

Amend LD 1995 Part C by deleting the current Part and replacing with the following

Part C

Sec. C-1. 20-A MRSA §13013-A, as amended by PL 2021, c. 398, Pt. JJ, §1 is further amended to read:

1. Department of Education salary supplement. Notwithstanding any other provision of law, the Department of Education shall provide a public school teacher, ~~or a teacher in a publicly supported secondary school;~~ or a teacher employed by an education service center as authorized under Title 20-A, Chapter 123 who has attained certification from the National Board for Professional Teaching Standards, or its successor organization, with an annual national board certification salary supplement for the life of the certificate. The salary supplement must be added to the teacher's base salary and must be considered in the calculation for contributions to the Maine Public Employees Retirement System. If a nationally certified teacher is no longer employed as a teacher, the supplement ceases. The amount of the salary supplement is:

- A. For fiscal year 2012-13, \$2,500;
- B. For fiscal year 2013-14, \$2,750;
- C. For fiscal year 2014-15 and succeeding years, except for a teacher under paragraph D, \$3,000; and
- D. For fiscal year 2020-21 and succeeding years, for a teacher who is employed in a school in which at least 50% of students qualify for a free or reduced-price lunch under chapter 223, subchapter 7 during the year that the supplement is provided, \$5,000.

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

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

3. Payment. If there are available resources, the department shall provide the salary supplement to school administrative units, ~~and~~ publicly supported secondary schools and education service centers for eligible teachers no later than February 15th of each year. The salary supplement paid may be prorated.

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

5. Scholarship fund. The National Board Certification Scholarship Fund is established as a nonlapsing dedicated fund, referred to in this subsection as "the scholarship fund," within the Department of Education to encourage teachers to apply to and enroll in the certification program offered by the National Board for Professional Teaching Standards or its successor organization,

referred to in this subsection and subsection 6 as "the certification program." A school administrative unit, ~~or~~ a publicly supported secondary school or an education service center may request scholarship funds on behalf of its teachers who meet the requirements set forth in subsection 6. The department shall award funds according to this subsection.

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

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

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

A. Is currently employed by a school administrative unit, ~~or~~ a publicly supported secondary school or an education service center;

B. Has completed at least 3 years of teaching in the State;

C. Has agreed to mentor at least one other teacher employed in the State through the national board certification process to apply to and enroll in the certification program;

D. Has provided documentation of acceptance into the certification program; and

E. Has disclosed any other funds received to cover the cost of the certification program.

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

Sec. C-2. 20-A MRSA §15675, sub-§2, ¶A-1 is enacted to read:

A-1. Notwithstanding paragraph A, for fiscal year 2022-23 only, an additional weight of .20. The number of economically disadvantaged students for each school administrative unit is determined by multiplying the number of resident pupils in the most recent calendar year by the greater of the three most recent years elementary free or reduced-price meals percentage. The elementary free or reduced-price meals percentage may be applied to determine the number of economically disadvantaged students in the unit's secondary grades.

Sec. C-3. 20-A MRSA §15678, sub-§2, ¶A-1, as amended by PL 2021, c.29, Pt. C, §4 is further amended to read:

A-1. Notwithstanding paragraph A, for fiscal year 2021-22 and 2022-23 only, for the elementary school level, the student-to-teacher ratio is 16:1.

Sec. C-4. 20-A MRSA §15678, sub-§2, ¶B-1 is enacted to read:

A-1. Notwithstanding paragraph A, for fiscal year 2022-23 only, for the middle school level, the student-to-teacher ratio is 16:1.

Sec. C-5. 20-A MRSA §15688-A, sub-§10 is enacted to read:

10. Career and Technical Education Early Childhood Program Expansion support. Beginning in fiscal year 2022-2023, the Commissioner may expend and disburse funds to career and technical education centers and career and technical education regions for the purpose of expanding or developing early childhood education programs.

Sec. C-6. 20-A MRSA §15688-A, sub-§11 is enacted to read:

11. Career and Technical Education Instructional Supply Cost support. For fiscal year 2022-2023, the Commissioner may expend and disburse funds to career and technical education centers and career and technical education regions in support of one-time increases for costs of instructional supplies.

Sec. C-7. 20-A MRSA §15689, sub-§16 is enacted to read:

16. English Learner budgetary hardship adjustment. Beginning in fiscal year 2022-2023, the following provisions apply to adjustments for English Learner budgetary hardships.

A. If a school administrative unit determined eligible pursuant to paragraph B petitions the Commissioner and demonstrates that the unexpected education costs of increased English Learner student enrollment will cause a budgetary hardship, the Commissioner may provide an amount equal to that school administrative unit's most recent enacted state share of the increased English Learner weighted allocation, as calculated pursuant to section 15675-1, resulting from the increased enrollment. If the school administrative unit's most recent enacted state share percentage is less than the statewide state share percentage enacted in section 15671-(B), then adjustment amount will be equal to the most recent enacted state share percentage.

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

(1) The increased student enrollment is a result of the student(s) becoming the fiscal responsibility of the school administrative unit after the passage of the annual budget for the current fiscal year; and

(2) The school administrative unit's unexpected enrollment increase results in an increase of 5% or more in English Learner weighted allocation, as calculated pursuant to section 15675-1.

C. The funds for adjustments under paragraph A are limited to the amount appropriated by the Legislature for that purpose.

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

Sec. C-8. 20-A MRSA §15689-A, sub-§12, as amended by PL 2011, c. 702, §3, is further amended to read:

12. **National board certification salary supplement.** The commissioner may pay annual salary supplement payments to school administrative units, ~~or~~ a publicly supported secondary school or an education service center as authorized under Title 20-A, Chapter 123 for payment to school teachers who have attained certification from the National Board for Professional Teaching Standards or its successor organization pursuant to section 13013-A.

Sec. C-9. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2022-23 is 7.10.

Sec. C-10. 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 2022-23 is as follows:

	2022-23 TOTAL
Total Operating Allocation	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$1,534,093,140
Total operating allocation for public charter schools pursuant to the Maine Revised Statutes, Title 20-A, section 15683-B	\$32,449,350
Total adjustments to state subsidy pursuant to Title 20-A, section 15689 included in subsidizable costs and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$584,323,259
Total Operating Allocation and Subsidizable Costs	
Total operating allocation pursuant to Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$2,150,865,749

Total Debt Service Allocation

Total debt service allocation pursuant to Title 20-A, section 15683-A	\$99,403,683
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Total Adjustments and Targeted Education Funds

Audit adjustments pursuant to Title 20-A, section 15689, subsection 4	\$225,000
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Educating students in long-term drug treatment center adjustments pursuant to Title 20-A, section 15689, subsection 5	\$249,607
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Minimum teacher salary adjustment pursuant to Title 20-A, section 15689, subsection 7-A	\$1,000,000
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Regionalization, consolidation, and efficiency assistance adjustments pursuant to Title 20-A, section 15689, subsection 9	\$6,594,970
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Maine Care seed payments adjustments pursuant to Title 20-A, section 15689, subsection 14	\$1,334,776
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Special Education Hardship adjustment pursuant to Title 20-A, section 15689, subsection 15	\$500,000
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English Learner budgetary hardship adjustment pursuant to Title 20-A, section 15689, subsection 16	\$500,000
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Total adjustments to the state share of total allocation pursuant to Title 20-A, section 15689	\$10,404,353
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Targeted Education Funds pursuant to Title 20-A, section
15689-A

