

An Act Making Unified Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2020 and June 30, 2021

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 C

Sec. C-1. 20-A MRSA §15671, sub-§7, ¶B, as amended by PL 2019 c.343, Pt C, §1 is further amended to read:

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 52.60%.
- (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 45.84%.
- (7) For fiscal year 2011-12, the target is 46.02%.
- (8) For fiscal year 2012-13, the target is 45.87%.
- (9) For fiscal year 2013-14, the target is 47.29%.
- (10) For fiscal year 2014-15, the target is 46.80%.

- (11) For fiscal year 2015-16, the target is 47.54%.
- (12) For fiscal year 2016-17, the target is 48.14%.
- (13) For fiscal year 2017-18, the target is 49.14%.
- (14) For fiscal year 2018-19, the target is ~~49.58%~~ 49.77%.
- (15) For fiscal year 2019-20, the target is 50.78%.
- (16) For fiscal year 2020-21, the target is 51.78%.

Sec. C-2. 20-A MRSA §15671, sub-§7, ¶C, as amended by PL 2019 c.343, Pt C, §2 is further amended to read:

Beginning in fiscal year 2011-12, the annual targets for the state share percentage of the total cost of funding public education from kindergarten to grade 12 including the cost of the components of essential programs and services plus the state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teachers' health insurance and retired teachers' life insurance are as follows.

- (1) For fiscal year 2011-12, the target is 49.47%.
- (2) For fiscal year 2012-13, the target is 49.35%.
- (3) For fiscal year 2013-14, the target is 50.44%.
- (4) For fiscal year 2014-15, the target is 50.13%.
- (5) For fiscal year 2015-16, the target is 50.08%.
- (6) For fiscal year 2016-17, the target is 50.82%.
- (7) For fiscal year 2017-18, the target is 52.02%.
- (8) For fiscal year 2018-19, the target is 53.37%.
- (9) For fiscal year 2019-2020, and subsequent fiscal years, the target is 55%.

Sec. C-3. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2019, c. 343, §3 is further amended to read:

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 be applied according to section 15688, subsection 3-A, paragraph A to determine a municipality's local cost share expectation.

- (1) For the 2005 property tax year, the full-value education mill rate is the amount necessary to result in a 47.4% statewide total local share in fiscal year 2005-06.
- (2) For the 2006 property tax year, the full-value education mill rate is the amount necessary to result in a 46.14% statewide total local share in fiscal year 2006-07.

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

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

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

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

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

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

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

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

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

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

(10) For the 2017 property tax year, the full-value education mill rate is the amount necessary to result in a 50.86% statewide total local share in fiscal year 2017-18.

(11) For the 2018 property tax year, the full-value education mill rate is the amount necessary to result in a ~~50.42%~~ 50.23% statewide total local share in fiscal year 2018-19.

(12) For the 2019 property tax year, the full-value education mill rate is the amount necessary to result in a 49.22% statewide total local share in fiscal year 2019-20.

(13) For the 2020 property tax year ~~and subsequent tax years,~~ the full-value education mill rate is the amount necessary to result in a ~~45%~~ 48.22% statewide total local share in fiscal 2020-2021 ~~and after.~~

(14) For the 2021 property tax year and subsequent tax years, the full value education mill rate is the amount necessary to result in a 45% statewide total local share in fiscal year 2021-2022 and after.

Sec. C-4. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2020-21 is 8.18.

Sec. C-5. Total cost of funding public education from kindergarten to grade 12. The total cost of funding public education from kindergarten to grade 12 for fiscal year 2020-21 is as follows:

	2020-21 TOTAL
Total Operating Allocation	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$1,507,865,971
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	\$554,973,541
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	\$2,062,839,512
Total Debt Service Allocation	
Total debt service allocation pursuant to Title 20-A, section 15683-A	\$103,428,195
Total Adjustments and Targeted Education Funds	
Audit adjustments pursuant to Title 20-A, section 15689, subsection 4	\$250,000
Educating students in long-term drug treatment center adjustments pursuant to Title 20-A, section 15689, subsection 5	\$460,355
Minimum teacher salary adjustment pursuant to Title 20-A, section 15689, subsection 7-A	\$2,100,000

Regionalization, consolidation and efficiency assistance adjustments pursuant to Title 20-A, section 15689, subsection 9	\$6,161,789
Maine Care seed payments adjustments pursuant to Title 20-A, section 15689, subsection 14	\$1,334,776
Special education budgetary hardship adjustment pursuant to Title 20-A, section 15689, subsection 15	\$1,000,000
Total adjustments to the state share of total allocation pursuant to Title 20-A, section 15689	\$11,306,920
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	\$33,737,998
Education of institutional residents pursuant to Title 20-A, section 15689-A, subsection 2	\$0
Essential programs and services components contract pursuant to Title 20-A, section 15689-A, subsection 3	\$300,000
Education research institute contract pursuant to Title 20-A, section 15689-A, subsection 6	\$0
Data management and support services for essential programs and services pursuant to Title 20-A, section 15689-A, subsection 10	\$7,974,245
Postsecondary course payments pursuant to Title 20-A, section 15689-A, subsection 11	\$4,000,000
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	\$16,114,960
Jobs for Maine's Graduates including college pursuant to Title 20-A, section 15689-A, subsection 13	\$3,545,379
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	\$8,913,765
Transportation administration pursuant to Title 20-A, section 15689-A, subsection 16	\$410,111
Special education for juvenile offenders pursuant to Title 20-A, section 15689-A, subsection 17	\$407,036
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	\$200,000
Maine School for Marine Science, Technology, Transportation and Engineering pursuant to Title 20-A, section 15689-A, subsection 26	\$132,316
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	\$80,708,708

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	\$57,424,775
Career and technical education middle school costs pursuant to Title 20-A, section 15672, subsection 1-D	\$500,000
College transitions programs through adult education college readiness programs pursuant to Title 20-A, section 15688-A, subsection 2	\$450,000
New or expanded public preschool programs pursuant to Title 20-A, section 15688-A, subsection 4	\$0
National industry standards for career and technical education pursuant to Title 20-A, section 15688-A, subsection 6	\$2,000,000
Regional school leadership academy pursuant to Title 20-A, section 15688-A, subsection 9	\$0
Total enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D	\$60,374,775

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	\$2,318,658,110
Total normal cost of teacher retirement	\$50,697,332
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	\$2,369,355,442

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 2020-21 pursuant to Title 5, chapters 421 and 423, excluding the normal cost of teacher retirement	\$228,931,183
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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 2020-21 pursuant to Title 5, chapters 421 and 423	\$2,598,286,625
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Sec. C-6. Local and state contributions to total cost of funding public education from kindergarten to grade 12. The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2020 and ending June 30, 2021 is calculated as follows:

	2020-21 LOCAL	2020-21 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	\$1,142,503,195	\$1,226,852,247
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 2020-21		\$228,931,183

pursuant to Title 5, chapters 421 and 423 excluding the normal cost of teacher retirement

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 for fiscal year 2020-21 pursuant to Title 5, chapters 421 and 423

\$1,455,783,430

Sec. C-7. 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-8. 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, 2020 and ending June 30, 2021.

Sec. C-9. 20-A MRSA §15683-C, sub-§1, as amended by PL 2019, c.219, §7, is further amended to read:

1. ~~Calculation of e~~Education service center per-pupil rate. Beginning in fiscal year 2020-2021, the commissioner shall calculate set a per-pupil amount rate for education service center administration of \$94 per pupil. The per-pupil amount for education service center administration is based on the actual General Fund expenditures for school administrative units with 2,500 students or more for the functions of school boards, elections and central offices, as defined in the State's accounting handbook for local school systems for the most recent year available, excluding expenditures for administrative technology related software and less miscellaneous revenues from other local governments, divided by the average of October and April enrollment counts for that fiscal year and— The per pupil amount set in fiscal year 2020-2021 may be annually adjusted by appropriate trends in the Consumer Price Index or other comparable index.

Sec. C-10. 20-A MRSA §15688-A, sub-§1, as amended by PL 2019, c. 343, Pt AAAAA, §1, is further amended to read:

In fiscal year 2020-21, fiscal year 2021-22 and fiscal year 2022-23, the total allocation for a career and technical education center or career and technical education region is the sum of the components in paragraphs A to E, except if the sum of the components in paragraphs A to E is less than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year, ~~or more than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year~~, the total allocation must be determined pursuant to subsection 1 - A. If the sum of the components in paragraphs A to E is more than 15% greater than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year, then the career and technical education center or career and technical education region may not receive more than the adjusted expenditures plus 15%.

Sec. C-11. 20-A MRSA §15689, sub-§7-A, §B, as enacted by PL 2019, c. 343, Pt UU, §3, is amended to read:

B. The commissioner shall allocate the funds appropriated by the Legislature in accordance with the following.

(1) The amount of increased funds provided to qualifying school administrative units under this subsection must be the amount necessary to fund the incremental salary increases specified in this subsection.

(2) The number of teachers eligible for incremental salary increases in a qualifying school administrative unit for a fiscal year must be based on the information supplied to the department pursuant to section 13407 in that fiscal year.

(3) The increased funds provided under this subsection must be issued to qualifying school administrative units as an adjustment to the state school subsidy for distribution to the teachers. Qualifying school administrative units shall use the payments provided under this subsection to provide salary adjustments to those teachers eligible for incremental salary increases. The department shall collect the necessary data to allow the funds to be included in a qualifying school administrative unit's monthly subsidy payment beginning no later than February 1st of each fiscal year.

