Sec. D-6. Allocations from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

**PUBLIC UTILITIES COMMISSION**

**Public Utilities Commission**

Provides funds for weatherization and energy efficiency programs for low and middle income households and small businesses. If the energy efficiency programs of the commission are transferred to another entity established by the Legislature, the commission shall transfer all unexpended funds to that entity. \$12,000,000

**UNIVERSITY OF MAINE SYSTEM**

**University of Maine System**

Provides funds for energy and infrastructure upgrades at all campuses of the University of Maine System. \$9,500,000

**MAINE COMMUNITY COLLEGE SYSTEM**

**Maine Community College System**

Provides funds for energy and infrastructure upgrades at all campuses of the Maine Community College System. \$5,000,000

**MAINE MARITIME ACADEMY**

**Maine Maritime Academy**

Provides funds for energy and infrastructure upgrades at the Maine Maritime Academy. \$1,000,000

**~~DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES~~**

**UNIVERSITY OF MAINE SYSTEM**

**Maine Marine Wind Energy Demonstration Site Fund**

Provides funds for research, development and product innovation associated with developing one or more ocean wind energy demonstration sites. \$6,000,000

**PART QQ**

**Sec. QQ-1. Transfer; unexpended funds; Criminal History Record Check Fund account.** Notwithstanding any other provision of law, the State Controller shall transfer \$140,000 in unexpended funds from the Criminal History Record Check Fund, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2010.

**PART RR**

**Sec. RR-1. Calculation and transfer; General Fund savings through increased efficiencies and other cost reduction initiatives.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings identified in section 2 from increased

efficiencies and other cost reduction initiatives that apply against each General Fund account for all departments and agencies except legislative 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 years 2009-10 and 2010-11. The State Budget Officer shall provide the Joint Standing Committee on Appropriations and Financial Affairs a report of the transferred amounts not later than November 5, 2010.

**Sec. RR-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 for departments and agencies statewide to be realized through increased efficiencies and other cost reduction initiatives.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
Unallocated	(\$2,000,000)	(\$2,000,000)
<b>GENERAL FUND TOTAL</b>	<b>(\$2,000,000)</b>	<b>(\$2,000,000)</b>

**PART SS**

**Sec. SS-1. Transfer; workers' compensation savings; Other Special Revenue Funds accounts.** Notwithstanding any other provision of law, the State Controller shall transfer \$929,280 by June 30, 2010 and \$723,114 by June 30, 2011 from Other Special Revenue Funds accounts to the unappropriated surplus of the General Fund. These fund transfers represent savings from a return of excess equity for fiscal year 2009-10 and savings from a reduction in workers' compensation rates for departments and agencies statewide for fiscal year 2010-11.

**PART TT**

**Sec. TT-1. Transfer of funds; Other Special Revenue Funds accounts; department and agencies statewide.** Notwithstanding any other provision of law, the State Controller shall transfer \$3,851,454 in savings achieved from shutdown days and other statewide reductions from the Other Special Revenue Funds accounts for departments and agencies statewide to the unappropriated surplus of the General Fund at the close of fiscal year 2010-11.

**PART UU**

**Sec. UU-1. 18-A MRSA §2-203,** as enacted by PL 1979, c. 540, §1, is repealed and the following enacted in its place:

## **§ 2-203. Right of election personal to surviving spouse**

The right of election of the surviving spouse may be exercised only during the lifetime of the surviving spouse by:

(a). The surviving spouse; or

(b). If the surviving spouse is a protected person, by order of the court in which protective proceedings for the surviving spouse are pending, after a finding that exercise is necessary to provide adequate support for the surviving spouse during the probable life expectancy of the surviving spouse. In a proceeding under this subsection, the surviving spouse's present or future eligibility for public assistance does not diminish the need for support.

**Sec. UU-2. Application.** That section of the Part that repeals and replaces the Maine Revised Statutes, Title 18A, section 2203 applies to a surviving spouse who has the right to exercise the elective share under Title 18A, Part 2 on or after the effective date of this Part.

## **PART VV**

**Sec. VV-1. 36 MRSA §2893, sub-§2,** as amended by PL 2003, c. 673, Pt. HH, §4, is further amended to read:

**2. Return required in state fiscal years beginning on or after July 1, 2004.** For tax due for state fiscal years beginning on or after July 1, 2004, a person subject to the tax imposed by ~~this chapter~~ section 2892 shall submit to the assessor a return on a form prescribed and furnished by the assessor and pay one half of the total tax due by November 15th of the state fiscal year for which the tax is being imposed and one half of the total tax due by May 15th of the state fiscal year for which the tax is being imposed.

**Sec. VV-2. 36 MRSA §2893, sub-§3,** as amended by PL 2007, c. 438, §62, is further amended to read:

**3. Application of revenues.** All revenues received by the assessor under this chapter must be credited to a General Fund suspense account. No later than the last day of each month, the State Controller shall transfer all revenues received by the assessor during the month under ~~this chapter~~ section 2892 to the Medical Care - Payments to Providers Other Special Revenue Funds account in the Department of Health and Human Services.

**Sec. VV-3. 36 MRSA §2894** is enacted to read:

### **§ 2894. Hospital assessment**

For state fiscal year 2010-11, an assessment is imposed against each hospital in the State. The assessment is equal to 0.12% of net operating revenue as identified on the hospital's most recent audited financial statement for the hospital's fiscal year that ended during calendar year 2008.

**Sec. VV-4. 36 MRSA §2895** is enacted to read:

## **§ 2895. Return and payment of assessment; application of revenues**

**1. Return required.** A person subject to the assessment imposed under section 2894 shall submit to the assessor a return on a form prescribed and furnished by the assessor. The assessment is payable in 2 payments. The first payment is due by September 30, 2010. The 2nd payment is due by March 30, 2011.

**2. Application of revenues.** All revenues received by the assessor under section 2894 must be credited to the General Fund.

## **PART WW**

**Sec. WW-1. Nursing home eligibility medical assessment rules.** The Department of Health and Human Services shall amend its rules and policies to eliminate the requirement for 90-day and for 5-year medical assessments for MaineCare nursing home eligibility. After an initial medical assessment, the department shall require that nursing home providers conduct ongoing evaluations using the State's minimum data set for determining medical eligibility. The department shall establish a process to assess penalties for nursing home provider misqualifications in medical eligibility determinations and to use existing department case reviewers to monitor nursing home resident medical eligibility determinations through random sampling methods.

## **PART XX**

**Sec. XX-1. 22 MRSA §3769, sub-§3** is enacted to read:

**3. Balances of funds not to lapse.** Any balances of funds appropriated for TANF or ASPIRE-TANF may not lapse but must be carried forward from year to year to be expended for the same purposes.

## **PART YY**

**Sec. YY-1. Allocation of revenue from watercraft registration fees.** The Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources shall review the allocation of watercraft registration fees between the Department of Inland fisheries and Wildlife and the Department of Marine Resources and make recommendations for changes to the allocation. This review must take into account the historical precedence for the division of the fees, the intent of recent statutory increases to the watercraft registration fees and the intent of any statutory changes to the allocation of these fees. The commissioners shall report their recommendations to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources no later than November 30, 2010.

## **PART ZZ**

**Sec. ZZ-1. Rename Mental Retardation Services - Community program.**

Notwithstanding any other provision of law, the Mental Retardation Services - Community program within the Department of Health and Human Services is renamed the Developmental Services - Community program.

**Sec. ZZ-2. Rename Medicaid Services - Mental Retardation program.**

Notwithstanding any other provision of law, the Medicaid Services - Mental Retardation program within the Department of Health and Human Services is renamed the Medicaid Services - Developmental Services program.

**Sec. ZZ-3. Rename Mental Retardation Waiver - MaineCare program.**

Notwithstanding any other provision of law, the Mental Retardation Waiver - MaineCare program within the Department of Health and Human Services is renamed the Developmental Services Waiver - MaineCare program.

**Sec. ZZ-4. Rename Mental Retardation Waiver - Supports program.**

Notwithstanding any other provision of law, the Mental Retardation Waiver - Supports program within the Department of Health and Human Services is renamed the Developmental Services Waiver - Supports program.

**Sec. ZZ-5. Intent; effect.** The substitution of the words "Developmental Services" for the words "Mental Retardation" and "Mental Retardation Services" under the provisions of this Part is not intended to and does not change the eligibility requirements for services or benefits or result in an expansion of services or benefits provided by the Department of Health and Human Services.

## **PART AAA**

**Sec. AAA-1. 36 MRSA §2892,** as amended by PL 2007, c. 545, §6, is further amended by adding at the end a new paragraph to read:

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

## **PART BBB**

**Sec. BBB-1. Transfer from unappropriated surplus; Office of Integrated Access and Support - Central Office, Other Special Revenue Funds account; indirect cost allocation settlements.** Notwithstanding any other provision of law, the State Controller shall transfer \$3,804,827 by June 30, 2010 from the unappropriated surplus of the General Fund to the Office of Integrated Access and Support - Central Office, Other Special Revenue Funds account within the Department of Health and Human Services for indirect cost allocation settlements.

**Sec. BBB-2. Transfer from unappropriated surplus; Family Independence - Regional, Other Special Revenue Funds account; indirect cost allocation settlements.** Notwithstanding any other provision of law, the State Controller shall transfer \$1,569,406 by June 30,

2010 from the unappropriated surplus of the General Fund to the Family Independence - Regional, Other Special Revenue Funds account within the Department of Health and Human Services for indirect cost allocation settlements.

**Sec. BBB-3. Transfer from unappropriated surplus; Administrative Hearings, Other Special Revenue Funds account; indirect cost allocation settlements.** Notwithstanding any other provision of law, the State Controller shall transfer \$439,694 by June 30, 2010 from the unappropriated surplus of the General Fund to the Administrative Hearings, Other Special Revenue Funds account within the Department of Health and Human Services for indirect cost allocation settlements.

## **PART CCC**

**Sec. CCC-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 \$68,200,000 on June 30, 2010 from Other Special Revenue Funds to the unappropriated surplus of the General Fund. On July 1, 2010, the State Controller shall transfer \$68,200,000 from the General Fund unappropriated surplus to Other Special Revenue Funds as repayment. This transfer is considered an interfund advance.

## **PART DDD**

**Sec. DDD-1. Implementation of recommendations of natural resources agency task force.** Beginning January 1, 2011, the Governor shall implement recommendations of the 2008 report of the natural resources agency task force appointed by the Governor to implement Public Law 2007, chapter 539, Part YY, section 2 to:

1. Move toward management of all state boat launch facilities by one of the natural resources agencies;
2. Move toward having natural resources agencies and staff collocated in various regional offices to increase communication and collaboration; and
3. Move toward rational alignment of districts for natural resources agencies to increase communication and collaboration among staff members and between agencies and local government and citizens of those regions.