Special education costs for state agency clients and state wards pursuant to Title 20-A, section 15689-A, subsection 1	\$36,737,998
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Essential programs and services components contract pursuant to Title 20-A, section 15689-A, subsection 3	\$250,000
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Data management and support services for essential programs and services pursuant to Title 20-A, section 15689-A, subsection 10	\$11,455,663
Postsecondary course payments pursuant to Title 20-A, section 15689-A, subsection 11	\$5,500,000
National board certification salary supplement pursuant to Title 20-A, section 15689-A, subsection 12	\$307,551
Learning through technology program pursuant to Title 20-A, section 15689-A, subsection 12-A	\$14,000,000
Jobs for Maine's Graduates including college pursuant to Title 20-A, section 15689-A, subsection 13	\$3,881,379
Maine School of Science and Mathematics pursuant to Title 20-A, section 15689-A, subsection 14	\$3,615,347
Maine Educational Center for the Deaf and Hard of Hearing pursuant to Title 20-A, section 15689-A, subsection 15	\$8,712,565
Transportation administration pursuant to Title 20-A, section 15689-A, subsection 16	\$666,220
Special education for juvenile offenders pursuant to Title 20-A, section 15689-A, subsection 17	\$407,999
Comprehensive early college programs funding (bridge year program) pursuant to Title 20-A, section 15689-A, subsection 23	\$1,000,000
Community schools pursuant to Title 20-A, section 15689-A, subsection 25	\$250,000
Maine School for Marine Science, Technology, Transportation and Engineering pursuant to Title 20-A, section 15689-A, subsection 26	\$226,149

Instruments and Professional Development in rural schools pursuant to Title 20-A, section 15689-A, subsection 28 \$50,000

Total targeted education funds pursuant to Title 20-A, section 15689-A \$87,060,871

Enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D

Career and technical education costs pursuant to Title 20-A, section 15688-A, subsection 1 \$62,278,741

College transitions programs through adult education college readiness programs pursuant to Title 20-A, section 15688-A, subsection 2 \$450,000

National industry standards for career and technical education pursuant to Title 20-A, section 15688-A, subsection 6 \$2,000,000

Career and technical education early childhood program expansion support pursuant to Title 20-A, section 15688-A, subsection 10 \$100,000

Career and technical education instructional supply cost support pursuant to Title 20-A, section 15688-A, subsection 11 \$3,200,000

Total enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D \$68,028,741

Total Cost of Funding Public Education from Kindergarten to Grade 12

Total cost of funding public education from kindergarten to grade 12 for fiscal year pursuant to Title 20-A, chapter 606-B, not including normal retirement costs	\$2,415,763,397
Total normal cost of teacher retirement	\$50,222,361
Total cost of funding public education from kindergarten to grade 12 for fiscal year pursuant to Title 20-A, chapter 606-B, including normal retirement costs	\$2,465,985,758
Total cost of state contribution to unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2022-23 pursuant to Title 5, chapters 421 and 423, excluding the normal cost of teacher retirement	\$249,734,100
Total cost of funding public education from kindergarten to grade 12, plus state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2022-23 pursuant to Title 5, chapters 421 and 423	\$2,715,719,858

Sec. C-11. 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, 2022 and ending June 30, 2023 is calculated as follows:

	2022-23 LOCAL	2022-23 STATE
Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12		
Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subject to statewide distributions required by law	\$1,108,253,591	\$1,357,732,167
State contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2022-23 pursuant to Title 5, chapters 421 and 423 excluding the normal cost of teacher retirement		\$249,734,100
State contribution to the total cost of funding public education from kindergarten to grade 12 plus state contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance pursuant to Title 5, chapters 421 and 423		\$1,607,466,267

Sec. C-12. Authorization of payments. If the State's continued obligation for any individual component contained in those sections of this Act that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose exceeds the level of funding provided for that component, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual component. Any

unexpended balances from this Act may not lapse but must be carried forward for the same purpose.

Sec. C-13. Limit of State's obligation. Those sections of this Act that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose may not be construed to require the State to provide payments that exceed the appropriation of funds for general purpose aid for local schools for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

PART C SUMMARY

This Part does the following:

1. It establishes the Total Cost of Education from Kindergarten to Grade 12, the state contribution, and the mill expectation for the local contribution for fiscal year 2022-2023.
2. Enacts an annual budgetary hardship adjustment for school administrative units experiencing an increase in students requiring EL services.
3. It amends National Board salary supplement and scholarship fund language to include teachers employed by Education Service Centers.
4. It provides one year adjustments to the EPS funding model to address student loss due to the COVID-19 pandemic.
5. It provides funding for CTE schools to expand or develop early childhood education programs.
6. It provides one time funding for CTE schools to support instructional supply costs that have increased due to the pandemic.

Amend LD 1995 Part H by deleting the current Part and replacing with the following:

PART H

Sec. H-1. 20-A MRSA §12541, sub-§1-A is repealed.

Sec. H-2. 20-A MRSA §12541, sub-§4 is repealed.

Sec. H-3. 20-A MRSA §12541, sub-§4-A is repealed.

Sec. H-4. 20-A MRSA §12541, sub-§5 is repealed.

Sec. H-5. 20-A MRSA §12541, sub-§8 is repealed.

Sec. H-6. 20-A MRSA §12541, sub-§9 is repealed.

Sec. H-7. 20-A MRSA §12542, sub-§1, first full paragraph is amended to read:

1. Program created; goals. The Job Creation Through Educational Opportunity Program, referred to in this chapter as "the program," is created to provide ~~an educational opportunity~~ a student loan repayment tax credit to ~~Maine residents who obtain an associate degree or a bachelor's degree in this State, and live, work and pay taxes in this State thereafter.~~ The program is designed to achieve the following goals:

Sec. H-8. 20-A MRSA §12542, sub-§4-A is amended to read:

4-A. Administration. The program must be administered as described in this subsection.

A. The department, in consultation with the State Tax Assessor, shall make information about the program available on the department's publicly accessible website. The department shall refer any questions regarding the program to the relevant accredited Maine community college, college or university's financial aid office. The assessor shall provide to an accredited Maine community college, college or university information that is necessary to document a student's eligibility for the ~~educational opportunity~~ student loan repayment tax credit.

B. ~~A Maine resident who enrolls in an accredited Maine community college, college or university who receives financial aid in the form of loans must have the opportunity to participate in the program.~~ An accredited Maine community college, college or university shall, at a minimum, provide information about the program in financial aid award materials, entrance interviews, exit interviews, materials listing financial aid resources and, as appropriate, any promotional materials provided by state agencies, to the extent such contacts with students are already part of the accredited Maine community college, college or university's procedures.

