

Amend LD 1509 Part C by deleting the current Part and replacing with the following:

PART C

Sec. C-1. Notwithstanding any other provision of law, 5 MRSA §17154, sub-§6, as amended by PL2007, c. 491, §85 is further amended to read:

6. Payment of employer charges for teachers. For teachers, percentage rates to be predetermined by the actuary and approved by the board must be applied to the total earnable compensation of members covering the most recent school year preceding the preparation of the biennial budget.

A. The resulting amount must be appropriated and credited to the appropriate funds.

B. Notwithstanding this section, the employer retirement costs and administrative operating expenses related to the retirement programs applicable to those teachers whose funding is provided from federal grants or through federal reimbursement must be paid by local school systems from those federal funds.

C. Notwithstanding this section, the employer retirement costs and administrative operating expenses related to the retirement program applicable to those teachers who are permitted to continue to accrue service credit while on a one-year leave of absence and participating in the education of prospective teachers by teaching and supervising students enrolled in college-level teacher preparation programs in this State must be paid from funds provided by the college employing the teacher during that year.

D. Notwithstanding this section, the employer retirement costs and administrative operating expenses related to the retirement program applicable to a teacher who is permitted to continue to accrue service credit while on a leave of absence and serving as President of the Maine Education Association must be paid from funds provided by the Maine Teachers Association. For purposes of this paragraph, in computing the employer cost, "earnable compensation" means the amount that the teacher would have earned if the teacher had remained in a teaching position.

E. Notwithstanding this section, the employer retirement costs and administrative operating expenses related to the retirement program applicable to those teachers whose funding is provided directly or through reimbursement from private or public grants must be paid by local school systems from those funds. "Public grants" does not include state or local funds provided to school administrative units under Title 20-A, chapters 315 and 606-B.

F. Notwithstanding this section, effective September 1, 1993, the employer retirement costs and administrative operating expenses related to the retirement program, less the unfunded liability, that are applicable to a teacher who is permitted to continue to accrue service credit while on released time and serving as president of a recognized or certified collective bargaining agent representing teachers must be paid from funds provided by the collective bargaining agent or school administrative unit. For purposes of this paragraph, in computing the employer cost, "earnable compensation" means the amount that the teacher would have earned if the teacher had remained in a teaching position.

G. Notwithstanding this section, beginning in fiscal year 2013-14, the employer retirement costs that are applicable to the normal cost of retirement for a teacher shall be included in the total allocation in accordance with Title 20-A, chapter 606-B for the school administrative unit that employs the teacher.

H. Notwithstanding this section, beginning in fiscal year 2013-14, the employer retirement costs and administrative operating expenses related to the retirement programs applicable to those teachers employed by school administrative units, as defined in Title 20-A MRSA section 1 subsection 26, whose funding is provided from local and state funds must be paid by local school administrative units.

I. Notwithstanding this section, beginning in fiscal year 2013-14, the employer retirement costs and administrative operating expenses related to the retirement programs applicable to those teachers employed by private schools, as defined in Title 20-A section 1 subsection 22, must be paid by the private school.

Sec. C-2. 20-A MRSA §4775, as enacted by PL 1997, c. 758, §2, is amended to read:

The department shall pay 50% of the in-state tuition for the first 36 credit hours taken each semester by a student at an eligible institution and up to 612 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.

Sec. C-3. 20-A MRSA §15671, sub-§7, ¶A, as amended by PL 2011, c. 655, Pt. C, §2, is further amended to read:

7. Transition; annual targets. To achieve the system of school funding based on essential programs and services required by this section, the following annual targets are established.

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

- (1) For fiscal year 2005-06, the target is 84%.
- (2) For fiscal year 2006-07, the target is 90%.
- (3) For fiscal year 2007-08, the target is 95%.
- (4) For fiscal year 2008-09, the target is 97%.
- (5) For fiscal year 2009-10, the target is 97%.
- (6) For fiscal year 2010-11, the target is 97%.