(4) Funding for incremental salary increases in fiscal year 2020-2021 will be based on data submitted to the Department and certified by school administrative units as of October 1, 2019.

Sec. C-12. 20-A MRSA §15689-A, sub §6, as enacted by PL 2005, c.2, Pt D, §61 and affected by PL 2005, c. 2, Pt D, §72 and §74, and PL 2005, c. 12, Pt WW, §18, is repealed.

Sec C-13. 20-A MRSA §15689-A, sub §28, is enacted to read:

28. The Commissioner may pay costs to provide instruments and professional development in rural schools

Sec. C-14. 20-A MRSA §15905, sub §1, ¶A, as amended by PL 2017, c.284 Pt C, §56, is further amended:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15672, subsection 2-A, paragraph A and pursuant to Resolve 2007, chapter 223, section 4, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Major Capital Maximum Debt Service Limit	Integrated,Consolidated Secondary and Postsecond- ary Project Maximum Debt Service Limit
1990	\$ 48,000,000	
1991	\$ 57,000,000	
1992	\$ 65,000,000	
1993	\$ 67,000,000	
1994	\$ 67,000,000	
1995	\$ 67,000,000	
1996	\$ 67,000,000	
1997	\$ 67,000,000	
1998	\$ 67,000,000	
1999	\$ 69,000,000	
2000	\$ 72,000,000	
2001	\$ 74,000,000	
2002	\$ 74,000,000	
2003	\$ 80,000,000	
2004	\$ 80,000,000	
2005	\$ 84,000,000	
2006	\$ 90,000,000	
2007	\$ 96,000,000	
2008	\$100,000,000	
2009	\$104,000,000	
2010	\$108,000,000	

2011	\$126,000,000	
2012	\$116,000,000	
2013	\$116,000,000	
2014	\$126,000,000	\$10,000,000
2015	\$126,000,000	\$10,000,000
2016	\$126,000,000	\$10,000,000
2017	\$126,000,000	\$10,000,000
2018	\$126,000,000	\$10,000,000
2019	\$126,000,000	\$10,000,000
2020	\$126,000,000	\$20,000,000
2021	\$126,000,000	\$20,000,000
2022	\$126,000,000	\$20,000,000
2023	\$126,000,000	\$20,000,000
<u>2024</u>	<u>\$150,000,000</u>	
<u>2025</u>	<u>\$150,000,000</u>	
<u>2026</u>	<u>\$150,000,000</u>	
<u>2027</u>	<u>\$150,000,000</u>	

A-1. Beginning with the second regular session of the Legislature in fiscal year 1990 and every other year thereafter, on or before March 1st, the commissioner shall recommend to the Legislature and the Legislature shall establish maximum debt service limits for the next 2 biennia for which debt service limits have not been set for major capital projects ~~and~~ to include integrated, consolidated secondary and postsecondary projects.

**PART C
SUMMARY**

This Part does the following:

1. Establishes the Total Cost of Education from Kindergarten to Grade 12, the state contribution, the annual target state share percentage, and the mill expectation for the local contribution for fiscal year 2020-2021.
2. Provides statutory changes to Chapter 606-B in the categories of adjustments to subsidy, targeted education funds and enhancing student performance and opportunity for implementation in the 2020-2021 school year.
3. Removes the targeted education fund for the annual education research contract.

4. Provides statutory language to amend the debt service ceiling for fiscal years 2023-2024 through 2026-2027.

PART D

Sec. D-1. PL 2019, c. 343, Part P is amended to read:

Sec. P-1. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of State, may enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the Central Fleet Management Division. The financing agreements entered into in each fiscal year may not exceed ~~\$5,500,000~~ 7,200,000 in principal costs, and a financing agreement may not exceed 4 years in duration. The interest rate may not exceed 5%. The annual principal and interest costs must be paid from the appropriate line category allocations in the Central Fleet Management Division account.

Sec. D-2. PL 2019, c. 343, sub-§Q-1, is amended to read:

Sec. Q-1. Department of Administrative and Financial Services and Department of Public Safety; lease-purchase authorization for motor vehicles for State Police. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of State, on behalf of the Department of Public Safety, may enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the State Police. The financing agreements entered into in each fiscal year may not exceed ~~\$2,300,000~~ \$2,800,000 in principal costs, and a financing agreement may not exceed 3 years in duration. The interest rate may not exceed 5%. The annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the State Police accounts.

PART D SUMMARY

This Part amends the amount that the Department of Administrative and Financial Services may enter into for financing arrangements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the Central Fleet Management Division. This Part also authorizes an increase in the principal cost limit of the financing agreements for State Police motor vehicles from \$2,300,000 to \$2,800,000.

PART E

Sec. E-1. 25 MRSA §1612 sub-§1, as established by PL 2001, c. 439, Part CCCCC §4 is amended to read:

§1612. Death benefit

1. **Amount; recipients.** In a case in which the chief determines under rules adopted pursuant to this section that a law enforcement officer has died while in the line of duty or in a case in which the State Fire Marshal determines under rules adopted pursuant to this section that a firefighter has died while in the line of duty or in a case in which the director determines under rules adopted pursuant to this section that an emergency medical services person has died while in the line of duty, the State shall pay a benefit of ~~\$50,000~~ \$100,000 as follows:

- A. If there is no surviving child of the firefighter, law enforcement officer or emergency medical services person, to the surviving spouse of the person;
- B. If there is a surviving child or children and a surviving spouse of the firefighter, law enforcement officer or emergency medical services person, 1/2 to the surviving child or children in equal shares and 1/2 to the surviving spouse;
- C. If there is no surviving spouse of the firefighter, law enforcement officer or emergency medical services person, to the child or children in equal shares; or
- D. If there is no surviving child or spouse, to the parent or parents of the firefighter, law enforcement officer or emergency medical services person in equal shares.

Sec. E-2. 25 MRSA §1612 sub-§6, as established by PL 2001, c. 439, Part CCCCC §4 is amended to read:

6. Other benefits. The ~~\$50,000~~ \$100,000 as benefit payable under this section may not be considered a benefit paid under "similar law" for purposes of Title 5, sections 18005 and 18605 and may not be used to reduce any accidental death benefit amount payable under those provisions or under any other provision of law.

PART E SUMMARY

This Part increases the amount of the death benefit payable under this statute to \$100,000.

PART F

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

§ 1610-M. Additional securities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed \$14,100,000 outstanding at any one time for capital repairs and improvements to state-owned facilities and hazardous waste cleanup on state-owned properties and not to exceed \$8,200,000 outstanding at any one time for mechanical, electrical, plumbing, other building system upgrades, and any associated hazardous waste clean up to Curtis Hall at the Maine Maritime Academy.

Sec. F-2. Maine Governmental Facilities Authority; issuance of securities. Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2 and section 1610-M, and notwithstanding the limitation contained in Maine Revised Statutes, Title 4, section 1606, subsection 2 regarding the amount of securities that may be issued, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$22,300,000. Proceeds must be used for the purpose of paying the costs associated with capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties as designated by the Commissioner of Administrative and Financial Services.

PART F SUMMARY

This Part authorizes the Maine Governmental Facilities Authority to issue additional securities up to an amount of \$22,300,000 to pay for the costs of capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties.

PART G

Sec. G-1. 5 MRSA §8, as amended by PL 2007, c. 240, Part SSS §1 and affected by §16, is further amended to read:

§8. Mileage allowance

The State shall pay for the use of privately owned automobiles for travel by employees of the

State in the business of the State such reimbursement as agreed to between the State and their certified or recognized bargaining agent. For employees and state officers and officials not subject to any such agreement, the State shall pay 36¢ per mile effective January 1, 2006, 38¢ per mile effective January 1, 2007, 40¢ per mile effective July 1, 2007, 42¢ per mile effective July 1, 2008, ~~and 44¢ per mile effective January 1, 2009, and effective July 1, 2020~~ the lower of the rate included in the bargaining agreement representing the most employees or the federal rate of reimbursement, whichever is lower, for miles actually traveled on state business. The Governor may suspend the operation of this section and require state officials and employees to travel in automobiles owned or controlled by the State, if such automobiles are available.

PART G SUMMARY

This Part updates the mileage rate paid to employees and state officers and officials not subject to a bargaining agreement to either the rate included in the bargaining agreement representing the most employees or the federal rate of reimbursement, whichever is lower. This change will be effective July 1, 2020.

PART H

Sec. H-1. 30-A MRSA §6054 sub-§4, as established by PL 2013, c. 269, Part B is amended to read:

4. Use of fund during bond retirement period; from July 1, 2017 until ~~bonds retired June 30, 2019~~. Money in the fund must be held and applied solely to the payment of the liquor operation revenue bonds and any ancillary obligations secured by the fund as the bonds and ancillary obligations become due and payable and for the retirement of liquor operation revenue bonds, including costs of administering the fund, the bonds and the ancillary obligations and the payment of any redemption premium required to be paid when any liquor operation revenue bonds are redeemed or retired before maturity or for the payment of ancillary obligations; except that, to the extent there is money in the fund not needed in accordance with terms of the liquor operation revenue bonds and ancillary obligations, before June 30th of each year, the bond bank shall withdraw an amount not exceeding \$7,000,000 to be paid to the State and distributed as follows:

- A. First, in equal amounts to an account within the Department of Health and Human Services and an account within the Department of Environmental Protection, up to \$3,500,000 per account or the maximum amount allowed for federal matching funds purposes under federal water programs, whichever is less, to be used for revolving loan funds for drinking water systems and wastewater treatment; and
- B. The remainder, if any, to an account within the Department of Transportation to be used for the construction of highways and bridges.