C. ~~An accredited Maine community college, college or university must document for the student information required for purposes of the educational opportunity tax credit, including, once the student has earned the degree, the total principal of loans the student received as part of that student's financial aid package related to course work completed at the accredited Maine community college, college or university. The accredited Maine community college, college or university shall provide an original or certified copy to the student and shall retain a copy of the documentation in its files for at least 10 years after the student graduates.~~

Sec. H-9. 20-A MRSA §12542, sub-§5 is repealed.

Sec. H-10. 20-A MRSA §12543 is amended to read:

It is the intent of the Legislature that neither the existence of the program nor the benefits provided under the ~~educational opportunity~~ student loan repayment tax credit serve as justification to decrease other funds appropriated or allocated to accredited Maine community colleges, colleges or universities, including institutions in the Maine Community College System and the University of Maine System, or to other higher education programs.

Sec. H-11. 20-A MRSA §12545 is repealed.

Sec. H-12. 36 MRSA §2535, is amended to read:

A taxpayer is allowed a credit against the tax otherwise due under this chapter as determined under section 5217-D. The credit provided by this section, including any carryover of excess credit from prior years, may not be claimed for tax years beginning on or after January 1, 2022.

Sec. H-13. 36 MRSA §5217-D, sub-§6 is enacted to read:

6. Application. Notwithstanding any provision of this section to the contrary, the credit provided by this section, including any carryover of excess credit from prior years, may not be claimed for tax years beginning on or after January 1, 2022.

Sec. H-14. 36 MRSA §5217-E is enacted to read:

§5217-E. Student Loan Repayment Tax Credit

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

A. "Accredited community college, college or university" means an institution of higher education that is accredited by a regional accrediting association or by one of the specialized accrediting agencies recognized by the United States Secretary of Education.

B. "Earned income" has the same meaning as in the Code, Section 32(c)(2).

C. "Employer" has the same meaning as the term "employing unit," as defined in Title 26, section 1043, subsection 10.

D. "Financial aid package" means financial aid obtained by a student for attendance at an accredited community college, college or university for an associate, bachelor's or graduate degree obtained by the student from an accredited community college, college or university after December 31, 2007. "Financial aid package" may include private loans or less than the full amount of loans under federal programs, depending on the practices of the accredited community college, college or university.

E. "Qualified individual" means an individual, including the spouse filing a joint return with the individual under section 5221, who is eligible for the credit provided in this section. An individual is eligible for the credit if the individual:

(1) Obtained an associate, bachelor's or graduate degree from an accredited community college, college or university after December 31, 2007;

(2) During the taxable year, was a resident individual as defined in section 5102(5); and

(3) During the taxable year had earned income of at least the State minimum wage, as defined in Maine Revised Statutes, Title 26, section 664, subsection 1, as adjusted for cost of living increases, as determined on January 1 of the taxable year, multiplied by 936 hours. The assessor may adopt rules reducing this amount if a portion of the taxable year falls within a disaster period. Rules adopted pursuant to this subparagraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

F. "Regional accrediting association" means a regional accrediting association that is either (1) any of the United States accrediting associations/commissions that comprise the Council of Regional Accrediting Commissions, or (2) an equivalent non-United States accrediting association,

commission, or government entity that is a reliable authority on the quality of the education or training provided by the institutions of higher education it accredits or charters and that applies standards substantially equivalent to those utilized by the associations/commissions that comprise the Council of Regional Accrediting Commissions.

2. Credit allowed. For taxable years beginning on or after January 1, 2022, a qualified individual is allowed a refundable credit against the tax imposed by this Part in accordance with the provisions of this section. The credit, with respect to a qualified individual, is equal to the amount of loan payments made directly by the taxpayer to the lender during the taxable year plus the amount of any carryover allowed in accordance with paragraph C, up to a maximum of \$2,500. The credit is created to implement the Job Creation Through Educational Opportunity Program established under Title 20-A, chapter 428-C.

A. A taxpayer may claim a credit under this section based on loan payments made directly by the taxpayer to a relevant lender or lenders only with respect to loans that are part of the qualified individual's financial aid package and only with respect to loan payment amounts paid directly by the taxpayer during that part of the taxable year that the qualified individual was a resident individual. Refinanced loans or consolidated loans that are part of the qualified individual's financial aid package are eligible for the credit under this section if the refinanced loans or consolidated loans remain separate from other debt, but only in proportion to the portion of the loan payments that are otherwise eligible under this section.

B. Loans obtained from a person related to the qualified individual or from any person by reason of a loan under any qualified employer plan or under a contract referred to in the Code, Section 72(p)(5) do not qualify for the credit under this section. For purposes of this paragraph, a person is considered related to the qualified individual if that person meets the criteria listed in the Code, Section 267(b) or Section 707(b)(1). As used in this paragraph, "qualified employer plan" has the same meaning as in the Code, Section 72(p)(4).

C. For taxable years beginning on or after January 1, 2022 and before January 1, 2027, a qualified individual with unused carryover credits pursuant to section 5217-D, subsection 2, paragraph A from the credit for educational opportunity generated in the past 10 years, may carry over and apply to the credit amount allowed pursuant to this section the portion, as reduced from year to year, of any unused credits.

D. A qualified individual may only receive a credit otherwise allowed pursuant to this section up to a total lifetime credit cap amount of \$25,000.

Sec. H-15. 36 MRSA §5122, sub-§ 2, ¶ FF, as amended by PL 2013, c. 525, §14, is repealed.

Sec. H-16. Application. The section of this Part that repeals Maine Revised Statutes, Title 36, section 5122, subsection 2, paragraph FF applies to taxable years beginning on or after January 1, 2022.

PART H SUMMARY

This Part replaces the current credit for educational opportunity with a broader and simpler credit of up to \$2,500 for an individual's repayment of student loans for taxable years beginning on or after January 1, 2022. Unused credit carryover amounts from the credit for educational

opportunity may be claimed and applied to the new credit by a qualified individual for tax years beginning before January 1, 2027, subject to the annual credit limit of \$2,500. This also repeals the insurance premiums tax credit for educational opportunity for tax years beginning on or after January 1, 2022.

Amend LD 1995 Part L by deleting the current Part and replacing with the following:

PART L

Sec. L-1. COVID Pandemic Relief Payment Program Fund, Other Special Revenue Funds account established. The State Controller shall establish a nonlapsing COVID Pandemic Relief Payment Program Fund, Other Special Revenue Funds account, which is funded through a transfer from the available balance of the unappropriated surplus of the General Fund pursuant to section 2 of this Part.

Sec. L-2. Transfer from General Fund unappropriated surplus; COVID Pandemic Relief Payment Program Fund. Notwithstanding any other provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$682,000,000 from the unappropriated surplus of the General Fund to the Department of Administrative & Financial Services, COVID Pandemic Relief Payment Program Fund, Other Special Revenue Fund account for the purpose of providing payments to help eligible Maine citizens recover from economic impacts from the epidemic related to coronavirus disease 2019, referred to in this Part as "the COVID-19 pandemic." At the close of fiscal year 2023-24, amounts remaining in the COVID Pandemic Relief Payment Program Fund, Other Special Revenue Funds account must be transferred to the Budget Stabilization Fund.