## **PART EEE**

**Sec. EEE-1. Emergency rulemaking regarding vital records fees.** The Department of Health and Human Services, Office of Health Data and Program Management shall by April 1, 2010 adopt rules on an emergency basis to set the fees for obtaining copies of vital records from the office at the same levels as were in effect in September 2009 and, following adoption of the emergency rules, shall

complete nonemergency rulemaking to set the fees at the September 2009 levels. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2A.

## PART FFF

**Sec. FFF-1. 8 MRSA §1036, sub-§5** is enacted to read:

**5. Annual report on use of funds.** The Department of Agriculture, Food and Rural Resources, Harness Racing Commission, the University of Maine System and the Maine Community College System shall provide an annual report that includes a detailed explanation of how the funds received under subsection 2, paragraph B, C, D, F, G, H or I achieved specific objectives. The report must include detailed historical allocation and expenditure information beginning with fiscal year 2005-06. The reports must be submitted to the joint standing committees of the Legislature having jurisdiction over legal and veterans affairs and appropriations and financial affairs no later than September 15th of each year.

**Sec. FFF-2. Review of slot machine revenue distribution.** Upon approval of the Legislative Council, the Joint Standing Committee on Legal and Veterans Affairs shall review the current allocation of funds from slot machine facilities in the Maine Revised Statutes, Title 8, section 1036 and any other allocation of funds regarding casinos approved by the Legislature or the voters in the State and make recommendations for any necessary changes.

In conducting its review, the Joint Standing Committee on Legal and Veterans Affairs shall consult with interested groups as it considers appropriate. The committee's recommendations must address, at a minimum, the following issues:

1. The appropriate framework for ensuring thorough and regular reviews of the allocation of revenue from slot machine facilities or approved casinos that consider the adequacy of the distribution of revenue among existing and new potential uses and recipients; and
2. Principles for the allocation of revenue from slot machine facilities or approved casinos consistent with voters' intent.

The Joint Standing Committee on Legal and Veterans Affairs shall, no later than November 3, 2010, submit a report with implementing legislation to the First Regular Session of the 125th Legislature on the issues identified in this Part.

## PART GGG

**Sec. GGG-1. Private nonmedical institution rate standardization.** The Department of Health and Human Services shall convene a provider working group to participate in the process of developing and implementing standardized rates for private nonmedical institutions, including substance abuse treatment facilities and community residences for persons with mental illness. The Department of Health and Human Services is authorized to adopt rules to establish a standardized rate structure for private nonmedical institutions that bill MaineCare under the MaineCare Benefits Manual, Chapter III,

Section 97, Appendix B: Principles of Reimbursement for Substance Abuse Treatment Facilities, and Appendix E: Principles of Reimbursement for Community Residences for Persons with Mental Illness. The rules must achieve the savings included in Part A and may include a separate standardized rate for each different type and level of service specified. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

## PART HHH

**Sec. HHH-1. Unified payment card work group established.** The Treasurer of State shall convene a work group to review disbursement options related to a unified payment card for state expenditures in order to determine if increased cardholder convenience and further state budget savings can be achieved.

**Sec. HHH-2. Participants.** In convening the work group under section 1, the Treasurer of State shall include representatives from the Department of Administrative and Financial Services, Office of the State Controller, Division of Purchases, Bureau of Revenue Services and Office of Information Technology; the Department of Labor; the Department of Health and Human Services; the Department of Corrections; the Department of Education; and the Department of Professional and Financial Regulation. The Treasurer of State shall serve as chair of the work group and may accept resources as approved and provided by work group participants.

**Sec. HHH-3. Duties.** The work group under section 1 shall:

1. Review current payment card offerings;
2. Explore opportunities to expand payment card offerings;
3. Determine any cost savings and expenses associated with a unified payment card; and
4. Recommend actions and timelines, if appropriate.

**Sec. HHH-4. Report.** The work group under section 1 shall submit its report, including any recommended implementing legislation, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 15, 2011.

## PART III

**Sec. III-1. Nursing facility food handling requirements.** The Department of Health and Human Services shall review the rules regarding food handling requirements in nursing facilities, including but not limited to the rules regarding the serving of foods from previously prepared menus and portion requirements, with the objective of reducing waste and encouraging efficiencies in food handling while maintaining the quality of the menus. In its review, the department shall seek advice from an advisory group, which includes but is not limited to the long-term care ombudsman, professional food managers and food inspectors from the department and private facilities. The department may adopt new rules by December 31, 2010 to ensure that all nursing facility residents affected are treated uniformly regarding food handling and management. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2A.

## PART JJJ

**Sec. JJJ-1. 5 MRSA §285, sub-§7-A**, as enacted by PL 2009, c. 213, Pt. GG, §2, is amended to read:

**7-A. Health credit premium program.** Notwithstanding subsection 7, paragraph C, the State may pay a greater proportion of the total cost of the individual premium for the standard plan identified and offered by the commission and available to the employee as authorized by the commission. The commission shall develop a health credit premium program whereby employees are provided incentives to engage in healthy behaviors in an effort to improve the health status of the state employee population and to help reduce costs to the state employee health insurance program. The commission shall define benchmarks for healthy behaviors that, if met by an individual employee, result in the State's paying a greater share of the individual premium. Adjustments to the state share of the individual premium must be applied once each year in advance of the beginning of the plan year.

The benchmarks developed by the commission must provide ~~3~~2 discrete levels for the state share of the individual premium as follows.

A. For employees whose base annual rate of pay is projected to be less than or equal to \$30,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the health credit premium program must provide the individual employee meeting the specified benchmarks with the opportunity to have the state share of the individual premium paid at 100%,~~97.5%~~ or 95%. The state share is determined by the specific benchmarks met by the employee.

B. For employees whose base annual rate of pay is projected to be greater than \$30,000 and less than \$80,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the health credit premium program must provide the individual employee meeting the specified benchmarks with the opportunity to have the state share of the individual premium paid at 95%,~~92.5%~~ or 90%. The state share is determined by the specific benchmarks met by the employee.

C. For employees whose base annual rate of pay is projected to be \$80,000 or greater on July 1st of the state fiscal year for which the premium contribution is being determined, the health credit premium program must provide the individual employee meeting the specified benchmarks with the opportunity to have the state share of the individual premium paid at 92.5%,~~89%~~ or 85%. The state share is determined by the specific benchmarks met by the employee.

## PART KKK

**Sec. KKK-1. Debt service.** For the 2012-2013 biennial budget, the baseline appropriation for the Debt Service - UMS program within the University of Maine System is increased by \$850,000 per year for debt service costs to support a 10-year revenue bond to bring facilities at the University of Maine into compliance and remove asbestos and mercury contamination, with the first year of debt service starting in fiscal year 2011-12.

## PART LLL

**Sec. LLL-1. 9-A MRSA §8-303, sub-§2-A**, as enacted by PL 2009, c. 113, §1, is amended to read:

**2-A.** Notwithstanding subsection 2, a governmental entity may impose a surcharge for payments made with a credit card or debit card for taxes, fines, charges, utility fees, regulatory fees, license or permit fees or the provision of a specific service provided by that governmental entity if the surcharge:

A. Is disclosed clearly to the consumer prior to payment; and

B. Does not exceed the costs associated with providing the credit card or debit card service that are directly incurred by the governmental entity or assessed by an authorized 3rd-party payment service provider for a credit card or debit card transaction. If there is not a cost assessed by an authorized 3rd-party payment service provider for a debit card transaction, the governmental entity may not impose a surcharge associated with a debit card transaction.

A governmental entity shall disclose to the consumer that the surcharge may be avoided if the consumer makes payments by cash, check or other means not a credit card or debit card. A governmental entity is not subject to any liability to the issuer of a credit card or an authorized 3rd-party payment service provider for nonpayment of credit card charges by the consumer. As used in this subsection, "governmental entity" means a county established or governed by Title 30-A, Part 1, a municipality as defined in Title 30-A, section 2001, subsection 8, a quasi-municipal corporation as defined in Title 30-A, section 2604, subsection 3 or, the Judicial Department as described in Title 4, the University of Maine System, the Maine Community College System or the Maine Maritime Academy.

## PART MMM

**Sec. MMM-1. PL 2009, c. 213, Pt. SSS, §4** is amended to read:

**Sec. SSS-4. Merit increases and longevity payments.** Notwithstanding the Maine Revised Statutes, Title 26, section 979-D or section 1285 or any other provision of law, any merit increase ~~or longevity payment~~, regardless of funding source, scheduled to be awarded or paid between July 1, 2009 and June 30, 2011 and any longevity payment, regardless of funding source, scheduled to be paid between July 1, 2009 and June 30, 2010 to any person employed by the departments and agencies within the executive and judicial branches, including the constitutional officers and the Department of Audit, may not be awarded, authorized or implemented. These savings may be replaced by other Personal Services savings by agreement of the State and the bargaining agents representing state employees.

**Sec. MMM-2. PL 2009, c. 213, Pt. SSS, §5** is amended to read:

**Sec. SSS-5. Personal Services adjustments for the 2010-2011 biennium; legislative branch.** Notwithstanding the State Employees Labor Relations Act or any other provision of law, the Personal Services expenditures for the legislative branch must be adjusted to achieve Personal

Services savings in a manner determined by the Legislative Council including implementation of office closures and suspension of merit or step increases ~~and longevity stipends for the 2010-2011 biennium~~ and suspension of longevity stipends for fiscal year 2009-10.

## PART NNN

**Sec. NNN-1. Carrying balance; Bureau of Medical Services; General Fund account.** Notwithstanding any other provision of law, any All Other line category balance in the Department of Health and Human Services, Bureau of Medical Services, General Fund account remaining on June 30, 2010 may not lapse but must be carried forward to June 30, 2011 to be used for the same purposes.

## PART OOO

**Sec. OOO-1. Emergency rule-making authority; health and human services matters.** The Department of Health and Human Services is authorized to adopt emergency rules on or before June 30, 2010 under the Maine Revised Statutes, Title 5, sections 8054 and 8073 in order to implement those provisions of this Act over which the department has subject matter jurisdiction without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

## PART PPP

**Sec. PPP-1. 22 MRSA §3174-Q, sub-§2,** as enacted by PL 1995, c. 696, Pt. B, §2, is amended to read:

**2. Services covered.** Elimination of services covered under the program on August 1, 1996, except when immediately necessary to comply with federal law. The department may not eliminate a service if modification of that service can achieve compliance with federal law. Any modification may be made only to the extent necessary to achieve compliance with federal law. Any elimination or modification made under this subsection must be done through rulemaking under the Maine Administrative Procedure Act. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2A.

If the department takes action to eliminate or modify a service under this subsection, it shall provide notice of the rule-making proceedings to members of the Legislature.