4-A. Use of fund during bond retirement period; from July 1, 2019 until bonds retired. Money in the fund must be held and applied solely to the payment of the liquor operation revenue bonds and any ancillary obligations secured by the fund as the bonds and ancillary obligations become due and payable and for the retirement of liquor operation revenue bonds, including costs of administering the fund, the bonds and the ancillary obligations and the payment of any redemption premium required to be paid when any liquor operation revenue bonds are redeemed or retired before maturity or for the payment of ancillary obligations; except that, to the extent there is money in the fund not needed in accordance with terms of the liquor operation revenue bonds and ancillary obligations, before June 30th of each year, the bond bank shall withdraw an amount not exceeding \$27,000,000 to be paid to the State and distributed as follows:

A. First, to the General Fund as undedicated revenue up to \$20,000,000;

B. Second, in equal amounts to an account within the Department of Health and Human Services and an account within the Department of Environmental Protection, up to \$3,500,000 per account or the maximum amount allowed for federal matching funds purposes under federal water programs, whichever is less, to be used for revolving loan funds for drinking water systems and wastewater treatment; and

C. The remainder, if any, to an account within the Department of Transportation to be used for the construction of highways and bridges.

PART H SUMMARY

This Part authorizes the General Fund to receive up to \$20,000,000 in undedicated revenues associated with profits from liquor operations and continues the transfers previously established.

PART I

Sec. I-2. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of State, may enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of hardware, software, and systems to support the operations of the Statewide Radio and Network System Reserve Fund, established in Title 5, section 1520. The financing agreements entered into in each fiscal year may not exceed \$5,000,000 in principal costs, and a financing agreement may not exceed 7 years in duration. The interest rate may not exceed 5%. Annual principal and interest costs must be paid from the Office of Information Technology, Statewide Radio and Network System Reserve Fund.

**PART I
SUMMARY**

This Part authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2019-20 and 2020-21 for the acquisition of hardware, software, and systems to support the operations of the Statewide Radio and Network System Reserve Fund.

PART J

Sec. J-1. Transfer from General Fund unappropriated surplus; Maine Budget Stabilization Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$20,116,942 during fiscal year 2019-20 from the General Fund unappropriated surplus to the Maine Budget Stabilization Fund.

**PART J
SUMMARY**

This Part directs the State Controller to transfer \$20,116,942 during fiscal year 2019-20 from the General Fund unappropriated surplus to the Maine Budget Stabilization Fund.

PART K

Sec K-1. 12 MRSA §8908, sub-§2, as amended by PL 2013, c. 405, Pt. A, §23, is further amended to read:

2. Use of fund. The bureau may use the fund to pay operating expenses and to purchase aerial fire suppression resources, including helicopters, airplanes and spare parts, in accordance with the bureau's plan to diversify and modernize its aerial fire suppression fleet.

**PART K
SUMMARY**

This Part authorizes the Bureau of Forestry, Forest Protection Division to pay operating expenses from the Aerial Fire Suppression Fund to allow the charging and reimbursement of Personal Services and related All Other costs associated with non-fire flights conducted for other state agencies.

PART L

Sec. L-1. Carrying balances; repairs and upgrades to armories. Notwithstanding any other provision of law, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$4,000,000 appropriation in the

All Other line category contained in Part A for repairs and upgrades to armories remaining in the Department of Defense, Veterans and Emergency Management, Military Training and Operations program, General Fund account.

PART L SUMMARY

This Part authorizes the one-time funds appropriated for repairs and upgrades at armories in the Military Training and Operations program, General Fund, to carry forward into the next fiscal year for the purpose for which they were intended.

PART M

Sec. M-1. 5 MRSA §937, sub-§1, as amended by PL 2019, c. 343, Pt. SS, §1, is further amended to read:

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

- A. Deputy Commissioner;
- B.
- C.
- D.
- E.
- F. Director, Policy and Programs;
- G.
- H.
- I.
- J.
- K.
- L.
- M. ~~Director, Communications~~ Director of Marketing and Communications

Sec. M-2. 20-A MRSA §203, sub-§1, as amended by PL 2019, c. 343, Pt. TT, §1-3, is further amended to read:

1. **Commissioner's appointments.** The following officials are appointed by and serve at the pleasure of the commissioner:

- A. Deputy Commissioner;
- B.
- C.
- D.
- E.

- F. Director, Legislative Affairs;
- G.
- H.
- I.
- J.
- K.
- L.
- M. ~~Director, Communications~~ Director of Marketing and Communications;
- N.
- O. ~~Director of Special Projects~~ Chief Innovation Officer; and
- P. Chief of Staff and Operations.

PART M SUMMARY

This Part changes the name of the Director, Communications to the Director of Marketing and Communications and the name of the Director of Special Projects to Chief Innovation Officer within the Department of Education.

PART N

Sec. N-1. 20-A MRSA §4771 as amended by PL 2007, c. 240, Pt. VVV, §1, and affected by PL 2003, c. 20, §004 and amended by §002, is further amended to read:

As used in this chapter, unless the context otherwise indicates, "eligible institution" means the institutions of the University of Maine System, the Maine Community College System and the Maine Maritime Academy. "~~Semester~~" ~~means the fall, spring or summer term of an academic year.~~

Sec. N-2. 20-A MRSA §4775 as amended by PL 2017, c. 284, Pt. C, §8, is further amended to read:

~~Until the 2018-2019 school year, the department shall pay 50% of the in-state tuition for the first 6 credit hours taken each semester by a student at an eligible institution and up to 12 credit hours per academic year. The eligible institution may not make any additional tuition charges for the course but may impose fees and charges, other than tuition, that are ordinarily imposed on students not covered by this chapter. Funds appropriated to the department to carry out the purposes of this chapter must be in addition to the customary and ongoing amounts appropriated for general purpose aid for local schools.~~

Beginning with the 2018-2019 school year, the department shall reimburse each eligible institution the cost of in-state tuition up to the maximum rate, calculated as follows: 50% of the average in-state tuition rate for the highest and lowest in-state tuition rates established by the University of Maine System for ~~eligible institutions within the system for the first 6 credit hours taken each semester by a student at an eligible institution and up to 12 credit hours per academic year~~ taken by a student at an eligible institution. The eligible institution may not make any additional tuition charges for the course but may impose fees and charges, other than tuition, that are ordinarily imposed on students not covered by

this chapter. Funds appropriated to the department to carry out the purposes of this chapter must be in addition to the customary and ongoing amounts appropriated for general purpose aid for local schools.

Sec. N-3. 20-A MRSA §4776 as enacted by PL 2007, c. 240, Pt. VVV, §2, is repealed.

PART N SUMMARY

This Part increases flexibility with respect to when a student might take an early college course. Currently a student is allowed six credits per semester for a total of 12 credits per year. It would allow a student to take the maximum of 12 credits, without a restriction on the number of credits per semester.

This Part also repeals the requirement to limit the amount of funding available for summer courses.

PART O

Sec. O-1. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "School Nutrition" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Child Nutrition" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

PART O SUMMARY

This part renames School Nutrition to Child Nutrition.

PART P

Sec. P-1. 20-A MRSA §10, sub-§1, as enacted by PL 1995, c. 395, Pt J, §1, is amended to read:

1. Legislature to contract with university. The Legislature, through the joint standing committee of the Legislature having jurisdiction over education matters, shall contract with the University of Maine System to establish and maintain the institute. Personnel coordinating the work of the institute must be appointed by the University of Maine System in consultation with the Legislature and those personnel shall consult with and act on behalf of the Legislature, performing such data collection, analysis and research as the Legislature may require.

A. The Education Research Institute will provide, and report annually to the Joint Standing Committee on Education and Cultural Affairs, education data requested by the Legislature.

**PART P
SUMMARY**

This Part requires the Maine Education Policy Research Institute (MEPRI) to provide, and report annually on, education data requested by the Legislature. .

PART Q

Sec. Q-1. 5 MRSA §937, sub-§1, ¶N and ¶O are enacted to read:

N. Chief Innovation Officer

O. Chief of Staff and Operations

**PART Q
SUMMARY**

This Part adds the Chief Innovation Officer and Chief of Staff and Operations positions as major policy-influencing positions in the Department of Education.

PART R

Sec. R-1. 5 MRSA §937, sub-§1, as amended by PL 2019, c. 343, Pt. SS, §1 is further amended to read:

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

A. Deputy Commissioner;

B.

C.

D.

E.

F. ~~Director, Policy and Programs~~ Director of Policy and Government Affairs;

G.

H.

- I.
- J.
- K.
- L.
- M. Director, Communications.

Sec. R-1. 20-A MRSA §203, sub-§1, as amended by PL 2019, c. 343, Pt. TT, §1-3 is amended to read:

1. **Commissioner's appointments.** The following officials are appointed by and serve at the pleasure of the commissioner:

- A. Deputy Commissioner;
- B.
- C.
- D.
- E.
- F. ~~Director, Policy and Programs~~ Director of Policy and Government Affairs;
- G.
- H.
- I.
- J.
- K.
- L.
- M. Director, Communications;
- N.
- O. Director of Special Projects; and
- P. Chief of Staff and Operations.

PART R SUMMARY

This Part changes the name of the Director, Policy and Programs to Director of Policy and Government Affairs, in the Department of Education.