Sec. L-3. COVID Pandemic Relief Payment Program established. The COVID Pandemic Relief Payment Program is established to help Maine people respond to the economic fallout of the COVID-19 pandemic and enable Maine people to combat rising costs due to pandemic-induced inflation and supply-chain impacts. This relief payment can be utilized by eligible Maine citizens to offset expenses incurred as a result of the COVID-19 pandemic, including, without limitation, personal, family, living or funeral expenses.

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

A. "Assessor" means the State Tax Assessor.

B. "Eligible Maine citizen" means an individual who:

- (1) Filed, by October 31, 2022, a Maine income tax return as a full-year resident of the State for the tax year;

- (2) Has federal adjusted gross income for the tax year of less than:
- (a) For individuals filing married joint returns or surviving spouses permitted to file a joint return, \$150,000;
 - (b) For an individual filing as a head of household, \$112,500;
 - (c) For a single individual, \$75,000; or
 - (d) For married persons filing separate returns, \$75,000; and
- (3) May not be claimed as a dependent on another taxpayer's return for that tax year.

C. "Fund" means the COVID Pandemic Relief Payment Program Fund, Other Special Revenue Funds account established by the State Controller pursuant to section 1.

D. "Relief payment" means the COVID Pandemic Relief Payment determined pursuant to subsection 2.

E. "Tax year" means a tax year beginning on or after January 1, 2021 but not later than December 31, 2021.

Any other terms used in this section have the same meaning as when used in a comparable context in the Maine Revised Statutes, Title 36, Part 8 relating to Maine income taxes, unless different meanings are clearly required.

2. COVID Pandemic Relief Payment. The assessor shall make COVID Pandemic Relief payments in accordance with this subsection.

A. The assessor shall identify each eligible Maine citizen, as defined pursuant to subsection 1.

B. Beginning as soon as administratively feasible and not later than December 31, 2022, the assessor shall make a \$850 relief payment to each eligible Maine citizen. Funds for the relief payments must come from the Fund and are not subject to setoff to debts owed to agencies of the State.

C. An individual who has not received a payment under paragraph B may provide documentation to the assessor by March 31, 2023 showing that the individual is an eligible Maine citizen. The assessor shall review the documentation, determine if the individual is an eligible Maine citizen and notify the individual of any adverse determination. This determination is final agency action not reviewable pursuant to the Maine Revised Statutes, Title 36, section 151.

D. By June 30, 2023, the assessor shall make a \$850 relief payment to each eligible Maine citizen determined eligible pursuant to paragraph C. Funds for the relief payments must come from the Fund and are not subject to setoff to debts owed to agencies of the State.

Sec. L-4. State income tax subtraction modification. For tax years beginning on or after January 1, 2022 but not later than December 31, 2023, in determining the taxable income of a resident individual, within the meaning of the Maine Revised Statutes, Title 36, section 5122, federal adjusted gross income shall be reduced by an amount equal to the COVID Pandemic Relief Payment received by the taxpayer pursuant to this Part, to the extent the payment is included in federal adjusted gross income for the taxable year.

Sec. L-5. Designation as unclaimed property. For purposes of the COVID Pandemic Relief Payment Program, COVID Pandemic Relief Payment checks that remain undeposited on January 1, 2024, are to be treated as unclaimed property, not subject to the notice and receipt provisions set forth in 33 M.R.S. § 2101 and the one-year dormancy period set forth in 33 M.R.S. § 2061, as applied to such checks. The State Treasurer shall use unclaimed property systems and networks to find the proper recipients of such checks as quickly as possible to reduce the adverse economic consequences of COVID-19.

PART L SUMMARY

This Part creates the COVID Pandemic Relief Payment Program to provide COVID Pandemic Relief Payments to eligible Maine citizens to promote the general welfare of the citizens of the State for reasonable and necessary unreimbursed expenses incurred as a result of the COVID-19 pandemic disaster. To fund the program, this Part creates the COVID Pandemic Relief Payment Program Fund, Other Special Revenue Funds account and transfers \$682,000,000 to the Fund from the unappropriated surplus of the General Fund. The Fund may be used for a \$850 payment to each eligible Maine citizen and the costs of administration, programming, mailing, public outreach, and taxpayer assistance associated with the program.

Amend LD 1995 Part BB by deleting the current Part and replacing with the following:

PART BB

Sec. BB-1. 22 MRSA §4004, sub-§1, ¶E is amended to read:

E. Establishing a child death and serious injury review panel for reviewing deaths and serious injuries to children. The panel consists of the following members: the Chief Medical Examiner, a pediatrician, a public health nurse, forensic and community mental health clinicians, law enforcement officers, departmental child welfare staff, district attorneys and criminal or civil assistant attorneys general and the ombudsman pursuant to section 4087-A or a designee of the ombudsman.

The purpose of the panel is to recommend to state and local agencies methods of improving the child protection system, including modifications of statutes, rules, policies and procedures. Beginning January 1, 2023 and every 2 years thereafter, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters;

Sec. BB-2. 22 MRSA §4004, sub-§1, ¶E is amended to read:

3-A. Confidentiality. The proceedings and records of the child death and serious injury review panel created in accordance with section 4004, subsection 1, paragraph E are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The commissioner shall disclose conclusions of the review panel upon request and recommendations pursuant to section 4004, subsection 1, paragraph #, but may not disclose data that is otherwise classified as confidential.

Sec. BB-3. 22 MRSA §4087-A, sub-§2 is amended to read:

2. Program established. The ombudsman program is established as an independent program within the Executive Department to provide ombudsman services to the children and families of the State regarding child welfare services provided by the Department of Health and Human Services. The program shall consider and promote the best interests of the child involved, answer inquiries and investigate, advise and work toward resolution of complaints of infringement of the rights of the child and family involved. The program must be staffed, under contract, by a full-time director who is an attorney or a master's level social worker who must have with experience in child welfare, development and advocacy, and support staff as determined to be necessary. The program shall function through the staff of the program and volunteers recruited and trained, at the discretion of the nonprofit organization under contract pursuant to subsection 3, to assist in the duties of the program.

Sec. BB-4. 22 MRSA §4087-A, sub-§3 is amended to read:

3. Contracted services; terms. The program shall operate by contract with a nonprofit organization that the Executive Department determines to be free of potential conflict of interest and best able to provide the services on a statewide basis. The contract must include funds for the nonprofit organization to provide health insurance benefits to the staff of the ombudsman program. The ombudsman may not be actively involved in state-level political party activities or publicly endorse, solicit funds for or make contributions to political parties on the state level or candidates for statewide elective office. The ombudsman may not be a candidate for or hold any statewide elective or appointive public office. The contract must include funds for the nonprofit organization to provide health insurance benefits to the staff of the ombudsman program. The contract must be for a term of 5 years, except that the contract may be terminated consistent with the terms of the contract.