- (7) For fiscal year 2011-12, the target is 97%.
- (8) For fiscal year 2012-13, the target is 97%.
- (9) For fiscal year 2013-14 and succeeding years, the target is ~~100%~~97%.

Sec. C-4. 20-A MRSA §15671, sub-§7, ¶B, as amended by PL 2013, c. 1, Pt. C, §1, is further amended to read:

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

- (1) For fiscal year 2005-06, the target is 52.6%.
- (2) For fiscal year 2006-07, the target is 53.86%.
- (3) For fiscal year 2007-08, the target is 53.51%.
- (4) For fiscal year 2008-09, 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 46.11%

Sec. C-5. 20-A MRSA §15671, sub-§7, ¶C, as amended by PL 2013, c. 1, Pt. C, §2, is further amended to read:

C. 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 teacher retirement, 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 ~~and succeeding years~~, the target is ~~55%~~49.43%.

(4) For fiscal year 2014-15 and succeeding years, the target is 55%.

Sec. C-6. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2013, c. 1, Pt. C, §3, is further amended to read:

B. For property tax years beginning on or after April 1, 2005, the commissioner shall calculate the full-value education mill rate that is required to raise the statewide total local share. The full-value education mill rate is calculated for each fiscal year by dividing the applicable statewide total local share by the applicable statewide valuation. The full-value education mill rate must decline over the period from fiscal year 2005-06 to fiscal year 2008-09 and may not exceed 9.0 mills in fiscal year 2005-06 and may not exceed 8.0 mills in fiscal year 2008-09. The full-value education mill rate must be applied according to section 15688, subsection 3-A, paragraph A to determine a municipality's local cost share expectation. Full-value education mill rates must be derived according to the following schedule.

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

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

(3) For the 2007 property tax year, the full-value education mill rate is the amount necessary to result in a 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 ~~47.50%~~53.89% statewide total local share in fiscal year 2013-14.

(7) For the 2014 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

2014-15 and after.

Sec. C-7. 20-A MRSA §15681, sub-§6, as enacted by PL 2011, c. 635, Pt. A, §5, is repealed.

Sec. C-8. 20-A MRSA §15681-A, sub-§4, as revised by PL 2005, c. 397, Pt. D, §3, is further amended to read:

4. Career and technical education costs. Career and technical education costs in the base year adjusted to the year prior to the allocation year. This section is repealed effective for the 2014-15 funding year; and

Sec. C-9. 20-A MRSA §15688, sub-§8, as enacted by PL2005, c. 2, Pt. D §61 effected by PL2005, c. 12, Pt. WW, §18, is amended to read:

1. School administrative unit; total cost. For each school administrative unit, the commissioner shall annually determine the school administrative unit's total cost of education. A school administrative unit's total cost of education must include:

A. The school administrative unit's base total calculated pursuant to section 15683, subsection 1, adjusted pursuant to the transition targets described in section 15671, subsection 7, paragraph A;

B. The other subsidizable costs described in section 15681-A; ~~and~~

C. The total debt service allocation described in section 15683-A: and

D. Beginning in the 2013-14 funding year, the normal cost of retirement for a teacher pursuant to Title 5, section 17154, sub-section 6.

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

15688-A. Enhancing student performance and opportunity costs

Beginning 2013-14, the commissioner may expend and disburse funds to meet the purposes of this section to the appropriate school administrative unit, institution or under contractual obligations.

1. Career and technical education costs. Beginning in fiscal year 2014-15, the allocation for career and technical education shall be based upon a program driven model that considers components for direct instruction, central administration, supplies, operation and maintenance of plant, other student and staff support and equipment. Monthly payments shall be made directly to school administrative units with career and technical education centers and directly to career and

technical education regions. Should school administrative units with career and technical education centers or the career and technical education regions have any unexpended funds at the end of the fiscal year, these funds shall be carried forward for the purposes of career and technical education.