## PART QQQ

**Sec. QQQ-1. 20-A MRSA §1486, sub-§1,** as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

**1. Budget validation.** Following development of the annual regional school unit budget and approval at a regional school unit budget meeting as provided in section 1485, a referendum must be held in the regional school unit as provided in this section to allow the voters to validate or reject the total budget adopted at the regional school unit budget meeting.

Every 3 years, the voters in a regional school unit shall consider continued use of the budget validation referendum process. The warrant at the budget validation referendum in the 3rd year following adoption or continuation of the referendum process must include an article by which the voters of the school administrative district may indicate whether they wish to continue the process for another 3 years. The warrant for the referendum to validate the fiscal year 2010-11 budget is deemed the 3rd-year warrant. A vote to continue retains the process for 3 additional years. A vote to discontinue the process ends its use beginning with the following budget year and prohibits its reconsideration for at least 3 years.

An article to consider reinstatement of the budget validation referendum process may be placed on a warrant for a referendum vote by either a majority vote of the regional school unit board or a written petition filed with the regional school unit board by at least 10% of the number of voters voting in the last gubernatorial election in the municipalities in the school administrative district. The regional school unit board shall place the article on the next scheduled warrant or an earlier one if determined appropriate by the regional school unit board. If adopted by the voters, the budget validation referendum process takes effect beginning in the next budget year or the following budget year if the adoption occurs less than 90 days before the start of the next budget year. Once approved by the voters, the budget validation referendum process may not be changed for 3 years.

**Sec. QQQ-2. 20-A MRSA §1486, sub-§2,** as amended by PL 2009, c. 98, §1, is further amended to read:

**2. Validation referendum procedures.** The budget validation referendum must be held on or before the ~~14th~~<sup>30th</sup> calendar day following the scheduled date of the regional school unit budget meeting. The referendum may not be held on a Sunday or legal holiday. The vote at referendum is for the purpose of approving or rejecting the total regional school unit budget approved at the regional school unit budget meeting. The regional school unit board shall provide printed information to be displayed at polling places to assist voters in voting. That information is limited to the total amounts proposed by the regional school unit board for each cost center summary budget category article, the amount approved at the regional school unit budget meeting, a summary of the total authorized expenditures and, if applicable because of action on an article under section 15690, subsection 3, paragraph A, a statement that the amount approved at the regional school unit budget meeting includes locally raised funds that exceed the maximum state and local spending target pursuant to section 15671A, subsection 5.

## PART RRR

**Sec. RRR-1. 5 MRSA §17001, sub-§4, ¶A,** as amended by PL 2009, c. 213, Pt. SSS, §1, is further amended to read:

A. The average annual rate of earnable compensation of a member during the 3 years of creditable service as an employee in Maine, not necessarily consecutive, in which the member's annual rate of earnable compensation is highest. However, if a member is subject to a temporary layoff or other time off without pay as a result of a Governor's Executive Order, time off without pay or loss of pay pursuant to the agreements of February 15, 1991, October 23, 1991 and June 11, 1993 between the Executive Department and the American Federation of State, County and Municipal Employees, Council 93, time off without pay pursuant to the agreement of June 11, 1993 between the Executive Department and the Maine State Employees Association, days off without pay as authorized by legislative action or days off without pay resulting from any executive order declaring or continuing a state of emergency relating to the lack of an enacted budget document for fiscal years ending June 30, 1992 and June 30, 1993, or, if a member elects to make the payments as set forth in section 17704-B, as a result of days off without pay or for days worked for which the level of pay is reduced as the result of the freezing of merit pay and longevity pay as authorized by legislative action, by the State Court Administrator or from executive order for the fiscal year beginning July 1, 2002, July 1, 2009 or July 1, 2010, or a combination thereof, or, if a member is subject to days off without pay, not to exceed 10 days in each fiscal year ending June 30, 1992 and June 30, 1993, as a result of actions taken by local school administrative units to offset school subsidy reductions, or, if a member is subject to days off without pay during the fiscal year beginning July 1, 2009 or July 1, 2010, as a result of actions taken by a local school administrative unit and the member elects to make the payments as set forth in section 17704-B or, notwithstanding section 18202, as a result of actions of a participating local district to offset reductions in municipal revenue sharing or a combination thereof, for the fiscal years ending June 30, 1992 and June 30, 1993, the 3-year average final compensation must be determined as if the member had not been temporarily laid off, reduced in pay or provided days off without pay; or

## PART SSS

**Sec. SSS-1. 34-B MRSA §1409, sub-§15**, as amended by PL 2005, c. 236, §3 and c. 256, §5, is further amended to read:

**15. General Fund accounts; disproportionate share hospital match.** The commissioner shall establish General Fund accounts to provide the General Fund match for eligible disproportionate share hospital components in the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center. Any unencumbered balances of General Fund appropriations remaining at the end of each fiscal year must be carried forward to be used for the same purposes. Notwithstanding Title 5, section 1582, subsection 4 or any other provision of law, available unencumbered balances at the end of each fiscal year in the Personal Services line category of the accounts may be transferred to the All Other line category by financial order upon the recommendation of the State Budget Officer and approval of the Governor.

## PART TTT

**Sec. TTT-1. Distribution of Fund for a Healthy Maine deallocation; report required.** The State Budget Officer shall review the programs receiving funds from the Fund for a Healthy Maine and shall make adjustments to each account receiving funding in the All Other line category pursuant to the deallocation in the Department of Administrative and Financial Services included in Part A. The State Budget Officer shall first apply any unexpended balance in the Fund for a Healthy Maine on June 30, 2010 before making any adjustments. These adjustments must be calculated in proportion to each account's allocation in the All Other line category in relation to the total All Other allocation for Fund for a Healthy Maine programs. Notwithstanding any other provision of law, the State Budget Officer shall transfer the identified amounts by financial order upon approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2010-11. The State Budget Officer shall report on the distribution of savings 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 by January 1, 2011.

## PART UUU

**Sec. UUU-1. PL 2009, c. 213, Pt. MMM, §2,** as enacted by PL 2009, c. 371, Pt. B, §2, is amended to read:

**Sec. MMM-2. Transfer; Maine Budget Stabilization Fund.** Notwithstanding the Maine Revised Statutes, Title 5, section 1536 or any other provision of law, ~~\$3,643,615~~\$8,279,283 of the balance in General Fund unappropriated surplus on June 30, 2010 and \$2,488,702 of the balance in General Fund unappropriated surplus on June 30, 2011 must be transferred to the Maine Budget Stabilization Fund no later than June ~~2030~~, 2011 after all budgeted financial commitments and adjustments considered necessary by the State Controller have been made.

## PART VVV

**Sec. VVV-1. PL 2007, c. 240, Pt. XXXX, §36, sub-§11,** as amended by PL 2009, c. 213, Pt. KKKK, §1, is further amended to read:

**11. Result of disapproval at January 2008 referendum or subsequent referendum on or before January 30, 2009.** A school administrative unit that rejects a proposed reorganization plan at the January 15, 2008 referendum or at a subsequent referendum on or before January 30, 2009 may restart the process to form a regional school unit with the same or other school administrative units and may seek assistance from the Department of Education to prepare another reorganization plan.

A. Subsequent reorganization plans must meet the same requirements as for reorganization plans filed prior to the January 2008 referendum, except that the timelines are adjusted to reflect a July 1, 2009 reorganization date.

B. The penalties set forth in Title 20A, section 15696 apply to any school administrative unit that fails to approve a reorganization plan on or before January 30, 2009 and to implement that plan by July 1, 2009, including those school administrative districts that are reformulated under subsection 12. These penalties do not apply to any school administrative unit that implements a reorganization plan by July 1, ~~2010~~2011 in accordance with subsection 11A.

**Sec. VVV-2. PL 2007, c. 240, Pt. XXXX, §36, sub-§11-A**, as enacted by PL 2009, c. 213, Pt. KKKK, §2, is amended to read:

**11-A. Result for school administrative unit that approves plan at referendum on or before January 30, 2010 but is unable to implement plan.** A school administrative unit that approves a proposed reorganization plan at the January 15, 2008 referendum or at a subsequent referendum on or before January 30, ~~2009~~2010 but is unable to implement the plan because the plan was rejected at referendum by one or more of its proposed partner school administrative units under the plan may restart the process to form a regional school unit with the same or other school administrative units and may seek assistance from the Department of Education to prepare another reorganization plan.

A. Subsequent reorganization plans must meet the same requirements as for reorganization plans filed prior to the January 2008 referendum, except that the timelines are adjusted to reflect a July 1, ~~2010~~2011 reorganization date.

B. The penalties set forth in Title 20A, section 15696 apply, as of July 1, ~~2010~~2011, to any school administrative unit that fails to approve a reorganization plan on or before January 30, ~~2010~~2011 and to implement that plan by July 1, ~~2010~~2011.

## PART WWW

**Sec. WWW-1. 36 MRSA §271, sub-§2, ¶C**, as enacted by PL 1985, c. 764, §8, is amended to read:

C. Promulgate rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, governing procedures before the board; and

**Sec. WWW-2. 36 MRSA §271, sub-§2, ¶D**, as enacted by PL 1985, c. 764, §8, is amended to read:

D. Administer oaths, take testimony, hold hearings, summon witnesses;~~and~~ subpoena records, files and documents it considers necessary for carrying out its responsibilities;~~; and~~

**Sec. WWW-3. 36 MRSA §271, sub-§2, ¶E** is enacted to read:

E. Charge fees for filing a petition for appeal with the board pursuant to subsection 10.

**Sec. WWW-4. 36 MRSA §271, sub-§3**, as amended by PL 1993, c. 395, §9, is further amended to read:

**3. Procedures.** Appeals to the board must be commenced by filing a petition for appeal with the board and paying the appropriate filing fee if required pursuant to subsection 10. A copy of the petition must be mailed to the State Tax Assessor and to the assessor of the municipality where the property subject to appeal is located.

**Sec. WWW-5. 36 MRSA §271, sub-§3-A,** as enacted by PL 1993, c. 395, §10, is amended to read:

**3-A. Filing.** Petitions for appeal, filing fees and all other papers required or permitted to be filed with the board must be filed with the secretary of the board. Filing with the secretary may be accomplished by delivery to the office of the board or by mail addressed to the secretary of the board. All papers to be filed that are transmitted by the United States Postal Service are deemed filed on the day the papers are deposited in the mail as provided in section 153. The secretary of the board shall place a petition for appeal that is filed without payment of the filing fee on the docket and shall notify the petitioner that the appeal will not be processed further without payment. Municipal appeals under section 272 are specifically exempted from the filing fee requirement.

**Sec. WWW-6. 36 MRSA §271, sub-§9** is enacted to read:

**9. Property Tax Review Board Fund; funding.** The Property Tax Review Board Fund is established to assist in funding the activities of the board pursuant to this subchapter. Any balance in the fund does not lapse but is carried forward to be expended for the same purposes in succeeding fiscal years. Filing fees collected pursuant to this section must be deposited in the fund, which is administered by the board. The funds must supplement and not supplant General Fund appropriations.