Sec. BB-5. 22 MRSA §4087-A, sub-§4 is amended to read:

4. Services. The program shall provide services ~~directly or under contract to persons~~ and families involved with child welfare services and may provide input on the State's child welfare system to the department and the joint standing committee of the Legislature having jurisdiction over health and human services matters. The first priority in the work of the program ~~and any contract for ombudsman services~~ must be case-specific advocacy services. In performing services under this section, the program, as it determines to be appropriate, may create and maintain records and case-specific reports. Any work on systems improvements or lobbying must be adjunctive to case-specific activities. The program may:

- A. Provide information to the public about the services of the program through a comprehensive outreach program. The ombudsman shall provide information through a toll-free telephone number ~~or numbers~~ and a publicly accessible website;
- B. Answer inquiries, investigate and work toward resolution of complaints regarding the performance and services of the department and participate in conferences, meetings and studies that may improve the performance of the department;
- C. Provide services to persons to assist them in protecting their rights;
- D. Inform persons of the means of obtaining services from the department;
- E. Provide information and referral services;
- F. Analyze and provide opinions and recommendations to agencies, the Governor and the Legislature on current or proposed state programs, rules, policies and laws;
- G. Determine what types of complaints and inquiries will be accepted for action by the program and adopt policies and procedures regarding communication with persons making inquiries or complaints and the department;
- H. Apply for and utilize grants, gifts and funds for the purpose of performing the duties of the program; and
- I. Collect and analyze records and data relevant to the duties and activities of the program and make reports as required by law or determined to be appropriate.

The department or designee of the department shall notify the ombudsman of any statewide policy changes affecting the State's child welfare system before the changes take effect.

Sec. BB-6. 22 MRSA §4087-A, sub-§12 is enacted to read:

12. Notification of child fatality required. The department shall notify the ombudsman of a fatality of a child if:

- A. The child was involved with child welfare services at any time; or
- B. The fatality is suspected of being the result of abuse or neglect.

Notification under this subsection must occur within 48 hours of a determination by the department that this subsection applies to the fatality. The notification may be provided by oral or electronic communication.

PART BB SUMMARY

This Part makes the following changes to the laws governing the child welfare services ombudsman program.

1. It includes the ombudsman or the ombudsman's designee as a member of the child death and serious injury review panel established by the Department of Health and Human Services.
2. It requires, beginning January 1, 2023 and every 2 years thereafter, the panel submit a report on the panel's recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters.
3. It provides that the director of the ombudsman program must serve full time and expands the director's required experience to include child welfare.
4. It provides that the staffing for the ombudsman program is at the discretion of the nonprofit organization under contract to provide ombudsman service.
5. It provides that the contract to provide ombudsman services is for a period of 5 years, except that the contract may be terminated consistent with the terms of the contract.
6. It provides that the contract to provide ombudsman services must include funds for the nonprofit organization to provide health insurance benefits for employees of the ombudsman program.
7. It provides that the ombudsman program must provide information about its services through a publicly accessible website and makes a technical correction regarding plural language.
8. It clarifies that the ombudsman program may provide opinions and recommendations on current or proposed state programs, rules, policies, and laws.
9. It clarifies that the ombudsman program may provide input on the State's child welfare system to the Department of Health and Human Services and the joint standing committee of the Legislature having jurisdiction over health and human services matters.
10. It clarifies that the ombudsman program provides services to persons and families involved with the State's child welfare system.
11. It requires that the Department of Health and Human Services to notify the ombudsman program of any statewide policy changes affecting the State's child welfare system before the changes take effect.
12. It requires the Department of Health and Human Services to notify the ombudsman program of certain child fatalities.

Amend LD 1995 Part II as follows:

Current

Sec. II-1. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account. On or before June 1, 2022, the State Controller shall transfer \$655,200 from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Resource Management Services – Inland Fisheries and Wildlife program, General Fund account to provide matching funds for the construction of the Fryeburg shooting range.

Revised

PART II

Sec. II-1. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account. On or after July 1, 2022 but no later than August 1, 2022, the State Controller shall transfer \$655,200 from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Resource Management Services – Inland Fisheries and Wildlife program, General Fund account to provide matching funds for the construction of the Fryeburg shooting range.

**PART II
SUMMARY**

This Part transfers funds from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Resource Management Services – Inland Fisheries and Wildlife program, General Fund account in fiscal year 2022-23 to provide matching funds for the construction of the Fryeburg shooting range.

Amend LD 1995 Part NN by deleting the current Part and replacing with the following:

PART NN

Sec. NN-1. Transfer from General Fund unappropriated surplus; Reserve for retirement benefits. Notwithstanding any provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer up to \$14,700,000 an amount certified by the Chief Executive Officer of the Maine Public Employees Retirement System from the unappropriated surplus of the General Fund to a retirement benefits reserve account established within the General Fund for the purpose of providing the resources to fund a one-time retirement payment for retirees from the State-sponsored retirement plans. No Later than June 15, 2022, the Chief Executive Officer of the Maine Public Employees Retirement System shall notify the State

Controller of the total cost of providing the one-time payment. The payment calculation is based on the difference between the actual Consumer Price Index for all Urban Consumers (CPI-U) for the year ending June 30, 2021, 5.4%, and the maximum cost-of-living adjustment permitted under current law, 3.0%. The difference of 2.4% is multiplied by the retirement benefit payments, up to a maximum of \$22,947.11, for the one-year period ending August 31, 2021. One-time payments will be made to retirees who were eligible for a cost-of-living adjustment in September 2021. One-time payments made pursuant to this section are noncumulative and are not included in the calculation of future benefit adjustments.

PART NN SUMMARY

This Part authorizes the State Controller to transfer up to \$14,700,000 from the unappropriated surplus of the General Fund to a reserve for retirement benefits established within the General Fund in 5 MRSA §1552. The purpose of the transfer is to fund a one-time retirement payment for retirees from the State-sponsored retirement plans.

Amend LD 1995 by adding the following Part:

PART QQ

Sec. QQ-1. 5 MRSA §947-B is amended to read:

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Administrative and Financial Services. Notwithstanding any other provision of law, these positions and their successor positions are subject to this chapter:

- A.
- B. Director, Bureau of Human Resources
- C.
- D. Director, Bureau of Alcoholic Beverages and Lottery Operations;
- E. Director, Bureau of General Services;
- F. Deputy Commissioners, Department of Administrative and Financial Services;
- G. State Controller;
- H. State Tax Assessor;
- I. State Budget Officer;
- J. Chief Information Officer;
- K. Associate Commissioner, Administrative Services;
- L. Associate Commissioner for Tax Policy within the Bureau of Revenue Services;
- M. Director, Legislative Affairs and Communications; ~~and~~
- N. Director, Office of Marijuana Policy; and
- O. Director of Operations.

**PART QQ
SUMMARY**

This Part adds the new Director of Operations as a major policy-influencing position within the Department of Administrative and Financial Services.

Amend LD 1995 by adding the following Part:

PART RR

Sec. RR-1. Salary Supplements. The department shall establish and implement a system of salary supplements for child care and early childhood educators providing services directly to children served in licensed child care settings. The salary supplement funding will be provided to licensed child care providers who qualify, and those providers are required to pass through the funding as supplemental payments to qualifying direct care staff.

A. By July 1, 2023 the department shall implement a tiered system for the amount of the individual salary supplements. There shall be a minimum of three tiers based on the education and experience of child care and early childhood educators. Each tier shall be at least 50% more than the tier before it.