PART S

Sec. S-1. 25 MRSA §1542-A, sub-§1, ¶U is enacted to read:

U. Who is required to have a criminal history record check under Title 5, section 1982-A.

Sec. S-2. 25 MRSA §1542-A, sub-§3, ¶T, is enacted to read:

T. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph U, at the request of that person or the Department of Administrative and

Financial Services, Office of Information Technology, and upon payment of the expenses as provided under Title 5, section 1982-A.

Sec. S-3. Sec. 6. 25 MRSA §1542-A, sub-§4, is further amended to read:

4. Duty to submit to State Bureau of Identification. It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J or S must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services. Fingerprints taken pursuant to subsection 1, paragraph P must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Osteopathic Licensure, established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1, paragraph Q must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the State Board of Nursing, established in Title 32, chapter 31. Fingerprints taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks under Title 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Health and Human Services. Fingerprints taken pursuant to subsection 1, paragraph U must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services, Office of Information Technology.

Sec. S-4. 5 MRSA §1982-A is enacted to read:

§1982-A. Criminal history record information for employees and contractors

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

- A. "Federal Bureau of Investigation" means the United States Department of Justice, Federal Bureau of Investigation.
- B. "State Police" means the Department of Public Safety, Bureau of State Police.

2. Background investigation requirements. The office shall perform fingerprint-based criminal history record checks for any person employed by the office, who may be offered employment by the office or who is employed by or may be offered employment by an office contractor or subcontractor to satisfy federal statutory and regulatory background investigation requirements, including but not limited to those established by the United States Internal Revenue Service's tax information security guidelines for federal, state and local agencies, and the Federal Bureau of Investigation, Criminal Justice Information Services Division's information security requirements for criminal history record information used for noncriminal justice purposes.

The criminal history record checks must include fingerprinting and obtaining national criminal history record information from the Federal Bureau of Investigation.

3. Fingerprint-based criminal history obtained. A person employed by the office or a person who is employed by an office contractor or subcontractor shall consent to and have the person's fingerprints taken. A person who may be offered employment by the office or by an office contractor or subcontractor shall consent to and have the person's fingerprints taken prior to being employed by the office or by an office contractor or subcontractor. The State Police shall take or cause to be taken the fingerprints of a person who has consented under this subsection and shall forward the fingerprints to the Department of Public Safety so that the Department of Public Safety may conduct a state and national criminal history record check on the person. The Department of Public Safety shall forward the results obtained to the office. The fee charged to the office by the State Police must be consistent with the fee charged to executive branch agencies receiving similar services. Except for the portion of the payment that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police under this subsection must be paid to the Treasurer of State, who shall apply the money to the expenses of administration of this section by the Department of Public Safety.

4. Updates to information. The fingerprint-based criminal history record check under subsection 3 must be conducted at least once every 5 years as the office determines appropriate, or as required under federal regulations. The office may request continuous notifications of updated criminal history record information if a service providing notifications of updated criminal history record information becomes available.

5. Confidentiality. Information obtained pursuant to this section is confidential and may not be disseminated for purposes other than as provided in subsections 6 and 7.

6. Use of information obtained. Criminal history record information obtained pursuant to this section may be used by the office for employment purposes only. The information must only be used for making decisions regarding the suitability of a person described in this section for new or continued employment with the office. The subject of any criminal history record check under this section may contest any negative decision made by the office based upon the information received pursuant to the criminal history record check.

7. Person's access to information obtained. A person subject to the criminal history record check pursuant to subsection 3 must be notified each time a criminal history record check is performed on the person. A person subject to the background check under subsection 3 may inspect and review the criminal history record information pursuant to Title 16, section 709 and obtain federal information obtained pursuant to the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33.

8. Right of subject to remove fingerprints from record. Upon request from a person subject to a criminal history record check pursuant to subsection 3, the Department of Public Safety shall remove the person's fingerprints from the Department of Public Safety's records and provide written confirmation of the removal to the person.

9. Refusal to consent. The office may not employ or utilize a person who has refused to consent to the background investigation requirements under this section in a position for which such background investigations are required under sub-section 2.

PART S SUMMARY

This Part implements criminal history record checks for certain individuals with access to Federal Tax Information and other federally-protected data types at the Department of Administrative and Financial Services, Office of Information Technology. The criminal history record checks will apply to all new applicants, all current employees, contractors or subcontractors to ensure compliance with federal laws and regulations governing access to federally-protected data types, including, but not limited to the Internal Revenue Service's criminal history record check requirements for all employees and contractors with access to federal tax information and the Federal Bureau of Investigation's Criminal Justice Information Services Division.

PART T

Sec. T-1. Rename Facilities, Safety and Transportation program. Notwithstanding any other provision of law, the Facilities, Safety and Transportation program within the Department of Education is renamed the Facilities and Transportation program.

**PART T
SUMMARY**

This Part renames the Facilities, Safety and Transportation program within the Department of Education to Facilities and Transportation.

PART U

Sec. U-1. Carrying balances; investigation and remediation of uncontrolled sites.

Notwithstanding any other provision of law, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$350,000 appropriation in fiscal year 2019-20 and the \$4,150,000 appropriation in fiscal year 2020-21 in the All Other line category contained in Part A for the investigation and remediation of uncontrolled sites remaining in the Department of Environmental Services, Remediation and Waste Management program, General Fund account.

**PART U
SUMMARY**

This Part authorizes the one-time funds appropriated for investigation and remediation of uncontrolled sites in the Remediation and Waste Management program, General Fund, to carry forward into the next fiscal year for the purpose for which they were intended.

PART V

Sec. V-1. Carrying balances; water treatment facilities. Notwithstanding any other provision of law, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$4,500,000 appropriation in the All Other line category contained in Part A for the purpose of funding water treatment facilities remaining in the Department of Environmental Services, Water Quality program, General Fund account.

**PART V
SUMMARY**

This Part authorizes the one-time funds appropriated for water treatment facilities in the Water Quality program, General Fund, to carry forward into the next fiscal year for the purpose for which they were intended.

PART W

Sec. W-1. PL 2019, c. 343, Pt. HHH, §2 is amended to read:

W-2. Transfer of Personal Services balances to All Other; state psychiatric centers. Notwithstanding any provision of law to the contrary, for fiscal years 2019-20 and 2020-21 only, the Department of Health and Human Services is authorized to transfer available balances of Personal Services appropriations and allocations in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program, ~~and the Riverview Psychiatric Center program~~ and the Dorothea Dix Psychiatric Center program after all salary, benefit and other obligations are met to the All Other line category of those programs. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

PART W SUMMARY

This Part includes the Dorothea Dix Psychiatric Center program as being authorized to transfer available balances of Personal Services appropriations and allocations after all salary, benefit and other obligations are met to the All Other line category.

PART X

Sec. X-1. 36 MRSA §111, sub-§1-A, as amended by PL 2019, c. 233, §1, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~2018~~ 2019.

Sec. X-2. Application. This Act applies to tax years beginning on or after January 1, 2019 and to any prior tax years as specifically provided by the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 2019.

PART X SUMMARY

This Part updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986, as amended through December 31, 2019, for tax years beginning on or after

January 1, 2019 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986, as amended. This part primarily affects the State's income tax laws.

PART Y

Sec. Y-1. 36 MRSA §2892, amended by PL 2019, c. 343, Pt. EEEE, §1 is further amended to read:

§2892. Tax imposed

For the state fiscal year beginning on July 1, 2003, a tax is imposed against each hospital in the State. The tax is equal to .74% of net operating revenue for the tax year as identified on the hospital's most recent audited annual financial statement for that tax year. Delinquent tax payments are subject to Title 22, section 3175-C.

For state fiscal years beginning on or after July 1, 2004, a tax is imposed annually against each hospital in the State. The tax is equal to 2.23% of the hospital's net operating revenue as identified in the hospital's audited financial statement for the hospital's taxable year. For the state fiscal year beginning July 1, 2004, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2002. For the state fiscal year beginning July 1, 2005, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2003. For state fiscal years beginning on or after July 1, 2006 but before July 1, 2008, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2004.

For state fiscal years beginning on or after July 1, 2008 but before July 1, 2010, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2006.

For state fiscal years beginning on or after July 1, 2010 but before July 1, 2013, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2008.

For state fiscal years beginning on or after July 1, 2013 but before July 1, 2017, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2012.

For state fiscal years beginning on or after July 1, 2017 but before July 1, 2019, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2014.

For state fiscal years beginning on or after July 1, 2019 ~~but before July 1, 2021~~, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2016.

**PART Y
SUMMARY**

This Part clarifies that the hospital's fiscal year that ended during calendar year 2016 is intended to be the hospital's taxable year for all state fiscal years beginning on or after July 1, 2019 for the purpose of the tax imposed by 36 MRSA §2892.

PART Z

Sec. Z-1. Title 22-A MRSA, §205, sub-§4, as amended by PL 2007, c.539, Pt. N, §44, is amended to read:

4. Appointments. All deputy commissioners, all office directors, the senior legal advisor for the commissioner, the regional systems integration directors and the superintendents of any state institutions are appointed by the commissioner and serve at the pleasure of the commissioner.

**PART Z
SUMMARY**

This Part establishes a Senior Legal Advisor within the Department of Health and Human Services that is appointed by the commissioner and serves at the pleasure of the commissioner.