**Sec. WWW-7. 36 MRSA §271, sub-§10** is enacted to read:

**10. Filing fees.** The following fees are required for filing petitions for appeal with the board.

A. The filing fee for a petition for an appeal of current use valuation under the tree growth tax law, chapter 105, subchapter 2-A, the farm and open space tax law, chapter 105, subchapter 10, the working waterfront land law, chapter 105, subchapter 10-A or a petition for an appeal relating to section 2865 is \$75.

B. The filing fee for a petition for an appeal relating to nonresidential property or properties with an equalized municipal valuation of \$1,000,000 or greater pursuant to sections 273, 843 and 844 is \$150.

**Sec. WWW-8. Application.** This Part does not apply to any appeal pending or petition filed with the State Board of Property Tax Review prior to the effective date of this Act.

## PART XXX

**Sec. XXX-1. 20-A MRSA §15689-B, sub-§6,** as amended by PL 2009, c. 213, Pt. C, §15, is further amended to read:

**6. Balance of allocations.** Notwithstanding any other law, general operating fund balances at the end of a school administrative unit's fiscal year must be carried forward to meet the unit's needs in the next year or over a period not to exceed 3 years. Unallocated balances in excess of 3% of the previous fiscal year's school budget must be used to reduce the state and local share of the total allocation for the purpose of computing state subsidy. School boards may carry forward unallocated balances in excess of 3% of the previous year's school budget and disburse these funds in the next year or over a period not to exceed 3 years. For fiscal years 2008-09, 2009-10 and, 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15 only, the carry-forward of a school administrative units mayunit's unallocated balances is not be limited to 3% of the previous fiscal year's school budget.

## PART YYY

**Sec. YYY-1. 27 MRSA §7** is enacted to read:

### **§ 7. Private support organization**

**1. Designation of private support organization.** The State Librarian shall designate a nonprofit organization as the private support organization for the Maine State Library. The designated organization must be incorporated as a nonprofit corporation under the laws of the State, and its sole purpose, as reflected in its bylaws, must be to organize and foster support for the Maine State Library and the library's programs.

**2. Nonvoting member on board of directors.** The State Librarian, or the librarian's designee, must be made a nonvoting ex officio member of the private support organization's board of directors.

**3. Plan of work.** The State Librarian shall negotiate an annual memorandum of understanding between the Maine State Library and the private support organization that outlines a plan of work identifying priority projects of mutual benefit and cooperation.

**4. Use of property.** The State Librarian may permit the appropriate use of fixed property, equipment and facilities of the Maine State Library by the private support organization. Such use must be directly in keeping with the purpose of the private support organization as set out in subsection 1 and must comply with all appropriate state policies and procedures.

## PART ZZZ

**Sec. ZZZ-1. Report.** The Commissioner of Education and the Commissioner of Health and Human Services shall present a status report to the Joint Standing Committee on Education and Cultural Affairs regarding the financial implications of implementing any proposed changes to the Department of Health and Human Services rules pertaining to MaineCare, including the potential adverse fiscal impact for Medicaid-eligible children from birth to 20 years of age who receive programs and services through the Child Development Services System and through kindergarten to grade 12 schools in accordance with the federal Individuals with Disabilities Education Act, 20 United States Code, Sections 1400 et

seq. The commissioners shall submit a final report no later than October 1, 2010. The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the 124th Legislature based on the report submitted pursuant to this section.

## **PART AAAA**

### **Sec. AAAA-1. Achieving efficiencies within the unified correctional system.**

The State Board of Corrections shall continue to achieve efficiencies and improved services through restructuring and strategic investments. Every county shall participate fully in the board's initiatives, which may include uniform standards, data collection, joint purchasing agreements, consolidation of contracts and services and changes in mission and purpose. Every county shall provide all information requested by the board according to timelines established by the board, including the full and timely reporting of expenditures and unexpended balances.

## **PART BBBB**

### **Sec. BBBB-1. Commercial forestry excise tax special assessment; report on enforcement activities.**

In addition to the amount calculated for the commercial forestry excise tax under the Maine Revised Statutes, Title 36, section 2723-A, subsection 5-A for taxes due on May 1, 2011, the State Tax Assessor shall increase the amount to be collected from owners of commercial forest land in accordance with Title 36, section 2723-A, subsection 5-A on a one-time basis by \$400,000. The special assessment imposed pursuant to this section may not be considered revenue for the purposes of Title 36, section 2723-A. The State Tax Assessor shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters and the joint standing committee of the Legislature having jurisdiction over taxation matters no later than February 15, 2011 on the amount of additional acreage added to the tax base for the 2011 tax year and additional collections from enforcement activities and their effect on offsetting the \$400,000 increase and on reducing the per acre tax rate in 2011 and thereafter for landowners that made commercial forestry excise tax payments in the 2010 tax year.

## **PART CCCC**

**Sec. CCCC-1. Shared living model redesign stakeholder group.** The Department of Health and Human Services shall convene a stakeholder group to participate in redesigning a shared living model of housing and services for adults with developmental disabilities, including the development of minimum standards for shared living, consideration of a reimbursement system based on the support needs of the individual served and a clear delineation of the responsibilities of the host family, the agencies providing oversight, state and community case managers and department staff.

**Sec. CCCC-2. Shared living model responsibilities.** The Department of Health and Human Services shall assume responsibility for direct support professional and medication administration training for shared living homes and respite providers beginning July 1, 2010. Agencies providing oversight shall maintain responsibility over the remaining aspects of the shared living homes.

**Sec. CCCC-3. Shared living model reimbursement and rules.** The Department of Health and Human Services shall reduce the reimbursement rate for the shared living program by 4.5% beginning July 1, 2010. The department is authorized to adopt rules effective October 1, 2010 to establish a reimbursement structure that produces an additional \$500,000 in General Fund savings in fiscal year 2010-11. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2A.

**Sec. CCCC-4. Shared living model redesign report requirement.** The Department of Health and Human Services shall report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services on the progress of the stakeholder group in redesigning the shared living model under section 1 on July 1, 2010 and on September 1, 2010.

## PART DDDD

**Sec. DDDD-1. Nursing facility survey revisit rules.** The Department of Health and Human Services shall amend rules governing the licensing and functioning of skilled nursing facilities to reduce the necessity for nursing facility survey revisits for minor deficiencies that result in no substandard quality of care or actual harm when a facility provides evidence that it has corrected the deficiencies and is in compliance.

## PART EEEE

**Sec. EEEE-1. Resolve 2009, c. 136, §4** is amended to read:

**Sec. 4. Appointments; convening of task force. Resolved:** That all appointments must be made no later than ~~30 days following the effective date of this resolve~~June 1, 2010. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force, which must be no later than ~~August 1, 2009~~July 1, 2010; and be it further

**Sec. EEEE-2. Resolve 2009, c. 136, §7** is amended to read:

**Sec. 7. Report. Resolved:** That, no later than ~~December 2, 2009~~November 3, 2010, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the ~~Second~~First Regular Session of the ~~124th~~125th Legislature. ~~The Joint Standing Committee on Health and Human Services is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session upon receipt of the report; and be it further~~

**Sec. EEEE-3. Resolve 2009, c. 136, §8** is amended to read:

**Sec. 8. Funding. Resolved:** That the operations of the task force are contingent upon receipt of outside funding to fund all costs of the task force. Private financial or in-kind contributions to support the work of the task force may not be accepted from any party having a pecuniary or other vested interest in the outcome of the study. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. All such contributions are subject to the approval of the Legislative Council. All accepted contributions must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the task force when those contributions have been received. If funding has not been received ~~within 30 days after the effective date of this resolve~~ by June 1, 2010, then no meetings of the task force are authorized and no study-related expenses of any kind may be incurred or reimbursed; and be it further

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

**LEGISLATURE**

**Study Commissions - Funding 0444**

Initiative: Adjusts allocations between fiscal years to reflect the delay in the start of the task force on kinship families.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	\$0	\$1,540
All Other	\$0	\$2,950
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<hr style="width: 100%; border: 1px solid black;"/> \$0	<hr style="width: 100%; border: 1px solid black;"/> \$4,490

**Sec. EEEE-5. Retroactivity.** This Part applies retroactively to June 17, 2009.

**PART FFFF**

**Sec. FFFF-1. Study group to study gambling and liquor administrative oversight activities.** The Commissioner of Administrative and Financial Services and the Commissioner of Public Safety shall convene a study group to evaluate the roles and responsibilities of their departments as they pertain to gambling and liquor-related oversight activities. The review must focus on opportunities for cost savings, regulatory efficiencies and enhanced coordination of efforts. The study group must involve various stakeholder groups, as appropriate.

The study group shall report the findings and recommendations resulting from its work to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 15, 2011. The joint standing committee of the Legislature having jurisdiction over legal and veterans affairs may report out a bill to the First Regular Session of the 125th Legislature to implement recommendations of the study.

## **PART GGGG**

**Sec. GGGG-1. 5 MRSA §1582, sub-§4**, as amended by PL 2009, c. 462, Pt. G, §1, is further amended to read:

**4. Use of savings; personal services funds.** Savings accrued from unused funding of employee benefits may not be used to increase services provided by employees. Accrued salary savings generated within an appropriation or allocation for Personal Services may be used for the payment of nonrecurring Personal Services costs only within the account where the savings exist. Accrued savings generated from vacant positions within a General Fund account's appropriation for Personal Services may be used to offset Personal Services shortfalls in other General Fund accounts that occur as a direct result of Personal Services appropriation reductions for projected vacancies, and accrued savings generated within a Highway Fund account's allocations for Personal Services may be used to offset Personal Services shortfalls in other Highway Fund accounts that occur as a direct result of Personal Services allocation reductions for projected vacancies; except that the transfer of such accrued savings is subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Costs related to acting capacity appointments and emergency, unbudgeted overtime for which it is impractical to budget in advance may be used with the approval of the appointing authority. Other actions such as retroactive compensation for reclassifications or reallocations and retroactive or one-time settlements related to arbitrator or court decisions must be recommended by the department or agency head and approved by the State Budget Officer. Salary and employee benefits savings may not be used to fund recurring Personal Services actions either in the account where the savings exist or in another account. At the close of each fiscal year, except for the Division of Forest Protection account within the Department of Conservation, any unexpended General Fund Personal Services appropriations to executive branch agencies including accounts that are authorized to carry unexpended balances forward must lapse to the Salary Plan program, General Fund account in the Department of Administrative and Financial Services.