Sec. RR-2. Rulemaking. The Department of Health and Human Services shall promulgate rules governing the salary supplement program within 2 years but may implement the salary supplement system prior to promulgation of these rules. 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 RR
SUMMARY**

This Part directs the Department of Health and Human Services to establish and implement a program to provide salary supplements for child care and early childhood educators providing services directly to children served in licensed child care settings. The department shall implement a tiered system for the amount of individual salary supplements by July 1, 2023 and promulgate rules within two years after implementation.

Amend LD 1995 by adding the following Part:

PART SS

Sec. SS-1. Department of Health and Human Services to amend rules; Maine Veterans' Homes. The Department of Health and Human Services shall allocate a total supplemental payment of \$1,063,830 in fiscal year 2021-22. The department shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing facilities to allocate a supplement payment of \$2,442,200 in fiscal year 2022-23 to the Maine Veterans' Homes to offset budget shortfalls. Rules adopted pursuant to this section are routine and technical as defined in Maine Revised Statutes, Title 5, Chapter 37, subchapter 2-A. The department, in its rulemaking, shall allocate funding in a manner that addresses Maine Veterans' Homes shortfalls on a basis proportional to the shortfall of each Maine Veterans' Homes nursing facility. As a condition of receiving funding, Maine Veterans' Homes must commit to continue to provide current services in the Caribou and Machias homes.

**PART SS
SUMMARY**

This Part directs the Department of Health and Human Services to make supplemental payments to the Maine Veterans' Homes in fiscal years 2021-22 and 2022-23 to offset budget shortfalls. As a condition of receiving the supplemental payments, Maine Veterans' Homes must commit to continue providing services in the Caribou and Machias homes.

Amend LD 1995 by adding the following Part:

PART TT

Sec. TT-1. 4 MRSA §1610-I is amended to read:

§1610-I. Additional securities; Judicial Branch

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities from time to time in an aggregate amount not to exceed \$95,600,000 outstanding at any one time for the purposes of paying the costs associated with the planning, purchasing, financing, acquiring, constructing, renovating, furnishing, equipping, improving, extending, enlarging and consolidating new and existing facilities and projects relating to the Judicial Branch in the counties of Oxford, Waldo and York, acquiring and improving property relating to the Judicial Branch in Hancock County, replacing and upgrading ventilation systems in Presque Isle, Lewiston, Rockland, Skowhegan, and West Bath, and planning for other court facilities.

**PART TT
SUMMARY**

This Part authorizes the Judicial Branch to use funds from issued securities to replace and upgrade ventilation systems in Presque Isle, Lewiston, Rockland, Skowhegan and West Bath facilities.

Amend LD 1995 by adding the following Part:

PART UU

Sec. UU-1. Transfer from General Fund unappropriated surplus; Bureau of Policy and Management Lobster Fisheries Litigation Fund. Notwithstanding any other provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$3,000,000 from the unappropriated surplus of the General Fund to the Department of Marine Resources, Bureau of Policy and Management Lobster Fisheries Litigation Fund, Other Special Revenue Fund account to support litigation costs in defense of the State's lobster fishery. At the close of fiscal year 2031-32, amounts remaining in Bureau of Policy and Management Lobster Fisheries Litigation Fund, Other Special Revenue Funds account must be transferred to the Budget Stabilization Fund.

**PART UU
SUMMARY**

This Part requires the transfer of \$3,000,000 on or before June 30, 2022 from the unappropriated surplus of the General Fund to the Department of Marine Resources, Bureau of Policy and Management Lobster Fisheries Litigation Fund, Other Special Revenue Fund account to support litigation costs in defense of the State's lobster fishery. The Department is requesting the one-time transfer to support the increase in legal services related to pending litigation in the Federal Court regarding the protection of right whales and the authorization of the Maine lobster fishery by the National Oceanic and Atmospheric Administration. This funding will support the Department's intervenor status in two active cases (CBD v. Ross, MLA v. NMFS) as well as involvement in other active cases. The State's continued participation on behalf of the industry as a whole is critical, as these cases constitute an existential threat to the fishery's survival. These funds will also ensure that the Department has the resources in the event of other related cases that could be filed against the lobster fishery, or the need to appeal any adverse decision(s). Any unused funds would revert back to the General Fund on July 1, 2032.

Amend LD 1995 by adding the following Part:

PART VV

Sec. VV-1. 5 MRSA §131 as amended by PL 2019, c. 326 §1 is amended to read:

2. Certain payments not immediate. Notwithstanding subsection 1, payments from a department or agency of the State made to the State Treasury through the use of automated procedures, electronic processes and computer-driven technology must be deposited in the State Treasury in accordance with the requirements established in rules adopted by the Treasurer of State and the State Controller. The Treasurer of State and the State Controller shall adopt rules to implement this subsection, including rules outlining procedures for the use of automated procedures, electronic processes and computer-driven technology for the collection of these payments pursuant to this subsection. Rules adopted pursuant to this subsection may not waive prohibitions against deductions on account of salaries, fees, costs, charges, expenses, refunds, claims or demands of any description whatsoever. Rules adopted pursuant to this subsection are ~~major substantive routine technical rules as defined by Title 5, chapter 375, subchapter 2-A rules as defined by section 8071.~~

**PART VV
SUMMARY**

This Part allows the State Treasurer and State Controller to establish non-immediate payment procedures through routine technical rules rather than major substantive rules, enabling the departments to make these changes more quickly and efficiently.

Amend LD 1995 by adding the following Part:

PART WW

Sec. WW-1. 30-A MRSA §4763 is enacted to read:

§4763. Emergency Housing Relief Fund

1. **Creation.** The Emergency Housing Relief Fund, referred to in this section as "the fund," is established within the Maine State Housing Authority. The fund may receive money from any other available state, federal or private sources. The fund may not lapse, but must be carried forward to carry out the purposes of this subchapter.
2. **Program.** The Emergency Housing Relief Fund Program, referred to in this section as "the program," is established within the Maine State Housing Authority.
3. **Uses of the funds.** The funds may be used for short-term or long-term solutions. The funding will focus on:
 - A. Providing rental assistance or appropriate housing for those who are currently staying in hotels as a short-term housing solution;

- B. Supplementing or creating a similar program to the federal American Rescue Plan, HOME Investment Partnerships Program (HOME) program to purchase and convert appropriate buildings to housing to address the needs of those who are homeless or facing other immediate housing needs;
- C. Supplement or enhance the other short-term rental assistance programs such as rapid re-housing;
- D. Creating additional permanent supportive housing along the housing first model for people with disabilities, mental health challenges, or substance use disorders, and;
- E. Any other use that will address the immediate housing emergency facing the state.

Sec. WW-2. Transfer from General Fund unappropriated surplus; Emergency Housing Relief Fund. Notwithstanding any other provision of law to the contrary, on or before June 30, 2023, the State Controller shall transfer \$22,000,000 from the unappropriated surplus of the General Fund to the Maine State Housing Authority, Emergency Housing Relief Fund, Other Special Revenue Funds account to provide rental assistance, supplement other programs addressing the needs of the homeless or those facing other immediate housing needs, supplement other short-term rental assistance programs, create additional supportive housing along the housing first model for people with disabilities, mental health challenges, or substance use disorders, and support other uses that will address the immediate housing emergency facing the state.