PART AA

Sec. AA-1. 5 MRSA §12004-J, sub-§19 is enacted to read:

19.
Aging and Disability Aging and Disability Not Authorized 22 MRSA §264
Mortality Review Panel

Sec. AA-2. 22 MRSA §264 is enacted to read:

§264. Aging and Disability Mortality Review Panel

1. Panel established. The Aging and Disability Mortality Review Panel, referred to in this section as "the panel," is established to review deaths of and serious injuries to all adults receiving services.

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

A. "Adults receiving services" means adults receiving home-based and community-

based services under a waiver granted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services in accordance with 42 Code of Federal Regulations, Part 441.

B. "Panel coordinator" means an employee of the Maine Center for Disease Control and Prevention who is appointed by the commissioner. The panel coordinator must be a registered nurse, nurse practitioner, physician assistant or physician licensed or registered in this State and who has completed a nationally certified training program for conducting critical incident, including death, investigations or will complete the training within 6 months of appointment as panel coordinator.

C. "Preventable death" means a premature death that could have been avoided.

D. "Serious injury" means a bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a body part or organ or mental faculty.

E. "Suspicious death" means an unexpected death in which the circumstance or cause is medically or legally unexplained or inadequately explained or a death in which the circumstance or cause is suspected to be related to systemic issues of service access or quality.

3. Composition. The panel consists of up to 15 members and includes health care providers, social service providers, public health officials and other persons with professional expertise on the health and mortality of adults with disabilities and adults who are aging. The commissioner shall appoint the members of the panel unless otherwise specified. At a minimum, the panel consists of the following members:

A. The person who is lead staff attorney for investigations for the Office of the Attorney General or that person's designee;

B. The person who is lead staff attorney for health care crime investigations for the Office of the Attorney General or that person's designee;

C. A person within the department responsible for licensing and certification;

D. A person within the department responsible for aging and disability services;

E. The executive director of the statewide protection and advocacy agency for individuals with disabilities contracted by the department pursuant to Title 5, section 19502 or the executive director's designee;

F. The executive director of the long-term care ombudsman program as established in section 5106, subsection 11-C or the executive director's designee;

G. A member of the Maine Developmental Services Oversight and Advisory Board as established in Title 5, section 12004-J, subsection 15 as nominated by that board;

H. A health care provider who is licensed under Title 32, chapter 36 or 48 and who has expertise and experience in delivering services to individuals with intellectual disabilities or autism nominated by a statewide association representing physicians;

I. A representative of the developmental service provider community who has expertise regarding community services for individuals with intellectual disabilities or autism;

J. A representative of the provider community serving older adults and adults with physical disabilities who has expertise in home-based and community-based services;

K. A representative of the provider community who has expertise in delivering home-based and community-based services to individuals with brain injuries or other related conditions; and

L. A person who has expertise in forensic pathology.

4. Terms; meetings; chair. The term for each member of the panel is 3 years, except that members serve at the pleasure of the commissioner. A member may serve until a successor has been appointed. Members may be reappointed. A vacancy must be filled as soon as practicable by appointment for the unexpired term. The panel shall meet at least 4 times each year and sufficiently frequently to carry out its duties and to guarantee the timely and comprehensive reviews of all deaths and serious injuries as required in this section. The commissioner or the commissioner's designee shall call the first meeting. The panel shall elect a chair from among its members annually.

5. Panel coordinator; powers and duties. The panel coordinator has the following powers and duties.

A. The panel coordinator shall conduct preliminary reviews of all deaths of and serious injuries to all adults receiving services to determine whether to refer a case to the panel if the panel coordinator determines that any of the following circumstances exist:

(1) The death or serious injury was unexpected;

(2) The death was premature;

(3) The death or serious injury was preventable;

(4) Issues with the system of care are indicated;

(5) Facts and circumstances related to the death or serious injury indicate that the

department or providers of home-based and community-based services to adults receiving services could implement actions that would improve the health and safety of those adults receiving services; or

(6) Other issues or facts related to the death or serious injury indicate the case should be reviewed by the panel.

The panel coordinator shall also refer cases based on the need to review particular causes and circumstances of death or serious injury or the need to obtain a representative sample of all deaths.

The panel coordinator shall conduct preliminary reviews within 7 days of the date the death or serious injury was reported. Preliminary reviews of a death may not be officially closed until the death certificate has been received and reviewed by the panel coordinator.

B. The panel coordinator has access to the following records:

(1) Death certificates;

(2) Autopsy, medical examiner and coroner reports;

(3) Emergency medical personnel reports and documentation;

(4) Health care information of an adult receiving services who is deceased pursuant to section 1711-C, subsection 6, paragraph V. For the purposes of this subparagraph, "health care information" has the same meaning as in section 1711-C, subsection 1, paragraph E; and

(5) Notwithstanding any provision of law to the contrary, information or records from the department determined by the panel coordinator to be necessary to carry out the panel coordinator's duties. The department shall provide the panel coordinator with direct access to the information or records or provide the information or records necessary and relevant as soon as is practicable upon oral or written request of the panel coordinator. Records that must be provided include, but are not limited to, the following:

(a) Personal plans and treatment plans of an adult receiving services when that adult is deceased or injured;

(b) Service plans and agreements developed on behalf of an adult receiving services;

(c) Documents from providers of home-based and community-based services

and case managers;

(d) Documents related to an adult protective case or investigation; and

(e) Reports relating to incidents or reportable events of an adult receiving services that occurred in the 12 months prior to the adult's death or serious injury.

C. The panel coordinator may conduct voluntary interviews with parties that may have relevant information for a preliminary review pursuant to paragraph A, including a guardian of or family of or the provider of services to the adult receiving services who has died or experienced serious injury, in accordance with this paragraph.

(1) For interviews pertaining to serious injury of an adult receiving services, prior to conducting any interview, the panel coordinator shall obtain the permission of the adult or the adult's guardian, if the adult cannot consent.

(2) For interviews pertaining to preventable death or suspicious death of an adult receiving services, prior to conducting any interview, the panel coordinator shall obtain the permission of the adult's personal representative if one was appointed or, if there is no personal representative, the adult's guardian if the adult had a guardian.

(3) The purpose of an interview is limited to gathering information or data for the panel, provided in summary or abstract form without family names or identification of the adult receiving services.

(4) The panel coordinator may delegate the responsibility to conduct interviews pursuant to this paragraph to a registered nurse, physician assistant, nurse practitioner or physician licensed or registered in this State and who has completed a nationally certified training program for conducting critical incident investigations. If the interview pertains to a preventable death or suspicious death, the person conducting the interview must have professional training or experience in bereavement services.

(5) A person conducting an interview under this paragraph may make a referral for bereavement counseling if indicated and desired by the person being interviewed.

D. The panel coordinator shall endeavor to minimize the burden imposed on health care providers, hospitals and service providers.

E. A case of death of or serious injury to an adult receiving services may be referred to the panel coordinator by the commissioner, the statewide protection and advocacy agency for individuals with disabilities contracted by the department pursuant to Title

5, section 19502, a member of the panel or any other person who presents credible evidence that a death or serious injury warrants referral to the panel as determined by preliminary review by the panel coordinator.

F. The panel coordinator shall prepare a summary and abstract of relevant trends in deaths of the population of adults receiving services for comparison to cases reviewed by the panel pursuant to subsection 6.

G. The panel coordinator shall prepare a review summary or abstract of information regarding each case, as determined to be useful to the panel and at a time determined to be timely, without the name or identifier of the adult receiving services who is deceased or who has experienced a serious injury to be presented to the panel.

H. The panel coordinator shall, in conjunction with the department, establish and maintain a state mortality database that includes, but is not limited to, the following:

(1) Name, age, sex, race or ethnicity and type of disability or condition of the adult receiving services who is deceased;

(2) Community-based service received by the adult receiving services who is deceased and the name of the service provider;

(3) Description of the events leading to the death of the adult receiving services and the immediate circumstances of the death;

(4) Location of the death, such as the home of the adult receiving services, community setting, hospital or hospice;

(5) Immediate and secondary causes of death of an adult receiving services, including if the death was:

(a) Expected due to a known terminal illness;

(b) Associated with a known chronic illness;

(c) A sudden unexpected death;

(d) Due to an unknown cause;

(e) Due to an accident, including the type of accident;

(f) Due to a self-inflicted injury or illness, including suicide or serious self-injurious behavior;

(g) Due to suspicious or unusual circumstances; and

(h) Due to suspected or alleged neglect, abuse or criminal activity;

(6) Whether an autopsy was conducted and a narrative of any findings from the autopsy;

(7) Findings of the preliminary reviews of all deaths by the panel coordinator pursuant to paragraph A;

(8) Findings of the comprehensive reviews by the panel pursuant to subsection 6; and

(9) Recommendations pursuant to subsection 6, paragraph B issued by the panel and information related to the implementation of those recommended corrective actions.

I. The panel coordinator shall determine the records that are made available to the panel for the purposes of reviewing cases of death or serious injury. The panel coordinator shall maintain custody of all records.

6. Panel; powers and duties. The panel shall conduct comprehensive multidisciplinary reviews of data presented by the panel coordinator, with a particular focus on preventable deaths, suspicious deaths and serious injuries.

A. The panel shall review all cases of death or serious injury that are referred by the panel coordinator. A review of a case by the panel is a comprehensive evaluation of the circumstances surrounding the death of or serious injury to an adult receiving services, including the overall care of the adult, quality of life issues, the death or serious injury event and the medical care that preceded and followed the event.