## **PART HHHH**

**Sec. HHHH-1. 8 MRSA §1003, sub-§2**, as amended by PL 2005, c. 663, §§4 and 5, is further amended to read:

**2. Duties.** ~~The board~~Commissioner of Public Safety, with the advice and the consent of the board, and on a timetable directed by the board, shall hire an executive director. ~~The board or the director, as delegated by the board,~~ shall hire staff in accordance with the Civil Service Law and retain professional services that the board considers necessary to carry out its responsibilities. In addition, the board or the director or staff, as delegated by the board, shall:

- A. Enforce the provisions of this chapter and any rules adopted under this chapter;
- B. Hear and decide all license and registration applications under this chapter and issues affecting the granting, suspension, revocation or renewal of licenses and registrations;
- C. Review the department's reports of its investigation of the qualifications of an applicant before a license or registration is issued and investigate the circumstances surrounding any act or transaction for which board approval is required;
- D. Cause the department to investigate any alleged violations of this chapter or rules adopted under this chapter and the direct or indirect ownership or control of any licensee;
- E. Refer violations of this chapter to the Attorney General to bring action in the courts and administrative tribunals of this State or the United States, in the name of the State of Maine. This paragraph does not limit the authority of district attorneys to prosecute criminal violations of the law;
- F. Collect all licensing and registration fees and taxes imposed by this chapter and rules adopted pursuant to this chapter;
- G. Develop a standard uniform location agreement;
- H. Pursuant to subchapter 5, cause the department to investigate all complaints made to the board regarding ownership, distribution or operation of slot machines and all violations of this chapter or rules adopted under this chapter;
- I. Adopt rules to prevent undesirable conduct relating to the ownership, distribution and operation of slot machines and slot machine facilities, including, but not limited to, the following:
  - (1) The practice of any fraud or deception upon a player of a slot machine or a licensee;
  - (2) The presence or location of a slot machine in or at premises that may be unsafe due to fire hazard or other public safety conditions;
  - (3) The infiltration of organized crime into the ownership, distribution or operation of slot machines and slot machine facilities; and
  - (4) The presence of disorderly persons in a location where slot machines are in use;

- J. Maintain a central site system of monitoring in real time all slot machines licensed in accordance with this chapter using an on-line inquiry;
- K. Maintain the ability to activate and deactivate the operation of slot machines via the central site monitoring system under authority of board staff or persons contracted by the board;
- L. Ensure that the slot machine operator does not have access to any system that is capable of programming slot machines;
- M. Inform commercial track operators applying for a license to operate slot machines that any slot machines licensed by the board must be compatible with the central site system of on-line monitoring used by the board;
- N. Cause the central site monitoring system to disable a slot machine that does not meet registration requirements provided by this chapter or rules adopted under this chapter or as directed by the department;
- O. Cause the central site monitoring system to disable a slot machine and cause the department to seize the proceeds of that slot machine if the funds from that slot machine have not been distributed, deposited or allocated in accordance with section 1036;
- P. Collect all funds and taxes due to the State under sections 1018 and 1036;
- Q. Certify monthly to the department a full and complete statement of all slot machine revenue, credits disbursed by licensees, administrative expenses and the allocation of slot machine income for the preceding month;
- R. Submit by March 15th an annual report to the Governor and the joint standing committee of the Legislature having jurisdiction over gambling affairs on slot machine revenue, credits disbursed by slot machine operators, administrative expenses and the allocation of slot machine income for the preceding year;
- S. Prepare and submit to the department a budget for the administration of this chapter; and
- T. Keep accurate and complete records of its proceedings and certify the records as may be appropriate.

### **PART III**

**Sec. III-1. Deappropriation from savings.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in this Part that applies to each General Fund account in the Department of Health and Human Services and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2009-10 and fiscal year 2010-11.

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

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

**Departmentwide 0640**

Initiative: Deappropriates funds from salary savings.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
Personal Services	(\$3,000,000)	(\$1,250,000)
<b>GENERAL FUND TOTAL</b>	<b>(\$3,000,000)</b>	<b>(\$1,250,000)</b>

**PART JJJJ**

**Sec. JJJJ-1. Executive Department, State Planning Office.** By November 30, 2010, the Commissioner of Administrative and Financial Services, the Director of the State Planning Office within the Executive Department and a policy advisor in the Governor's office selected by the Governor shall report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and state and local government matters a plan, including any necessary implementing legislation, to reorganize certain functions of the State Planning Office to:

1. Enhance the policy development and interagency functions currently conducted by the State Planning Office;
2. Ensure coordination of community assistance and economic development;
3. Locate waste management responsibilities to coordinate environmental, economic and energy matters involving solid waste disposal, including oversight of any state-owned landfill;
4. Include any other functions recommended by the Commissioner of Administrative and Financial Services, the Director of the State Planning Office and the policy advisor in the Governor's office that reduce administrative cost and enhance efficiency; and
5. Achieve General Fund savings of \$225,000 during fiscal year 2010-11.

**Sec. JJJJ-2. Distribution of savings.** Notwithstanding any other provision of law, the State Budget Officer shall distribute the savings identified in section 3 to the appropriate accounts and line categories by financial order upon approval of the Governor. These adjustments are considered an adjustment to appropriations in fiscal year 2010-11.

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

**EXECUTIVE DEPARTMENT**

**Planning Office 0082**

Initiative: Deappropriates savings to be established pursuant to this Part.

GENERAL FUND	2009-10	2010-11
Unallocated	\$0	(\$225,000)
GENERAL FUND TOTAL	\$0	(\$225,000)

## PART KKKK

**Sec. KKKK-1. Transfer from unappropriated surplus; Medical Care Services; targeted case management federal disallowance.** Notwithstanding any other provision of law, the State Controller shall transfer \$29,736,437 by June 30, 2010 from the unappropriated surplus of the General Fund to the Medical Care Services Federal Expenditures Fund program within the Department of Health and Human Services for the federal disallowance related to targeted case management services provided in 2002 and 2003.

## PART LLLL

**Sec. LLLL-1. State Liquor and Lottery Commission directed to implement Mega Millions lottery game.** Notwithstanding any other provision of law to the contrary, the Department of Administrative and Financial Services, State Liquor and Lottery Commission shall enter into an agreement to offer the multijurisdictional lottery game known as Mega Millions by May 2, 2010. The State Liquor and Lottery Commission shall adopt routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to implement the lottery game.

## PART MMMM

**Sec. MMMM-1. 4 MRSA §1201, sub-§9,** as amended by PL 2009, c. 254, §1 and affected by §4, is further amended to read:

**9. Earnable compensation.** "Earnable compensation" means the annual salary as a judge. Any money paid by the State under an annuity contract for the future benefit of a judge must be considered part of the judge's earnable compensation. The earnable compensation of a member retired with a disability retirement allowance under section 1353 must be assumed, for the purposes of determining benefits under this chapter, to be continued after the member's date of termination of service at the same rate as received immediately prior thereto, subject to the same percentage adjustments, if any, that may apply to the amount of retirement allowance of the beneficiary under section 1358. For a member who served as a judge any time between July 1, 2003 and June 30, 2005, earnable compensation includes the salary that would have been paid for a judge in the given year if the cost-of-living adjustments in fiscal year 2003-04 and fiscal year 2004-05 had been funded. For a member who served as a judge any time between July 1, 2010 and June 30, 2011, earnable compensation includes the salary that would have been paid for a judge in that year if the cost-of-living adjustment in fiscal year 2010-11 had been funded.

**Sec. MMMM-2. Suspension of cost-of-living adjustment for judges.** Notwithstanding the Maine Revised Statutes, Title 4, section 4, subsection 2-A, a cost-of-living adjustment for the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges may not be made on July 1, 2010.

**Sec. MMMM-3. Application.** That section of this Part that amends the Maine Revised Statutes, Title 4, section 1201, subsection 9 applies to judges who retire on or after the effective date of this Part.

## **PART NNNN**

**Sec. NNNN-1. Install fee collection containers at unstaffed state parks and historic sites.** The Commissioner of Conservation shall install fee collection containers at certain unstaffed state parks and historic sites and, pursuant to the Maine Revised Statutes, Title 12, section 1819, shall establish, in a manner determined most appropriate by the commissioner, fees so as to generate additional undedicated revenue to the General Fund of \$2,000 in fiscal year 2009-10 and \$19,500 annually beginning in fiscal year 2010-11.

## **PART OOOO**

**Sec. OOOO-1. Curtailment to offset failure of federal enactment of enhanced Medicaid matching.** If the extension of the enhanced federal Medicaid matching provisions under the American Recovery and Reinvestment Act of 2009 are not enacted by the United States Congress and signed into law by July 1, 2010, the Governor shall begin to implement the authority to curtail allotments pursuant to the Maine Revised Statutes, Title 5, section 1668 to take effect no later than October 1, 2010 in order to distribute the unrealized Department of Health and Human Services savings statewide. The State Budget Officer is authorized to adjust allotments in the General Fund, Fund for a Healthy Maine and Federal Expenditures Fund ARRA accounts within the Department of Health and Human Services to increase state Medicaid seed dollars in the affected Department of Health and Human Services accounts and offset the loss of the General Fund and Fund for a Healthy Maine savings from the failure of the United States Congress to enact the extension of the enhanced Medicaid matching provisions. The total General Fund budgeted savings of \$85,050,455 not realized must be offset through the curtailment of General Fund allotments statewide.

## **PART PPPP**

**Sec. PPPP-1. Mental health and substance abuse outpatient services working group.** The Department of Health and Human Services shall convene a working group of stakeholders to conduct a study and make recommendations regarding the delivery of mental health and substance abuse outpatient services. The study must evaluate the relative costs associated with the delivery of these services in the hospital outpatient setting and through community mental health and substance abuse agencies. The department shall gather data on the payer-mix for these services in both settings, including the number of uninsured individuals. The study must identify the differences between each

setting concerning regulatory, licensing and accreditation requirements. The department shall develop research on the types of services provided, programmatic scope in each setting and availability of these services across all payers in each setting.

The study must also include the following:

1. A description of outpatient mental health and substance abuse services that are reimbursable under MaineCare rules;

2. A description of outpatient mental health and substance abuse services provided by hospitals specifically identifying how they differ from the services provided by nonhospital providers as described in departmental rule;

3. A description of current payment systems and rates, including but not limited to claims data for hospital and nonhospital providers of outpatient mental health and substance abuse services;

4. A description of how payment systems and rates for outpatient mental health and substance abuse services provided by hospitals will change if the hospitals are reimbursed via ambulatory payment classifications rather than as state plan services;

5. A description of outcomes and quality of the services delivered in hospital versus nonhospital settings; and

6. A description of administrative costs incurred by hospital and nonhospital providers of outpatient mental health and substance abuse services.

The working group shall provide a report 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 no later than January 15, 2011, including the data and analysis requested and its findings and recommendations regarding preserving access to mental health and substance abuse outpatient services and the relative effect of services provided in settings described in this section on MaineCare spending. The study must include any information regarding the effect on the payment for these services if the department implements managed care for the MaineCare program.