**PART WW
SUMMARY**

This Part establishes the Emergency Housing Relief Fund program within Maine State Housing Authority and requires the transfer of \$22,000,000 on or before June 30, 2023 from the unappropriated surplus of the General Fund to the Maine State Housing Authority, Emergency Housing Relief Fund, Other Special Revenue Funds account. The funds may be used to provide rental assistance, supplement other programs addressing the needs of the homeless or those facing other immediate housing needs, supplement other short-term rental assistance programs, create additional supportive housing along the housing first model for people with disabilities, mental health challenges, or substance use disorders, and support other uses that will address the immediate housing emergency facing the state.

Amend LD 1995 by adding the following Part:

PART XX

Sec. 1. 5 MRSA §12004-I, sub-§2-H is enacted to read:

2-H.

<u>Agriculture</u>	<u>Advisory Committee on the Fund To Address PFAS Contamination</u>	<u>Expenses Only</u>	<u>7 MRSA §320-L</u>
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Sec. 2. 7 MRSA c. 10-D is enacted to read:

CHAPTER 10-D

FUND TO ADDRESS PFAS CONTAMINATION

§320-K. Fund To Address PFAS Contamination

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

A. "Advisory committee" means the Advisory Committee on the Fund To Address PFAS Contamination in section 320-L.

B. "Agricultural land" has the same meaning as in section 32, subsection 2.

C. "Commercial farm" means a farm that produces any farm product with the intent that the farm product be sold or otherwise disposed of to generate income.

D. "Farm product" has the same meaning as in section 52, subsection 3-A.

E. "Fund" means the Fund To Address PFAS Contamination under subsection 2.

F. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning as in Title 32, section 1732, subsection 5-A.

2. Fund established. The Fund To Address PFAS Contamination is established within the office of the commissioner in the department as a nonlapsing account for the purposes specified in this chapter.

3. Sources of the fund. The fund is funded from funds accepted by the commissioner or allocated or appropriated by the Legislature, including funds stipulated for deposit in the fund as part of the terms of settlement of legal actions relating to PFAS contamination against corporations, partnerships or individuals.

4. Purposes. Allocations from the fund may be made as determined by the department upon recommendation of the advisory committee and for the following purposes:

A. Monitoring the health of a person, and members of that person's household, whose agricultural land is found to be contaminated by PFAS;

A-1. Providing medical care to a person found to have blood levels of PFAS greater than the general population or health effects associated with exposure to PFAS;

B. Relocating a commercial farm when the agricultural land of the farm is found to be contaminated by PFAS;

C. Buying and selling agricultural land found to be contaminated by PFAS;

D. Investing in equipment, facilities and infrastructure to ensure that a commercial farm with land found to be contaminated by PFAS maintains profitability while the commercial farm transitions to an alternative cropping system, remediation strategies, technological adaptations, solar development or other modifications to its operations in response to PFAS contamination;

E. Assisting a commercial farm with land found to be contaminated by PFAS with developing enterprise budgets for alternative cropping systems, remediation strategies, technological adaptations or transitioning to alternative revenue streams, including but not limited to land use systems combining agricultural use of the land with solar energy production;

F. Providing short-term assistance to a person whose commercial farm is found to be contaminated by PFAS, including but not limited to income replacement and mortgage payments;

G. Evaluating the capacity of PFAS testing and data management in the State;

H. Conducting research that supports short-term farm management decisions and assesses future options for viable uses of agricultural land that has been contaminated with PFAS;

I. Conducting research that quantifies the impact of PFAS commercial farms and agricultural communities in the State;

J. Conducting research on soil and water remediation systems and the viability of those systems for commercial farmers;

K. Conducting research on alternative cropping systems, PFAS uptake of different crops, livestock systems to mitigate exposure to PFAS or remediate it, and research on food safety criteria for food products;

L. Educational programs for landowners, including but not limited to determining best practices for informing residents about the potential of being near or on a site on which sludge or septage application was licensed or permitted by the State prior to 2019, and providing information and guidance on buying or selling agricultural lands that have had sludge or septage applied; and

M. Long-term monitoring of contaminated sites and establishing a corresponding centralized data repository;

N. Establishing food safety criteria and guidance for farm products;

O. Assisting commercial farmers and others in the agricultural sector not directly affected by PFAS contamination with marketing efforts whose branding and marketing may be affected by public perception of PFAS contamination in the State; and

P. Regional planning with other states and the federal government to protect food supply and farmers in the State from out-of-state PFAS contamination.

5. Administration. The department shall administer the fund allocations in accordance with a plan that establishes funding priorities, administration and oversight and with the review and advice of the advisory committee. The department may contract for professional services to carry out the purposes of this section.

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

7. Report. Beginning March 1, 2023, and annually thereafter, the department shall submit a report on the plan under subsection 5 and on the uses of the fund to the joint standing committees having jurisdiction over agriculture, conservation and forestry; environment and natural resources; and health and human services. The report must include an update on the status of meeting the purposes of the fund in subsection 4, additional needs identified by the agricultural community, what funds have been disbursed and to what purpose. The report must include the functional status of the advisory committee, including, but not limited to, the number of meetings held, a summary of each meeting and recommendations for legislation from the advisory committee.

§320-L. Advisory Committee on the Fund To Address PFAS Contamination

The Advisory Committee on the Fund To Address PFAS Contamination is established pursuant to Title 5, section 12004-I, subsection 2-H to make recommendations to the department regarding administration of the fund. In order to develop recommendations for the department, the advisory committee may form working groups that include and seek input from subject matter experts from the public and private sectors to deliberate issues relating to the purposes of the fund, including but not limited to health monitoring, short-term financial aid for farmers, research priorities, solar siting, long-term environmental monitoring and land acquisition.

1. Membership. The advisory committee consists of:

A. The commissioner or the commissioner's designee;

B. The Commissioner of Environmental Protection or the commissioner's designee;

C. The Commissioner of Health and Human Services or the commissioner's designee;

D. The dean of the Maine Agricultural and Forest Experiment Station at the University of Maine, College of Natural Sciences, Forestry, and Agriculture or the dean of the University of Maine Cooperative Extension, appointed by the President of the University of Maine;

E. One member of the public representing the financial sector and with expertise in agricultural finance and lending, appointed by the Commissioner of Agriculture, Conservation and Forestry;

F. Five members of the public representing the agricultural sector, appointed by the Commissioner of Agriculture, Conservation and Forestry; and

G. One member of the public with expertise in public health, appointed by the Commissioner of Agriculture, Conservation and Forestry.

The 7 members of the public appointed by the commissioner shall serve on the committee for terms of 3 years each, on a staggered-term basis to prevent the terms of more than 2 public members expiring in any one year.