B. The panel shall submit an annual report, no later than January 2nd of each year beginning in 2021, to the Governor, the commissioner, the joint standing committee of the Legislature having jurisdiction over health and human services matters and the Maine Developmental Services Oversight and Advisory Board established in Title 5, section 12004-J, subsection 15. The report must contain the following:

(1) Factors contributing to the mortality of adults receiving services;

(2) Strengths and weaknesses of the system of care;

(3) Recommendations to the commissioner to decrease the rate of mortality of adults receiving services;

(4) Recommendations about methods to improve the system for protecting adults receiving services, including modifications to law, rules, training, policies and procedures; and

(5) Any other information the panel considers necessary for the annual report.

C. The panel shall offer a copy of the annual report under paragraph B to any party who granted permission for an interview conducted by the panel coordinator pursuant to subsection 5, paragraph C.

D. Following the submission of the annual report to the commissioner and the joint standing committee of the Legislature having jurisdiction over health and human services matters pursuant to paragraph B, the report must be released to the public.

7. Access to information and records. In any case subject to review by the panel under subsection 6, upon oral or written request of the panel, notwithstanding any provision of law to the contrary, a person that possesses information or records that are necessary and relevant to a panel review shall as soon as practicable provide the panel with the information or records. Persons disclosing or providing information or records upon request of the panel are not criminally or civilly liable for disclosing or providing information or records in compliance with this subsection.

8. Confidentiality. Records held by the panel coordinator or the panel are confidential to the same extent they are confidential while in the custody of the entity that provided the record to the panel coordinator or the panel. Records relating to interviews conducted pursuant to subsection 5, paragraph C by the panel coordinator and proceedings of the panel 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 panel upon request but may not disclose information, records or data that are otherwise classified as confidential.

9. Rulemaking. The department shall adopt rules to implement this section, including rules on collecting information and data, selecting and setting any limits on the number of terms for the members of the panel, managing and avoiding conflicts of interest of members, collecting and using individually identifiable health information and conducting reviews. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. AA-3. 22 MRSA §1711-C, sub-§6, ¶T, as amended by PL 2017, c. 203, §3, is further amended to read:

T. To a lay caregiver designated by an individual pursuant to section 1711-G; ~~and~~

Sec. AA-4. 22 MRSA §1711-C, sub-§6, ¶U, as enacted by PL 2017, c. 203, §4, is amended to read:

U. To a panel coordinator of the maternal, fetal and infant mortality review panel pursuant to section 261, subsection 4, paragraph B-1 for the purposes of reviewing health care information of a deceased person and a mother of a child who died within one year of birth, including fetal deaths after 28 weeks of gestation. For purposes of this paragraph, "panel coordinator" has the same meaning as in section 261, subsection 1, paragraph E and "deceased person" has the same meaning as in section 261, subsection 2, paragraph B; and

Sec. AA-5. 22 MRSA §1711-C, sub-§6, ¶V is enacted to read:

V. To a panel coordinator of the Aging and Disability Mortality Review Panel pursuant to section 264, subsection 5, paragraph B, subparagraph (4) for the purposes of reviewing health care information of an adult receiving services who is deceased in accordance with section 264, subsection 5, paragraph A. For purposes of this paragraph, "panel coordinator" has the same meaning as in section 264, subsection 2, paragraph B.

Sec. AA-6. Initial appointments; staggered terms. All appointments to the Aging and Disability Mortality Review Panel established in the Maine Revised Statutes, Title 22, section 264 must be made no later than 90 days after the effective date of this Act. Notwithstanding Title 22, section 264, subsection 4, of the initial appointments to the Aging and Disability Mortality Review Panel, the Commissioner of Health and Human Services shall appoint 2 members to serve an initial term of one year, 2 members to serve an initial term of 2 years and 2 members to serve an initial term of 3 years.

PART AA SUMMARY

This Part establishes the Aging and Disability Mortality Review Panel to review deaths of and serious injuries to all adults receiving home-based and community-based services under a waiver approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services rather than a panel to review only deaths of or injuries to adults with intellectual disabilities or autism.

PART BB

Sec. BB-1. Increase to medication passes. The Department of Health and Human Services shall amend Section 63 of the Office of Elder Services Policy Manual, 10-149 C.M.R. Chapter 5, for residents who reside in one of the assisted living facilities that have contracts with the department to increase the number of medication passes from 3 medication passes per consumer per day to 6 medication passes per consumer per day. 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 BB
SUMMARY**

This Part requires the Department of Health and Human Services to amend its Section 63 rules of the Office of Elderly Services Policy Manual, 10-149 C.M.R. Chapter 5, to increase the number of medication passes per consumer per day from 3 to 6.

PART CC

Sec. CC -1. PL 2019, c 343, Part PPPP, §1 is amended to read:

Sec. PPPP-1. Transfer from General Fund; indigent legal services. On or immediately after July 1, 2019, the State Controller shall transfer ~~\$16,526,403~~\$18,562,609 unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services, Reserve for Indigent Legal Services program, Other Special Revenue Funds.

**PART CC
SUMMARY**

This Part is to increase the transfer amount for Indigent Legal Services in fiscal year 2019-20 from \$16,526,403 to \$18,562,609.

PART DD

Sec. DD-1. Transfer; Inland Fisheries and Wildlife carrying account. Notwithstanding any other provision of law, the State Controller shall transfer \$300,000 by June 30, 2020 from the Inland Fisheries and Wildlife Carrying Balances - General Fund account within the Department of Inland Fisheries and Wildlife to the Enforcement Operations program, General Fund account within the Department of Inland Fisheries and Wildlife. These funds may be allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor.

**PART DD
SUMMARY**

This Part transfers funds from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Enforcement Operations program, General Fund account to fund a Personal Services shortfall in fiscal year 2019-20.

PART EE

Sec. EE-1. 26 MRSA §1221 sub-§4-A, as amended by PL 2007, c. 352, Part A §2 is further amended to read:

A. The standard rate of contributions shall be 5.4%. No contributing employer's rate may be varied from the standard rate, unless and until the employer's experience rating record has been chargeable with benefits throughout the 24-consecutive-calendar-month period ending on the computation date applicable to such year; each contributing employer newly subject to this chapter shall pay contributions at the average contribution rate, rounded to the next higher 1/10 of 1%, on the taxable wages reported by contributing employers for the 12-month period immediately preceding the last computation date, provided such rate may not exceed 3.0% nor be less than 1%; provided that, with respect to the rate year beginning January 1, 1986, and each rate year thereafter, the rate shall not exceed 4.0% nor be less than 1% and until such time as the employer's experience rating record has been chargeable with benefits throughout the 24-consecutive-calendar-month period ending on the computation date applicable to such year, and for rate years thereafter the employer's contribution rate shall be determined in accordance with subsections 3 and 4.

Effective January 1, 2008, the contribution rate must be reduced by the Competitive Skills Scholarship Fund predetermined yield as defined in section 1166, subsection 1, paragraph C, except that a contribution rate under this paragraph may not be reduced below 1%.

Effective January 1, 2021, the contribution rate must also be reduced by the Unemployment Administrative Fund predetermined yield as defined in section 1167, subsection 1, paragraph C, except that a contribution rate under this paragraph may not be reduced below 1%.

PART EE SUMMARY

This Part reduces unemployment insurance trust fund contributions by a percentage equal to the unemployment administrative fund assessment except as described in section 1221, subsection 4-A, paragraphs A and B pertaining to new employer rates and contribution rate category 20.

PART FF

Sec. FF-1. 26 MRSA §1167 is enacted to read:

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

- A. “Unemployment Program Administrative Fund contributions” means the money payments required by this section to be made into the Unemployment Program Administrative Fund by an employer as a percentage of the employer’s taxable payroll based on the Unemployment Program Administrative Fund predetermined yield in effect for the Fund rate year.
- B. “Unemployment Program Administrative Fund planned yield” means the percentage of wages, as defined in section 1043, subsection 19, equal to .12% of the total wages for each contribution employer subject to this chapter.
- C. “Unemployment Program Administrative Fund predetermined yield” means the amount determined by multiplying the ratio of total wages to taxable wages, as defined by section 1221, subsection 6, paragraph L, by the Unemployment Program Administrative Fund planned yield. The Unemployment Program Administrative Fund predetermined planned yield is rounded to the nearest .01%.
- D. “Unemployment Program Administrative Fund rate year” has the same meaning as “rate year” under section 1221, subsection 6, paragraph F.
2. **Established.** The Unemployment Program Administrative Fund, referred to in this section as “the fund,” is established as a special fund in the State Treasury. All receipts, including interest, fines and penalties collect from the Unemployment Program Administrative fund contributions, must be paid into the fund. Income from the investment of the fund must be deposited to the credit of the fund. All money in the fund must be deposited, administered and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds.
3. **Administered.** The money in the fund must be administered by the commissioner exclusively for the purpose of administering Employment Security laws under chapter 26, subchapter 13 and for the costs of administering the fund.
4. **Employers liable for the Unemployment Program Administrative Fund contribution.** Each employer, as defined in section 1043, subsection 9, other than an employer liable for a payment in lieu of a contribution, shall pay an Unemployment Program Administrative Fund contribution. Beginning January 1, 2021, Unemployment Program Administrative Fund contributions are payable in the same manner as described under section 1221, subsection 1 and in accordance with section 1221, subsection 4-A.
5. **Receipts.** All receipts collected from Unemployment Program Administrative Fund contributions, including interest, fines and penalties on contributions not paid when due, must be paid into the fund.
6. **Experience rating records.** Unemployment Program Administrative Fund contributions may not be credited to an employer’s experience rating record as described in section 1221, subsection 3.