## **PART QQQQ**

**Sec. QQQQ-1. MaineCare managed care stakeholder advisory group.** The Department of Health and Human Services shall convene a stakeholder advisory group composed of MaineCare members, provider representatives, advocacy groups and Department of Health and Human Services clinical program directors to provide guidance to the department regarding the transition to managed care for the MaineCare program. The department shall invite the Maine Medical Association, the Maine Osteopathic Association, the Maine Hospital Association, the Maine Primary Care Association, the Maine Dental Association and the Maine Association of Mental Health Services and any other entities it considers necessary to participate in the stakeholder advisory group. The department shall, at a minimum, convene quarterly meetings of the stakeholder advisory group, with the first meeting occurring no later than July 1, 2010. The department shall provide quarterly 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 regarding the department's efforts to implement managed care for the MaineCare program, with the first report occurring no later than October 1, 2010.

## PART RRRR

**Sec. RRRR-1. MaineCare rate adjustments.** The Department of Health and Human Services shall use funds provided in this Part to adjust MaineCare rates, where necessary and applicable, to actuarially based rates. Only those rates for services that would otherwise be subject to a 10% rate reduction in Part A may be considered for the adjustment under this Part. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of the funding adjustments identified in section 2 of this Part that applies to any other MaineCare General Fund account in the Department of Health and Human Services and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2010-11.

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

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

#### Medical Care - Payments to Providers 0147

Initiative: Provides funds to adjust and restore MaineCare rates for services subject to the 10% reduction, where necessary and applicable, to actuarially based rates.

<b>GENERAL FUND</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$0	\$1,386,923
GENERAL FUND TOTAL	\$0	\$1,386,923

<b>FEDERAL EXPENDITURES FUND</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$0	\$2,990,855
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$2,990,855

<b>FEDERAL EXPENDITURES FUND ARRA</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$0	\$234,536
FEDERAL EXPENDITURES FUND ARRA TOTAL	\$0	\$234,536

## PART SSSS

**Sec. SSSS-1. Department of Health and Human Services to establish rate structure with 2 levels of crisis services.** The Department of Health and Human Services shall establish a rate structure that supports 2 levels of crisis services. The department shall establish a higher rate for a comprehensive, high-quality integrated crisis service system for children and adults that simplifies intake for clients, provides for consumer participation and a single telephone hotline with triage to a "warm line" and supports community-based services as a preferred setting. The department shall establish a lower rate for crisis services that do not meet the higher level of service. The department shall adopt rules, which are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2A, that describe 2 service levels.

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

## SUMMARY

### PART A

This Part makes appropriations and allocations of funds for the 2010-2011 biennium.

### PART B

This Part makes appropriations and allocations of funds for approved reclassifications and range changes.

### PART C

This Part authorizes the consolidation of information technology funding into a separate program account for technology within each agency. It also allows those accounts containing information technology funds that currently carry forward to continue to carry forward in a consolidated account within the information technology program established in each agency, resulting in each agency's having an information technology program that contains an account that lapses and an account that carries forward.

### PART D

This Part transfers certain unexpended funds from the Baxter Compensation Authority account to General Fund unappropriated surplus at the end of fiscal year 200910.

### PART E

This Part does the following.

1. It repeals statutory sections on budget requirements for school administrative districts and community school districts that are no longer necessary.

2. It specifies a lower tuition rate calculation for school year 2009-2010 to reflect the reduction in state aid to public school administrative units.

3. It provides clarification in audit requirements to reflect current statutory requirements for the accounting of public funds in school administrative units.

4. It corrects cross-references.

5. It specifies the appropriate percentages necessary for the fiscal year 2010-11 funding level.

6. It provides that, beginning in fiscal year 2010-11, if the State is able to fund only a percentage of its 55% share of the cost of the components of essential programs and services, then local school administrative units that raise at least that same percentage of their required local contribution may not be penalized by further reductions in state subsidy. This provision is repealed as of June 30, 2012.

7. It removes minor capital project debt from the list of types of debt for which the legislative body of each school administrative unit may vote to raise and appropriate funds and removes minor capital debt from the warrant article and explanation required for non-state-funded debt service approval.

8. It specifies a mill expectation of 6.69 for fiscal year 2009-10; the total cost of funding public education from kindergarten to grade 12, consisting of total operating allocation and the state and local share of those costs.

9. It specifies a mill expectation of 7.46 for fiscal year 2010-11 and the total cost of funding public education from kindergarten to grade 12, consisting of total debt service allocation, total adjustments and miscellaneous costs and state share percentage. It also authorizes the lowering of the mill expectation from 7.46 to 6.96 with funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009 as part of the amount restored to school administrative units in fiscal year 2010-11.

10. It specifies the methods of cost-sharing that apply to school administrative districts reorganized as regional school units pursuant to Public Law 2007, chapter 240 as amended by chapter 668.

11. For purposes of calculating a school administrative unit's total operating allocation, it clarifies the isolated small school adjustment is calculated with regard to closing schools.

12. It revises one of the eligibility conditions for a school administrative unit to qualify for an adjustment for debt service beginning with fiscal year 2010-11.

13. It clarifies a subsidy appeal to the State Board of Education.

14. It amends the laws to comply with revised budget procedures for school administrative units.

## **PART F**

This Part lapses certain unencumbered balances and transfers certain unexpended funds within accounts of the Department of Administrative and Financial Services, Bureau of General Services to General Fund unappropriated surplus at the end of fiscal year 2009-10.

## **PART G**

This Part transfers certain unexpended funds within accounts of the Department of Administrative and Financial Services to General Fund unappropriated surplus at the end of fiscal years 2009-10 and 2010-11.

## **PART H**

This Part transfers certain unexpended funds within various Capital Construction Reserve Fund accounts of the Department of Administrative and Financial Services to the General Fund unappropriated surplus at the ends of fiscal years 2009-10 and 2010-11.

## **PART I**

This Part transfers certain unexpended funds within various Other Special Revenue Funds accounts of the Department of Administrative and Financial Services to General Fund unappropriated surplus at the ends of fiscal years 2009-10 and 2010-11.

## **PART J**

This Part transfers excess equity reserves for retiree health insurance for fiscal years 2008-09 and 2009-10 to the unappropriated surplus of the General Fund by the close of fiscal year 200910. This Part also transfers amounts related to savings in the General Fund and Other Special Revenue Funds accounts arising from rate reductions for retiree health insurance in fiscal year 201011. It also includes a statewide deappropriation to be distributed by the State Budget Officer by financial order as adjustments to appropriations.

## **PART K**

This Part transfers certain unexpended funds from the Other Special Revenue Funds, Taxation Revenue Collection account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

## **PART L**

This Part transfers certain unexpended funds within various Other Special Revenue Funds accounts of the Department of Professional and Financial Regulation to General Fund unappropriated surplus at the end of fiscal year 2009-10.

## **PART M**

This Part transfers unexpended balances in the Fund for a Healthy Maine, Other Special Revenue Funds account in the Department of Administrative and Financial Services at the end of fiscal year 2008-09 as well as the increase in revenue in fiscal year 2009-10 and 2010-11 projected by the Revenue Forecasting Committee in December 2009 and as a result of the enhanced federal medical assistance percentage under the American Recovery and Reinvestment Act of 2009 to the unappropriated surplus of the General Fund.

## **PART N**

This Part requires the State Budget Officer to calculate the amount of savings in the Statewide Service Center account that applies against each General Fund account for executive branch departments and agencies statewide from a decrease in charges by the Department of Administrative and Financial Services, Division of Financial and Personnel Services associated with savings from a reduction in retiree health insurance rates. 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 2010-11.

#### **PART O**

This Part provides for the expedited repayment to the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation of the unpaid balance of the initial deposit made to the Payroll Processor Recovery Fund, which is maintained by the Finance Authority of Maine.

#### **PART P**

This Part provides that an unencumbered balance forward of the Maine State Library, Library Special Acquisitions Fund program lapses to the General Fund in fiscal year 2009-10.

#### **PART Q**

This Part provides that a certain unencumbered balance forward in the Maine State Cultural Affairs Council, New Century Program Fund lapses to the General Fund in fiscal year 2009-10.

#### **PART R**

This Part directs that certain unexpended funds in the Blaine House Renovations and Repairs Fund, Other Special Revenue Funds account within the Executive Department be transferred to the General Fund in fiscal year 2009-10.

#### **PART S**

This Part provides that a certain unencumbered balance forward in the Pollution Control Structures program, General Fund account in the Department of Agriculture, Food and Rural Resources lapses to the General Fund in fiscal year 2009-10.

#### **PART T**

This Part requires the State Budget Officer to calculate projected additional General Fund savings from the Statewide Information Technology account within the Department of Administrative and Financial Services for departments and agencies statewide. It authorizes the State Budget Officer to transfer funds, which are considered adjustments to appropriations in fiscal years 2009-10 and 2010-11. The State Budget Officer is required to report to the Joint Standing Committee on Appropriations and Financial Affairs by June 30, 2010 and by November 30, 2010 on the amounts transferred.

#### **PART U**

This Part removes language providing more than one year for an interested party to allege a violation of compliance with statutory requirements regarding the education of children with disabilities and file a complaint and instead authorizes the filing of complaints that request compensatory services for a violation that occurred not more than 2 years prior to the date the complaint is received. This amendment is proposed as part of the Department of Education's effort to align the state requirement with the federal requirement.

## **PART V**

This Part repeals the provision of law on subsidizable costs of operating child care programs in private secondary schools that references the Essential Programs and Services Funding Act.

## **PART W**

This Part removes the position of Director of Special Projects and External Affairs within the Department of Education. This position was deleted from the list of major policy-influencing positions in the Maine Revised Statutes, Title 5 by Public Law 2007, chapter 1, Part D, section 1. It should have been removed from Title 20-A at the same time. This Part corrects that error.

## **PART X**

This Part does the following.

1. It amends Public Law 2005, chapter 519, Part WW, section 1 to change where the net proceeds of selling used computers and peripheral equipment must be deposited from the General Purpose Aid for Local Schools account to the Learning Through Technology General Fund account.

2. It amends Public Law 2009, chapter 213, Part C, section 22 to allow any balance remaining from a \$3,500,000 appropriation in fiscal year 2007-08 to carry forward in the School Finance and Operations program, where the funding now resides. The Department of Education reorganized its accounting structure in the 2010-2011 biennial budget. Funding in the Management Information Systems program was moved to the School Finance and Operations program.

3. It amends Resolve 2007, chapter 217, section 1 and removes the required offset of the \$90,788 appropriation for the reimbursement from the Teacher Retirement account.

4. It lapses \$292,968 of the unencumbered balance forward from the Workshops Other Special Revenue Funds account. Funds are allowed to carry only once and were inadvertently carried forward. This balance must be transferred to the General Fund as unappropriated surplus in fiscal year 2009-10.