2. Report. The committee shall hold at least 2 public hearings annually to seek input from the public on efforts to meet the purposes of the fund. All proceedings of the advisory committee are public within the meaning of Title 1, chapter 13, subchapter 1. Notwithstanding Title 1, section 403, subsection 6, all records of proceedings of the advisory committee are public and subject to the requirements of Title 1, section 403, subsection 2. The committee shall report to the Legislature annually, beginning March 1, 2023 on the input from subject matter experts under subsection 1 and members of the public on issues relating to the purposes and the use of the fund.

Sec. 2-A. Initial plan priorities; programs. The Department of Agriculture, Conservation and Forestry shall develop and implement an initial plan that prioritizes funding and implementation of the following programs consistent with the purposes in Title 7, section 320-K, subsection 4. The department shall seek public comment on a draft proposal before final adoption of the plan.

1. The department shall establish a program as soon as practicable to provide short-term assistance to a person whose commercial farm is found to be contaminated by PFAS that may include income replacement and mortgage payments.

2. The department may establish a program to fund long-term assistance for commercial farms with agricultural land that is found to be contaminated by PFAS. The program must address a range of alternative strategies including assisting farmers with investing in equipment, facilities and infrastructure to maintain profitability during a transition to alternative cropping systems, remediation strategies, technological adaptations, solar development or other modifications to its operations; purchasing agricultural land found to be contaminated by PFAS; assisting farmers with renegotiating mortgages and lines of credit; direct purchasing of contaminated land and assisting farmers whose land is found to be contaminated by PFAS with purchasing of alternative land.

3. The department may establish, in coordination with the Maine Center for Disease Control and Prevention, a PFAS medical monitoring and blood PFAS level testing program for persons whose drinking water or agricultural land is found to be contaminated by PFAS. If the department establishes a program under this section, the department may not require a person to show a present injury or disease to qualify for the program.

A. In accordance with rules adopted by the department under Title 7, section 320-K, subsection 6, the program may include payment by the department for annual blood PFAS-level testing and related services and diagnostic evaluations for an affected person who does

not have sufficient health coverage for PFAS testing and related services. The program must allow the drawing of blood for the testing in a health care provider's office or by another laboratory. The program must allow a blood sample taken by a health care provider or laboratory to test for blood PFAS levels to be sent to a facility approved by the Department of Health and Human Services.

B. The department may develop criteria for funding medical monitoring and healthcare for persons found to have blood level exposure to PFAS at a rate greater than the general population, where it is medically relevant to undergo periodic medical examination and healthcare.

Sec. 2-B. Long-term plan for the administration of the funds. In implementing, Title 7, section 320-K, the Department of Agriculture, Conservation and Forestry shall, with the advice of the Advisory Committee on the Fund to Address PFAS Contamination:

1. Review examples in other state, federal and international jurisdictions of compensatory, research or public health monitoring program parameters;
2. Consult with experts and participants in similar programs;
3. Consult with stakeholders affected by PFAS contamination by holding public hearing and receiving public comment;
4. Develop methods for determining parameters of the fund components, including, but not limited to, determining financial assistance offerings, evaluating agricultural land valuation, establishing research priorities and assessing research proposals, establishing the need for and scope of long-term health monitoring and land monitoring, and offer recommendations to alter the fund components;
5. Develop processes and criteria to be used to determine funding awards;
6. Create a timeframe for the establishment of the fund and for the consideration of applications for fund programs and issuance of payments, including, but not limited to, land appraisals and income tax statements;
7. Recommend changes to the administration of the fund and corresponding programs to the Legislature, if necessary;
8. Establish rules in accordance with Title 7, section 320-K, subsection 6 to ensure that applicants for fund programs are able to participate in the process;
9. Assess where and how the fund would be best housed and operated within State government in the future; and
10. Take into consideration recommendations, including suggested legislation, of the advisory committee.

Sec. 3. Advisory Committee to consider findings and recommendations. By March 1, 2023, the Advisory Committee on the Fund To Address PFAS Contamination established in the

Maine Revised Statutes, Title 7, section 320-L shall consider the Department of Agriculture, Conservation and Forestry February 4, 2022 report "Findings and Recommendations for a PFAS Study Plan Supporting L.D. 558" when developing advisory committee recommendations, including but not limited to funding for research, regarding administration of the Fund To Address PFAS Contamination.

Sec. 4. Transfer to the Department of Agriculture, Conservation and Forestry, Office of the Commissioner program. Notwithstanding any provision of law to the contrary, on or before May 1, 2022, the State Controller shall transfer \$5,000,000 from the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, Office of the Commissioner program, Fund To Address PFAS Contamination, Other Special Funds account for the purposes as provided under Title 7, section 320-K, subsection 4.

Sec. 5. Transfer to the Department of Agriculture, Conservation and Forestry, Office of the Commissioner program. Notwithstanding any provision of law to the contrary, on or before June 30, 2023, the State Controller shall transfer \$55,000,000 from the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, Office of the Commissioner program, Fund To Address PFAS Contamination, Other Special Funds account for the purposes as provided under Title 7, section 320-K, subsection 4.

PART XX SUMMARY

This Part establishes the Fund To Address PFAS Contamination within the Department of Agriculture, Conservation and Forestry and the corresponding Advisory Committee on the Fund To Address PFAS Contamination to make recommendations to the department regarding administration of the fund. The bill authorizes the department to allocate funds upon recommendation of the advisory committee and for certain purposes, including but not limited to monitoring the health of a person, and members of that person's household, whose agricultural land is found to be contaminated by perfluoroalkyl and polyfluoroalkyl substances, or PFAS; buying and selling agricultural land found to be contaminated by PFAS; Conducting research on alternative cropping systems, PFAS uptake of different crops, livestock systems to mitigate exposure to PFAS or remediate it and research on food safety criteria for food products; funding for educational programs; long-term monitoring of contaminated sites and establishing a corresponding centralized data repository; Providing medical care to a person found to have blood levels of PFAS greater than the general population or health effects associated with exposure to PFAS; establishing food safety criteria and guidance for farm products; assisting farmers and others in the agricultural sector not directly affected by PFAS contamination with marketing efforts whose branding and marketing may be affected by public perception of PFAS contamination in the State; and regional planning with other states and the federal government to protect food supply and farmers in the State from out-of-state PFAS contamination.

This Part also authorizes the advisory committee to form working groups that include and seek input from subject matter experts from the public and private sectors to deliberate issues

relating to the purposes of the fund, including but not limited to health monitoring, short-term financial aid for farmers, research priorities, solar siting, long-term environmental monitoring and land acquisition. This Part also requires the advisory committee to hold at least two public hearing annually to seek input from the public on efforts to meet the purposes of the fund. The advisory committee is required to submit a report to the Legislature annually on input from subject matter experts and members of the public on issues relating to purposes and uses of the fund.

The amendment directs the department to develop and implement an initial plan that prioritizes funding and a long-term plan for the administration of the funds.

This Part requires the department to submit an annual report to the Legislature which includes the status of meeting the purposes of the fund, additional needs identified by the agricultural community, what funds have been disbursed and to what purpose and an update on the functional status of the advisory committee.

This Part provides one-time funding of \$60,000,000 to address PFAS contamination on agricultural land in the State.