7. **Relationship to unemployment insurance contributions.** Unemployment Program Administrative Fund contributions may not be considered as part of the employer's unemployment insurance contribution rate pursuant to section 1221. Unemployment insurance contributions for all employers subject to the contribution provisions of this chapter must be reduced by a percentage equal to the total Unemployment Program Administrative Fund contribution assessment as in section 1221, subsection 4-A. Exceptions pertaining to new employer rates and contribution rate category 20 are described in section 1221, subsection 4-A, paragraphs A and B.
8. **Other provisions of the chapter.** All provisions of this chapter and rules adopted under this chapter regarding payments, time limits, dates of payment, reports, interest and penalties on amounts not paid by employers when due, fines, liens and warrants that apply to the collection of contributions also apply to the collection of Unemployment Program Administrative Fund contributions.

PART FF SUMMARY

This Part establishes an Unemployment Program Administrative Fund for the purpose of operating the Maine Unemployment Insurance Program including both personnel and non-personnel costs, and for the costs of administering the Fund.

PART GG

Sec. GG-1. Money credited to the State of Maine account in the Unemployment Trust fund under Section 903(f) of the Social Security Act. Money credited to the account of the State of Maine in the Unemployment Trust fund by the Secretary of the Treasury of the United States of America on July 29, 2009 pursuant to Section 903(f) of the Social Security Act may not be requisitioned from the State of Maine's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of the State of Maine's unemployment compensation law and public employment offices. Money used for the payment of benefits is requisitioned as defined in the Maine Revised Statutes, Title 26, section 1162. Money requisitioned and used for the payment of expenses incurred for the administration of the State of Maine's unemployment compensation law and public employment offices requires a specific appropriation by the legislature as defined in Sec. 2. That use is only permissible if the expenses are incurred and the money is requisitioned after the date of enactment of an appropriation law that specifies the purpose(s) for which such money is appropriated and the amount(s) appropriated therefore. Any amount which may be obligated under such appropriation is limited to an amount which does not exceed the amount by which (i) the aggregate of the amounts transferred to the account of the State of Maine pursuant to Section 903 of the Social Security Act exceeds, (ii) the aggregate of the amounts used by the State of Maine

pursuant to this Act and charged against the amounts transferred to the account of the State of Maine.

For purposes of this section, the amounts obligated under an appropriation for the above-described administrative purposes shall be charged against transferred amounts at the exact time the obligation is entered into. The appropriation, obligation, and expenditure or other disposition of money appropriated under this subsection shall be accounted for in accordance with standards established by the United States Secretary of Labor. Money appropriated as provided herein for the payment of administration shall be requisitioned as needed for the payment of obligations incurred under such appropriation and, upon requisition, shall be deposited in the employment security administration fund from which such payments shall be made. Money so deposited shall, until expended, remain a part of the unemployment fund and, if it will not be immediately expended, shall be returned promptly to the account of the State of Maine in the Unemployment Trust Fund.

Sec. GG-2. Appropriating money for the purpose of maintaining the Maine unemployment compensation and public employment system. There is hereby appropriated out of funds made available to Maine under Section 903 of the Social Security Act, as amended, the sum of \$27,534,100, in accordance with Sec. 1, to be used, under the direction of the Maine Department of Labor, for the purpose of maintaining and operating the Maine unemployment compensation and public employment systems. The uses may include both personnel and non-personnel administrative costs required to administer the Unemployment Insurance Program, deliver employment assistance services through the Department of Labor's career center system and provide labor market information program services for workers and employers in the state. The amount obligated pursuant to this act shall not exceed at any time the amount by which the aggregate of the amounts transferred to the account of the State of Maine pursuant to Section 903 (f) of the federal Social Security Act exceeds the aggregate of the amounts obligated for administration and paid out for benefits and required by law to be charged against the amounts transferred to the account of the State of Maine.

PART GG SUMMARY

This Part authorizes the use of UI Modernization funds under the American Recovery & Reinvestment Act, Section 903(f) of the Social Security Act, for the purposes of operating the Maine unemployment compensation and public employment systems.

PART HH

Sec. HH-1. Carrying balances; Department of Labor apprenticeship program.

Notwithstanding any provision of law, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$1,300,000 appropriation in the All Other line category contained in Part A for the expansion of Maine's Apprenticeship program remaining in the Department of Labor, Employment Services Activity program, General Fund account.

Sec. HH-2. Carrying balances; Department of Labor career exploration programs.

Notwithstanding any other provision of law, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$1,000,000 appropriation in the All Other line category contained in Part A for career exploration programs remaining in the Department of Labor, Employment Services Activity program, General Fund account.

Sec. HH-3. Carrying balances; Department of Economic and Community Development career exploration programs. Notwithstanding any other provision of law, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$1,000,000 appropriation in the All Other line category contained in Part A for career exploration programs in the Department of Economic and Community Development, Administration – Economic & Community Development program, General Fund account.

Sec. HH-4. Carrying balances; Department of Education career exploration programs. Notwithstanding any other provision of law, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$1,000,000 appropriation in the All Other line category contained in Part A for career exploration programs in the Department of Education, Learning Systems program, General Fund account.

Sec. HH-5. Carrying balances; Department of Education adult education workforce development. Notwithstanding any other provision of law, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$2,400,000 appropriation in the All Other line category contained in Part A for workforce development in the Department of Education, Adult Education program, General Fund account.

Sec. HH-6. Carrying balances; Department of Education new or expanded preschool programs. Notwithstanding any other provision of law, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$1,000,000 appropriation in the All Other line category contained in Part A for

new or expanded preschool programs in the Department of Education, Learning Systems program, General Fund account.

**PART HH
SUMMARY**

This Part authorizes the one-time funds appropriated in Part A for Department of Labor, Department of Economic and Community Development and Department of Education programs associated with apprenticeships, career exploration, workforce development and preschool programs, toward the goal of enhancing Maine’s current and future workforce, to carry forward into the next fiscal year for the purposes for which they were intended.

PART II

Sec. II-1. Carrying balances. Notwithstanding any other provision of law, at the end of each fiscal year the State Controller shall carry forward any unexpended balances in the All Other and Capital Expenditures line categories in the Department of Transportation, Highway and Bridge Capital program, General Fund account and the Multimodal Transportation Fund program, General Fund Transportation Innovation account to be used for the same purposes.

**PART II
SUMMARY**

This Part authorizes General Fund appropriations in the Department of Transportation to carry forward to the next fiscal year to be used for the same purposes.

PART JJ

Sec. JJ-1. 5 MRSA §17851-A, sub-§1, ¶N, as enacted by PL 2019, c.537, §3, is amended to read:

N. Emergency communications specialists, emergency communications specialist – leads, emergency communications specialist – supervisors, emergency dispatch system administrators, and emergency dispatch system administrators in the employment of the Department of Public Safety on July 1, 2020 who elect to participate in the 1998 Special Plan or hired thereafter.

Sec. JJ-2. 5 MRSA §17851-A, sub-§1, ¶K, as amended by PL 2019, c. 482, §1, is further amended to read:

The State Fire Marshal or a state fire marshal inspector in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter or, until June 30, 2020, a state fire marshal investigator, a state fire marshal senior investigator, a state fire marshal investigator sergeant or a state fire marshal investigator lieutenant in the employment of the Department of Public Safety on January 1, 2000 or hired thereafter; and

Sec. JJ-3. 5 MRSA §17851-B, sub-§1, as enacted by PL 2019, c. 482, Sec. 2., is amended to read:

Effective July 1, 2020, there is established a special retirement plan for fire marshal investigators, ~~and~~ fire marshal senior investigators, fire marshal sergeants, and fire marshal lieutenants referred to in this section as "the special plan." The special plan applies to a state fire marshal investigator, state fire marshal senior investigator, ~~and~~ state fire marshal sergeant and a state fire marshal lieutenant.

PART JJ SUMMARY

This Part clarifies the job classifications in the Department of Public Safety that are eligible to elect to participate in the 1998 Special Plan of the Maine Public Employees Retirement System. Under that plan, a person may retire at 55 years or age with 10 years of creditable service or may retire before 55 years of age with 25 years of creditable service.

PART KK

Sec. KK-1. Carrying balances; dam engineering study, repair and restoration. Notwithstanding any other provision of law, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$34,000 appropriation in the All Other line category, and the \$966,000 appropriation in the Capital Expenditures line category contained in Part A for the Forest City dam engineering study and repair and restoration of it and several other dams in the Department of Inland Fisheries and Wildlife, Office of the Commissioner Inland Fisheries and Wildlife program, General Fund account.

PART KK SUMMARY

This Part authorizes the one-time funds appropriated in Part A for the Forest City dam engineering study and repair and restoration of it and several other dams in the Office of the Commissioner Inland Fisheries and Wildlife program to carry forward into the next fiscal year for the purposes for which they were intended.