## **PART Y**

This Part removes the requirement that the Emergency Medical Services' Board print and distribute certain information to improve emergency medical patient care in the State, as this information will be made available electronically.

## **PART Z**

This Part authorizes the Department of Administrative and Financial Services to enter into certificate of participation financing for the acquisition of State Police motor vehicles. It also provides for the transfer of certain unexpended funds in various accounts of the Department of Public Safety to the General Fund unappropriated surplus in fiscal year 2009-10. It also authorizes the Department of Administrative and Financial Services to enter into financing arrangements, within prescribed limitations, for the acquisition of vehicles for the Central Fleet, during the remainder of the current biennium.

## **PART AA**

This Part lapses certain unencumbered balances forward in the Department of Conservation to the General Fund unappropriated surplus at the close of fiscal years 2009-10 and 2010-11 and transfers certain unexpended funds in various Other Special Revenue Funds accounts in the Department of Conservation to the unappropriated surplus of the General Fund at the close of fiscal years 2009-10 and 2010-11. This Part further authorizes the Department of Conservation to sell a Jet Ranger helicopter between April 1, 2011 and June 30, 2011 and authorizes the State Controller to transfer the anticipated proceeds from the sale in fiscal year 2010-11 to the unappropriated surplus of the General Fund.

#### **PART BB**

This Part transfers unexpended funds from Fund for the Efficient Delivery of Local and Regional Services - Administration, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund by the close of fiscal year 2009-10.

#### **PART CC**

This Part provides that a total of \$1,096,299 from legislative accounts within the Legislature lapses to the General Fund in fiscal year 2009-10 and a total of \$1,198,166 from legislative accounts within the Legislature lapses to the General Fund in fiscal year 2010-11. As a result of the downward adjustments to General Fund revenue for the current fiscal year, these adjustments will achieve savings of \$1,096,299 in fiscal year 2009-10 and \$1,198,166 in fiscal year 2010-11 for the legislative branch. This Part also adjusts appropriations to legislative branch departments and agencies related to the restoration of longevity payments in fiscal year 2010-11 and savings associated with rate reductions for retiree health insurance.

#### **PART DD**

This Part provides for the transfer of certain unexpended funds from the Bureau of Revenue Services Fund in the Department of Administrative and Financial Services to General Fund unappropriated surplus in fiscal years 2009-10 and 2010-11.

#### **PART EE**

This Part repeals Public Law 2009, chapter 213, Part LLL, section 1, which provided for the calculation and transfer of savings from the elimination of positions in the Department of Corrections. The savings and headcount elimination are now reflected in Part A of this bill. The Department of Corrections has determined the savings by account and the positions to be eliminated in Part A; therefore, the calculation and fund transfer by financial order in Public Law 2009, chapter 213, Part LLL, section 1 is no longer required.

#### **PART FF**

This Part directs the Commissioner of Administrative and Financial Services to identify \$1,500,000 in proceeds resulting from the sale or lease of state-owned properties to be deposited as undedicated revenue to the General Fund.

#### **PART GG**

This Part adopts the so-called "Finnigan approach" process for purposes of calculating the sales apportionment factor for C corporations. The Finnigan approach treats all members of the taxpayer's unitary affiliated group, whether they have nexus with Maine or not, as one entity. As a result, sales from the nonnexus affiliates within the unitary business of the taxpayer to Maine customers are included in both the numerator and the denominator as if the nonnexus entity had nexus with Maine.

#### **PART HH**

This Part creates the 2010 Tax Receivables Reduction Initiatives to raise revenue and reduce outstanding tax receivables. There are 2 separate initiatives: a short-term initiative that applies to tax liabilities that are assessed as of December 31, 2009; and a 5-year initiative that applies to tax liabilities that were assessed as of June 30, 2005. A taxpayer who participates in the short-term initiative is eligible for a waiver of 95% of the penalties due upon payment of the tax and interest. A taxpayer who participates in the 5-year initiative is eligible for a waiver of 95% of the interest and penalties otherwise due upon payment of the tax.

#### **PART II**

This Part excludes personal property used primarily to support an antenna used by a telecommunications business from the business equipment tax exemption program for property tax years beginning on or after April 1, 2010 and from the Business Equipment Tax Reimbursement program for application periods beginning on or after August 1, 2010 for property taxes paid in calendar year 2009 and subsequent calendar years.

#### **PART JJ**

This Part requires an additional transfer from the Local Government Fund to the General Fund of \$6,000,000 in fiscal year 200910 and \$10,000,000 in fiscal year 201011. The increased amount for fiscal year 200910 must be transferred on a proportional basis based on the number of months remaining in the fiscal year.

#### **PART KK**

This Part directs the State Controller to establish an emergency contingency account to reserve funds for short-term emergency funding issues. Expenditures from the account must be approved by the Legislature. If the Legislature does not enact legislation committing these funds by April 30, 2010, the State Controller shall transfer any unexpended balance in the account to the Maine Budget Stabilization Fund.

#### **PART LL**

This Part changes the date of the employment tax increment financing deposit from on or before June 30th to July 15th of each year and delays the deposit of the Loring Development Authority payment from June 30th to July 15th beginning in fiscal year 2009-10. This Part also corrects a conflict that resulted when 2 conflicting laws were enacted in the First Regular Session of the 124th Legislature.

#### **PART MM**

This Part adjusts the estimated reimbursement payment to municipalities under the homestead property tax exemption program to 75% and delays the due date for the final payment to the following fiscal year.

#### **PART NN**

This Part amends the statutes to provide that employees of the Finance Authority of Maine are eligible for participation in the state employee group health plan.

#### **PART OO**

This Part lapses \$13,500,000 of unencumbered balance forward in the Personal Services line category in the Compensation and Benefit Plan, General Fund account in the Department of Administrative and Financial Services to the General Fund at the close of fiscal year 2009-10.

#### **PART PP**

This Part corrects the allocations from the General Fund bond issue authorized in Public Law 2009, chapter 414, Part D, section 6 by changing the Department of Administrative and Financial Services to the University of Maine System to account for funds allocated for the Maine Marine Wind Energy Demonstration Site Fund.

#### **PART QQ**

This Part transfers certain unexpended funds from the Criminal History Record Check Fund, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2010.

#### **PART RR**

This Part authorizes the distribution of executive branch statewide savings from increased efficiencies and other cost reduction initiatives.

#### **PART SS**

This Part transfers certain balances from Other Special Revenue Funds accounts to the unappropriated surplus of the General Fund in fiscal years 2009-10 and 2010-11. These fund transfers represent savings from a return of excess equity for fiscal year 2009-10 and savings from a reduction in workers' compensation rates for departments and agencies statewide for fiscal year 2010-11.

#### **PART TT**

This Part transfers savings resulting from shutdown days and other statewide reductions authorized in Public Law 2009, chapter 213 from Other Special Revenue Funds accounts for departments and agencies statewide to the unappropriated surplus of the General Fund at the close of fiscal year 2010-11.

#### **PART UU**

This Part amends current law on elective share in an estate matter in Probate Court, providing that the need for support of a surviving spouse who is a protected person is not diminished by present or future eligibility for public assistance. The provision applies to rights of election existing on or after the effective date of the Part.

#### **PART VV**

This Part establishes a one-time hospital assessment for state fiscal year 2010-11, equal to 0.12% of net operating revenue as identified on the hospital's most recent audited financial statement for the hospital's fiscal year that ended during calendar year 2008. The proceeds of the assessment must be deposited in the General Fund. Hospitals subject to the one-time assessment do not include publicly owned specialty hospitals and municipally funded hospitals.

#### **PART WW**

This Part directs the Department of Health and Human Services to amend its rules to reduce the need for and number of medical assessments to determine nursing home medical eligibility.

#### **PART XX**

This Part requires that any balances of funds appropriated for TANF or ASPIRE-TANF may not lapse but must be carried forward from year to year to be expended for the same purposes.

#### **PART YY**

This Part directs the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources to review the allocation of watercraft registration fees between their departments and make recommendations for changes to the allocation. This Part also directs the commissioners to report their recommendations to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources no later than November 30, 2010.

#### **PART ZZ**

This Part renames several programs within the Department of Health and Human Services. This Part also makes clear that the substitution of the words "Developmental Services" for the words "Mental Retardation" and "Mental Retardation Services" is not intended to and does not change the eligibility requirements for services or benefits or result in an expansion of services or benefits provided by the Department of Health and Human Services. The new wording does not change the persons for whom services or benefits will be offered or the services or benefits themselves.

#### **PART AAA**

This Part updates the base year for the hospital tax.

#### **PART BBB**

This Part requires the State Controller to transfer a total of \$5,813,927 in fiscal year 2009-10 from the unappropriated surplus of the General Fund to Other Special Revenue Funds accounts within the Department of Health and Human Services for indirect cost allocation settlements.

#### **PART CCC**

This Part authorizes a one-day borrowing, or interfund advance, of \$68,200,000 by the General Fund from Other Special Revenue Funds.

#### **PART DDD**

This Part directs the Governor beginning January 1, 2011 to implement recommendations of the 2008 report of the natural resources agency task force appointed by the Governor to implement Public Law 2007, chapter 539, Part YY, section 2 relating to eliminating duplication and achieving efficiencies in the natural resources sector.

#### **PART EEE**

This Part requires the Department of Health and Human Services, Office of Health Data and Program Management to adopt emergency rules by April 1, 2010 to set the fees for obtaining copies of vital records at the September 2009 levels and after adoption of the emergency rules to complete nonemergency rulemaking to set the fees at the September 2009 levels.

#### **PART FFF**

This Part requires the Department of Agriculture, Food and Rural Resources, Harness Racing Commission, the University of Maine System and the Maine Community College System to provide an annual report regarding funds received from the net slot machine revenue of a slot machine facility. The reports are due annually on or before September 15th to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and must include a detailed explanation of how the funds achieved specific objectives. The first report, which is due September 15, 2010, must include detailed historical allocation and expenditure information beginning with fiscal year 2005-06, when the first receipts from net slot machine revenue from an authorized slot machine facility were allocated.

This Part requires the Joint Standing Committee on Legal and Veterans Affairs, upon approval of the Legislative Council, to meet during the interim to review the allocation of funds from slot machine facilities in the Maine Revised Statutes, Title 8, section 1036 and any other allocation of funds regarding casinos approved by the Legislature or the voters in the State and make recommendations for changes. At the conclusion of those meetings, the Joint Standing Committee on Legal and Veterans Affairs is required to submit a report with implementing legislation no later than November 3, 2010 to the First Regular Session of the 125th Legislature.

#### **PART GGG**

This Part requires the Department of Health and Human Services to convene a provider working group to participate in the process of developing and implementing standardized rates for private

nonmedical institutions, including substance abuse treatment facilities and community residences for persons with mental illness. It authorizes the department to adopt rules that achieve the General Fund savings assumed in Part A and that provide for a different standardized rate based on the type and level of service provided.