2. Maine College Transitions Program. The commissioner may expend and disburse funds to provide for expanded access to Maine College Transitions programming through the state's Adult Education system.

3. School Improvement and Support. The commissioner may expend and disburse funds to support school improvement activities in accordance with Chapter 222.

4. National Industry Standards for Career and Technical Education. The commissioner may expend and disburse funds to support enhancements to Career and Technical Education programs that align those programs with national industry standards, in accordance with Chapter 313.

5. Comprehensive Early College Programs. The commissioner may expend and disburse funds to support early college programs that meet the following criteria:

- A. Provide secondary students with the opportunity to graduate from high school in four years with a high school diploma and at least 30 regionally accredited transferable post-secondary credits allowing for completion of an Associate's Degree within one additional year of post-secondary schooling;
- B. Involves a high school, a Career and Technical Education center, and one or more institutions of higher education;
- C. Organizes students into cohort groups and provides them with extensive additional guidance and support throughout the program with the goals of raising aspirations, increasing employability and encouraging postsecondary degree attainment; and
- D. Maintains a focus on serving students who might not otherwise pursue a postsecondary education.

6. Educator Effectiveness. The commissioner may expend and disburse funds to support the implementation of performance evaluation and professional growth systems in accordance with Chapter 508.

7. Transition to Proficiency-based diplomas. The commissioner may expend and disburse funds to support the transition to proficiency-based diplomas pursuant to §4722-A sub-§4.

Sec. C-11. 20-A MRSA §15689, sub-§1, as amended by PL 2013, c. 1, Pt. C, §4, is further amended to read:

- A. The sum of the following calculations:

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

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

The 5% factor in subparagraphs (1) and (2) must be replaced by: 4% for the 2009-10 funding year including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009; 3% for the 2010-11 funding year including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009; 3% for the 2011-12 funding year and 3% for the 2012-13 funding year and 2% for the 2013-14 funding year and subsequent years; and

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

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

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

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

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

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

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

(7) In fiscal year 2011-12, 30%; and

(8) In fiscal year 2012-13, 30%; and

(9) In fiscal year 2013-14 and succeeding years, ~~35%~~25%.

Sec. C-12. 20-A MRSA §15689-A, sub-§11, as amended by PL 2005, c. 519, Pt. XX, §5, is further amended to read:

11. Courses for credit at eligible postsecondary institutions. The commissioner may pay costs for

secondary students to take postsecondary courses at eligible institutions. Eligible secondary students may include home school students pursuant to section 5001-A, sub-section 3, paragraph 4 and shall exclude students that are not Maine residents pursuant to section 5205, sub-section 10.

Sec. C-13. 20-A MRSA §15689-A, sub-§20, as amended by PL 2011, c. 380, Pt. C, §6, is further amended to read:

20. ~~Center of Excellence for At-risk Students.~~ Choice and Opportunity Fund. The commissioner may expend and disburse funds ~~for the Center of Excellence for At-risk Students in accordance with the provisions of chapter 227,~~ within the limits of the allocation made under this section to expand educational options for students who are economically disadvantaged as signified by qualification for the National School Lunch Program under 7 Code of Federal Regulations, Part 210 (2007), including, but not limited to, the following:

A. to reimburse economically disadvantaged families for some portion of the costs of transporting students transferred from one school administrative unit to another pursuant to §5205(6).

B. to reimburse economically disadvantaged families for the tuition and transportation costs associated with attending an approved private school or a public elementary or secondary school in a school administrative unit other than the one in which they are resident, pursuant to §5203(1) and §5204(1).

C. to reimburse economically disadvantaged families for the cost of residential services related to attending a residential public charter school that is beyond a reasonable commuting distance from the student's place of residence.