PART LL

Sec. LL-1. 10 MRSA §1100-T, sub-§2, ¶A, as amended by PL 2013, c. 438, §3, is further amended to read:

A. For investments made in tax years beginning before January 1, 2012, a tax credit certificate may be issued in an amount not more than 40% of the amount of cash actually invested in an eligible Maine business in any calendar year or in an amount not more than 60% of the amount of cash actually invested in any one calendar year in an eligible Maine business located in a high-unemployment area, as determined by rule by the authority. For investments made in tax years beginning on or after January 1, 2012, a tax credit certificate may be issued to an investor other than a private venture capital fund in an amount not more than 60% of the amount of cash actually invested in an eligible Maine business in any calendar year. For investments made in tax years beginning on or after January 1, 2014, a tax credit certificate may be issued to an investor other than a private venture capital fund in an amount not more than 50% of the amount of cash actually invested in an eligible Maine business in any calendar year. For investments made after April 1, 2020, a tax credit certificate may be issued to an investor other than a private venture capital fund in an amount not more than 40% of the amount of cash actually invested in an eligible Maine business in any calendar year. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. LL-2. 10 MRSA §1100-T, sub-§2, ¶I, as enacted by PL 2001, c. 642, §7 and affected by §12, is amended to read:

I. The business receiving the investment may not be in violation of the requirements of subsection ~~6~~7.

Sec. LL-3. 10 MRSA §1100-T, sub-§2, ¶C, as amended by PL 2003, c. 451, Pt. E, §2, is further amended to read:

C. Aggregate investment eligible for tax credits may not be more than ~~\$5,000,000~~\$3,500,000 for any one business as of the date of issuance of a tax credit certificate and not more than \$2,000,000 for any calendar year.

Sec. LL-4. 10 MRSA §1100-T, sub-§2-A, ¶B, as amended by PL 2009, c. 470, §3, is further amended to read:

B. As used in this subsection, unless the context otherwise indicates, an "eligible business" means a business located in the State that:

- (1) Is a manufacturer;
- (2) Is engaged in the development or application of advanced technologies;
- (3) Provides a product or service that is sold or rendered, or is projected to be sold or rendered, predominantly outside of the State;
- (4) Brings capital into the State, as determined by the authority; or
- (5) Is certified as a visual media production company under Title 5, section 13090-L.

Sec. LL-5. 10 MRSA §1100-T, sub-§2-C, ¶A, as enacted by PL 2011, c. 454, §6, is amended to read:

A. For investments made in tax years beginning on or after January 1, 2012, a tax credit certificate may be issued to a private venture capital fund in an amount that is not more than 50% of the amount of cash actually invested in an eligible business. For investments made after April 1, 2020, a tax credit certificate may be issued to a private venture capital fund in an amount that is not more than 40% of the amount of cash actually invested in an eligible business. The tax credit certificate may be revoked and the credit recaptured pursuant to Title 36, section 5216-B, subsection 5 to the extent that the authority determines that the eligible business for which the tax credit certificate was issued moves substantially all of its operations and assets outside of the State during the period ending 4 years after an investment, except in the case of an arm's length, fair value acquisition approved by the authority. A private venture capital fund that received the 20% credit certificate under subsection 2-A, paragraph A, subparagraph (2) for an investment is not eligible for a tax credit certificate under this subsection for that investment.

Sec. LL-6. 10 MRSA §1100-T, sub-§2-C, ¶B, as amended by PL 2013, c. 438, §4, is further amended to read:

B. As used in this subsection, unless the context otherwise indicates, "eligible business" means a business located in the State that has certified that the amount of the investment is necessary to allow the business to create or retain jobs in the State and that, as determined by the authority:

- (1) Is a manufacturer or a value-added natural resource enterprise;
- (2) Is engaged in the development or application of advanced technologies;

(3) Provides a product or service that is sold or rendered, or is projected to be sold or rendered, predominantly outside of the State; or

(5) Is certified as a visual media production company under Title 5, section 13090-L.

Sec. LL-7. 10 MRSA §1100-T, sub-§2-C, ¶C, as enacted by PL 2011, c. 454, §6, is amended to read:

C. Aggregate investment eligible for tax credit certificates, including investments under this subsection and under subsection 2, may not be more than ~~\$5,000,000~~\$3,500,000 for any one eligible business in total and not more than \$2,000,000 per calendar year.

Sec. LL-8. 10 MRSA §1100-T, sub-§2-C, ¶D, as amended by PL 2013, c. 438, §4, is further amended to read:

D. The investment with respect to which any private venture capital fund is applying for a tax credit certificate may not be more than the lesser of an amount equal to \$500,000 times the number of investors in the private venture capital fund and an aggregate of ~~\$4,000,000~~\$3,500,000 in any one eligible business invested in by a private venture capital fund ~~in any 3 consecutive calendar years~~, except that this paragraph does not limit other investment by an applicant for which that applicant is not applying for a tax credit certificate. A private venture capital fund must certify to the authority that it will be in compliance with these limitations. The tax credit certificate issued to a private venture capital fund may be revoked and any credit taken recaptured pursuant to Title 36, section 5216-B, subsection 5 if the fund is not in compliance with this paragraph.

Sec. LL-9. 10 MRSA §1100-T, sub-§4, as amended by PL 2013, c. 438, §5, is further amended to read:

4. Total of credits authorized. The authority may issue tax credit certificates to investors eligible pursuant to subsections 2, 2-A and 2-C in an aggregate amount not to exceed \$2,000,000 up to and including calendar year 1996, \$3,000,000 up to and including calendar year 1997, \$5,500,000 up to and including calendar year 1998, \$8,000,000 up to and including calendar year 2001, \$11,000,000 up to and including calendar year 2002, \$14,000,000 up to and including calendar year 2003, \$17,000,000 up to and including calendar year 2004, \$20,000,000 up to and including calendar year 2005, \$23,000,000 up to and including calendar year 2006, \$26,000,000 up to and including calendar year 2007 and \$30,000,000 up to and including calendar year 2013, in addition to which, the authority may issue tax credit certificates to investors eligible pursuant to subsections 2, 2-A and 2-C in an annual amount not to exceed \$675,000 for investments made between January 1, 2014 and December 31, 2014, \$4,000,000 for investments made in calendar year 2015 ~~and~~, \$5,000,000 for investments made in calendar years 2016 to 2019, \$15,000,000 for investments made in calendar years 2020 to 2026 and \$5,000,000 each year for investments made in calendar years beginning with 2016~~2027~~. The authority may provide that investors eligible for a tax credit under this section in a year when there is insufficient credit available are entitled to take the credit when it becomes available subject to limitations established by the authority by rule.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. LL-10. 10 MRSA §1100-T, sub-§6, as amended by PL 2011, c. 454, §8, is repealed.

Sec. LL-11. 10 MRSA §1100-T, sub-§7 is enacted to read:

7. Reports. The following reports are required regarding activities under this section.

A. A business eligible to have investors receive a tax credit under this section shall report to the authority, in a manner to be determined by the authority, the following information regarding its activities in the State over the calendar year in which the investment occurred and for each additional year for which a credit is claimed:

(1) The total amount of private investment received by the eligible business from each investor eligible to receive a tax credit;

(2) The total number of persons employed by the eligible business as of December 31st;

(3) The total number and geographic location of jobs created and retained by the eligible business stated separately for all jobs in the State and for those jobs that would not have been created or retained in the absence of the credit;

(4) Total annual payroll of the eligible business stated separately for all employees in the State and for those employees who would not have been employed in the absence of the credit; and

(5) Total sales revenue of the eligible business stated separately within and outside the State.

B. An investor eligible for a tax credit under this section shall notify the authority when a business that received an investment from that investor eligible for a credit under this section ceases operations and the likely reasons for the cessation of business.

C. The authority shall report annually to the joint standing committee of the Legislature having jurisdiction over taxation matters and to the Office of Program Evaluation and Government Accountability on all activity under this section during the prior calendar year. The authority shall identify in its report businesses receiving investments eligible for a credit under this section and the authority's determination as to whether the investments would have been made in the absence of the credit.

Sec. LL-12. 36 MRSA §5216-B, sub-§6 is enacted to read:

6. Evaluation; specific public policy objective; performance measures. The credit provided under this section is subject to ongoing legislative review in accordance with Title 3, chapter 37. The Office of Program Evaluation and Government Accountability shall submit an

evaluation of the credit provided under this section to the joint legislative committee established to oversee program evaluation and government accountability matters and the joint standing committee of the Legislature having jurisdiction over taxation matters. In developing evaluation parameters to perform the review, the office shall consider:

A. That the specific public policy objectives of the credit provided under this section are:

(1) To increase job opportunities for residents of the State in businesses that export products or services from the State;

(2) To increase private investment in small new and existing businesses, especially those that experience significant difficulty in the absence of investment incentives in obtaining equity financing to carry the businesses from start-up through initial development; and

(3) To increase municipal tax bases; and

B. Performance measures, including, but not limited to:

(1) The number and geographic distribution of full-time employees added or retained during a period being reviewed who would not have been added or retained in the absence of the credit;

(2) The amount of qualified investment in eligible businesses during the period being reviewed;

(3) The change in the number of businesses created or retained in the State as a result of the credit;

(4) Measures of fiscal impact and overall economic impact to the State; and

(5) The amount of the tax revenue loss for each year being reviewed divided by the number of jobs created or retained.

PART LL SUMMARY

This Part amends the Maine Seed Capital Tax Credit Program by:

1. Reducing from 50% to 40% the maximum credit available to individual investors and private venture capital funds for investments made after April 1, 2020;

2. Reducing from \$5,000,000 to \$3,500,000 the total aggregate investment eligible for tax credits for any one business;

3. Limiting to \$2,000,000 the total aggregate investment eligible for any one business in any calendar year; and

4. Increasing from \$5,000,000 to \$15,000,000 the overall annual limit on total authorized credits for calendar years 2020 through 2026.

5. Expanding the definition of eligible business to include businesses that provide a product that is sold predominantly outside the State.

6. Providing a structure for the required reporting of data to facilitate an evaluation of the effectiveness of the credit by the Office of Program Evaluation and Government Accountability.