### **PART HHH**

This Part directs the Treasurer of State to convene a work group to investigate opportunities to align the use of payment cards across State Government to realize increased efficiency and effectiveness of operations.

### **PART III**

This Part requires the Department of Health and Human Services to review its rules regarding food handling requirements in nursing facilities with the objective of reducing waste and encouraging efficiencies in food handling while maintaining the quality of the menus. It requires the department to make any rule-making changes resulting from this review by December 31, 2010.

### **PART JJJ**

This Part amends the laws governing the health credit premium program by reducing the number of levels of the state share of the individual premium for the standard plan from 3 to 2 for each salary group in order to reduce complications for the payroll system.

### **PART KKK**

This Part increases the baseline appropriation for the Debt Service - UMS program within the University of Maine System by \$850,000 per year for debt service costs to support a 10-year revenue bond to bring facilities at the University of Maine into compliance and remove asbestos and mercury contamination, with the first year of debt service starting in fiscal year 2011-12.

### **PART LLL**

This Part allows the University of Maine System, the Maine Community College System or the Maine Maritime Academy to be included in the definition of "governmental entity" along with counties, municipalities or quasi-municipal permitting them to impose to impose a surcharge for the use of a credit card to pay for tuition, fees and other services provided as long as the amount of the surcharge is disclosed to the consumer prior to payment and the amount does not exceed the costs incurred by them for providing the credit card payment option.

### **PART MMM**

This Part restores longevity payments to employees of the executive, judicial and legislative branches of State Government in fiscal year 2010-11.

### **PART NNN**

This Part provides that any All Other balance in the Department of Health and Human Services, Bureau of Medical Services, General Fund account must be carried forward to June 30, 2011 to be used for the same purposes.

#### **PART OOO**

This Part gives the Department of Health and Human Services the authority to adopt any emergency rules necessary to implement the provisions included in the bill that are under the department's jurisdiction without demonstrating that the rules are necessary to avoid a threat to the public health, safety or general welfare.

#### **PART PPP**

This Part allows the Department of Health and Human Services to eliminate a service in the MaineCare program when immediately necessary to comply with federal law, but only to the extent necessary to comply, following the Maine Administrative Procedure Act and with notice to the Legislature.

#### **PART QQQ**

This Part extends the period between a regional school unit budget meeting at which the regional school unit's annual budget is approved and its budget validation referendum from 14 to 30 calendar days, establishes fiscal year 2010-11 as the year for regional school units to consider continued use of the budget validation referendum process and provides a method to reinstate the referendum process 3 years after its discontinuance.

#### **PART RRR**

This Part allows teachers covered by the Maine Public Employees Retirement System to purchase time attributable to days off without pay as a result of budget decisions made by local school administrative units for fiscal years beginning July 1, 2009 and July 1, 2010. This Part provides to teachers the same benefits available to state employees.

#### **PART SSS**

This Part continues the authorization for any unencumbered Personal Services balances in the accounts that provide the General Fund match for eligible disproportionate share hospital components in the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center to be transferred to the All Other line category by financial order. Previous authorization was provided in Public Law 2007, chapter 539, Part EEE.

#### **PART TTT**

This Part provides the methodology for distributing the fundwide deallocation from the Fund for a Healthy Maine contained in Part A and authorizes the calculation and transfer of these savings to the applicable programs by financial order upon approval of the Governor as an adjustment to allocations.

#### **PART UUU**

This Part increases the fiscal year 2009-10 transfer to the Maine Budget Stabilization Fund from \$3,643,615 by \$4,635,668 to \$8,279,283. It also provides for a transfer of \$2,488,702 to the Maine Budget Stabilization Fund at the end of fiscal year 2010-11, to provide for a balance of \$10,767,985 in the fund at the close of the biennium.

#### **PART VVV**

This Part provides additional time for a school administrative unit to comply with the reorganization law if it approved a reorganization plan at a referendum prior to January 30, 2010 but is unable to implement the plan because the plan was rejected by one or more of its proposed partners. The school administrative unit would be allowed to restart the process to form a regional school unit with the same or other school administrative units.

#### **PART WWW**

This Part allows the State Board of Property Tax Review to charge fees for petitions for appeal that are filed with the board. It requires petitioners to pay the fee at the time the petition for appeal is filed and creates the Property Tax Review Board Fund, in which fees are deposited to assist in funding the board. It establishes filing fees of \$75 for current use appeals and \$150 for appeals relating to nonresidential property or properties with an equalized municipal valuation of \$1,000,000 or greater. There is no filing fee imposed on municipalities appealing their equalized state valuations determined by Maine Revenue Services. Fees are not required for any petition for appeal pending or filed with the board prior to the effective date of this Act.

#### **PART XXX**

This Part extends the amount of time that the carry-forward of a school administrative unit's unallocated balances may exceed 3% of the previous fiscal year's school budget.

#### **PART YYY**

This Part directs the State Librarian to designate a nonprofit organization as the private support organization for the Maine State Library.

#### **PART ZZZ**

This Part requires the Commissioner of Education and the Commissioner of Health and Human Services to present a status report to the Joint Standing Committee on Education and Cultural Affairs regarding the financial implications of implementing any proposed changes to the Department of Health and Human Services rules pertaining to MaineCare, including the potential adverse fiscal impact for Medicaid-eligible children from birth to 20 years of age who receive programs and services through the Child Development Services System and through kindergarten to grade 12 schools in accordance with the federal Individuals with Disabilities Education Act, 20 United States Code, Sections 1400 et seq. This Part also requires the commissioners to submit a final report no later than October 1, 2010. Finally, this Part provides that the Joint Standing Committee on Education and Cultural Affairs may report out a bill to the 124th Legislature based on the report submitted pursuant to this Part.

#### **PART AAAA**

This Part directs the State Board of Corrections to continue efforts to achieve efficiencies within the unified correctional system and directs counties to participate in the board's initiatives.

#### **PART BBBB**

This Part adds a one-time increase of \$400,000 to the commercial forestry excise tax in 2011. The State Tax Assessor is required to report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters and the joint standing committee of the Legislature having jurisdiction over taxation matters no later than February 15, 2011 on the amount of additional acreage added to the tax base for the 2011 tax year and additional collections from enforcement activities and their effect on reducing the per acre tax rate.

#### **PART CCCC**

This Part requires the Department of Health and Human Services to convene a stakeholder group to participate in redesigning the shared living home model of housing and services for adults with developmental disabilities and requires the department to provide certain training. It requires a 4.5% reduction in reimbursement for the shared living program beginning July 1, 2010 and authorizes the department to adopt rules effective October 1, 2010 to establish a reimbursement structure that produces an additional \$500,000 in General Fund savings in fiscal year 2010-11. It also includes a progress reporting requirement.

#### **PART DDDD**

This Part requires the Department of Health and Human Services to amend rules regarding state survey follow-ups for minor deficiencies to reduce the need for nursing facility survey revisits.

#### **PART EEEE**

This Part amends a resolve enacted in the First Regular Session of the 124th Legislature establishing a task force on kinship families by extending the dates by which the appointment of members must occur, the first meeting must be convened and outside funding must be received, and adjusts the appropriations and allocations accordingly. This amendment also removes the authority for the Joint Standing Committee on Health and Human Services to introduce legislation.

#### **PART FFFF**

This Part requires the Commissioner of Administrative and Financial Services and the Commissioner of Public Safety to convene a study group to evaluate the roles and responsibilities of their departments pertaining to gambling and liquor-related oversight activities. The group shall report its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The joint standing committee of the Legislature having jurisdiction over legal and veterans affairs may report out a bill to the First Regular Session of the 125th Legislature to implement recommendations.

### **PART GGGG**

This Part exempts the Department of Conservation, Division of Forest Protection from the provision of the Maine Revised Statutes, Title 5, section 1582, subsection 4 that lapses unexpended General Fund Personal Services appropriations to the Salary Plan program, General Fund account at the close of each fiscal year.

### **PART HHHH**

This Part provides that the Commissioner of Public Safety, with the advice and the consent of the Gambling Control Board, and on a timetable directed by the board shall hire an executive director. Current law provides that the board shall hire an executive director. This Part also provides that the director shall hire staff in accordance with the Civil Service Law. Current law provides that the board or the director, as delegated by the board, shall hire staff.

### **PART IIII**

This Part provides deappropriations of salary savings from the Department of Health and Human Services and includes the authority to distribute the reduction to the appropriate programs within the Department of Health and Human Services by financial order upon approval of the Governor.

### **PART JJJJ**

This Part requires a review of certain functions of the Executive Department, State Planning Office to achieve \$225,000 in General Fund savings during fiscal year 2010-11.

### **PART KKKK**

This Part directs the State Controller to transfer \$29,736,437 by June 30, 2010 from the unappropriated surplus of the General Fund to the Medical Care Services Federal Expenditures Fund program within the Department of Health and Human Services for the federal disallowance related to targeted case management services provided in 2002 and 2003.

### **PART LLLL**

This Part directs the Department of Administrative and Financial Services, State Liquor and Lottery Commission to enter into an agreement to offer the multijurisdictional lottery game known as Mega Millions by May 2, 2010 and to adopt routine technical rules to implement the lottery game.

### **PART MMMM**

This Part provides for a one-year suspension of the cost-of-living adjustment in the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges. It also specifies that earnable compensation for fiscal year 2010-11 includes that salary that would have been paid to judges had the cost-of-living adjustment been funded.

### **PART NNNN**

This Part authorizes the Commissioner of Conservation to install fee collection containers at certain unstaffed state parks and historic sites and establish fees that will generate additional undedicated revenue to the General Fund of \$2,000 in fiscal year 2009-10 and \$19,500 annually beginning in fiscal year 2010-11.

#### **PART OOOO**

This Part directs the Governor to implement a statewide curtailment of General Fund allotments no later than October 1, 2010 to replace unrealized budgeted savings if the extension of the enhanced Medicaid matching provisions are not enacted by the United States Congress by July 1, 2010.

#### **PART PPPP**

This Part requires the Department of Health and Human Services to convene a working group of stakeholders to conduct a study and make recommendations regarding the delivery of mental health and substance abuse outpatient services.

#### **PART QQQQ**

This Part requires the Department of Health and Human Services to convene a stakeholder advisory group to provide guidance to the department regarding the transition to managed care for the MaineCare program.

#### **PART RRRR**

This Part directs the Department of Health and Human Services to use funds provided to adjust MaineCare rates, where necessary and applicable, to actuarially based rates. Only those rates for services that would otherwise be subject to a 10% rate reduction in Part A may be considered for the purpose of this Part.

#### **PART SSSS**

This Part directs the Department of Health and Human Services to establish a rate structure that supports 2 levels of crisis services.

#### **FISCAL NOTE REQUIRED**

**(See attached)**