Sec. C-14. 20-A MRSA §15689-C, sub-§ 1, as amended by PL 2009, c. 275, §1, is further amended to read:

1. Annual recommendation. Prior to December 15th of each year, the commissioner, ~~with the approval of the state board,~~ shall recommend to the Governor and the Department of Administrative and Financial Services, Bureau of the Budget the funding levels that the commissioner recommends for the purposes of this chapter. Beginning with the recommendations due in 2009, the commissioner's annual recommendations must be in the form and manner described in subsection 4.

Sec. C-15. 20-A MRSA §15689-C, sub-§ 2, as amended by PL 2005, c. 2, §§61,72,74 affected by PL 2005 c. 12 Pt. WW. §18, is further amended to read:

2. Funding level computations. The following are the funding level computations that support the commissioner's funding level recommendations:

- A. The requested funding levels for the operating allocation under section 15683;
- B. The requested funding levels for debt service under section 15683-A, which are as follows:
 - (1) The known obligations and estimates of anticipated principal and interest costs for the allocation year;
 - (2) The expenditures for the insured value factor for the base year;
 - (3) The level of lease payments and lease-purchase payments pursuant to section 15672, subsection 2-A for the year prior to the allocation year; and
 - (4) Funds allocated by the state board for new school construction projects funded in the current fiscal year;
- C. The requested funding levels for adjustments under section 15689, which must be computed by estimating costs for the allocation year; ~~and~~
- D. The requested funding levels for miscellaneous costs under section 15689-A;
- E. The requested funding levels for enhancing student performance and opportunity costs under section 15688-A; and
- F. The normal costs of teacher retirement pursuant to Title 5, section 17154, subsection 6.

Sec. C-16. 20-A MRSA §15689-D, as amended by PL 2009, c. 275, §3, is further amended to read:

1. Annual recommendations. The Department of Administrative and Financial Services, Bureau of the Budget shall annually certify to the Legislature the funding levels that the Governor recommends under sections 15683, 15683-A, 15688-A, 15689, ~~and~~ 15689-A and the amount for any other components the total cost of funding public education from kindergarten to grade 12 pursuant to this chapter. The Governor's recommendations must be transmitted to the Legislature within the time schedules set forth in Title 5, section 1666 and in the form and manner described in subsection 2. The commissioner may adjust, consistent with the Governor's recommendation for funding levels, per-pupil amounts not related to staffing pursuant to section 15680 and targeted funds pursuant to section 15681.

2. Funding level computations. The Governor's recommendations under subsection 1 must specify the amounts that are recommended for the total operating allocation pursuant to section 15683, the total of other subsidizable costs pursuant to section 15681-A, the total debt service allocation pursuant to section 15683-A, the total enhancing student performance and opportunity costs pursuant to section 15688-A, the total adjustments pursuant to section 15689, the total miscellaneous costs pursuant to section 15689-A, the amount for any other components of the total cost of funding public education from kindergarten to grade 12 and the total cost of funding public education from kindergarten to grade 12 pursuant to this chapter. The Governor's recommendations regarding the adjustments and miscellaneous costs components also must delineate each amount that is recommended for each subsection and paragraph under sections 15689 and 15689-A and the purposes for each cost in these sections. For each amount shown in the

Governor's recommendations, the Governor's recommendations must also show the amount for the same component or purpose that is included in the most recently approved state budget, the differences between the amounts in the most recently approved state budget and the Governor's recommendations and the reasons for the changes.

Sec. C-17. 20-A MRSA §15689-E, sub-§1, as enacted by PL 2005, c. 2, Pt. D, §61, and affected by §§ 72 and 74 and affected by PL 2005, c. 12, Pt. WW, §18, is amended to read:

1. Appropriation for state share of adjustments, debt service and operating; single account. Appropriate the necessary funds for the State's share for general purpose aid for local schools with a separate amount for each of the following components:

A. Adjustments and miscellaneous costs described in sections 15689 and 15689-A, including an appropriation for special education pupils placed directly by the State, for:

- (1) Tuition and board for pupils placed directly by the State in accordance with rules adopted or amended by the commissioner; and
- (2) Special education tuition and other tuition for residents of state-operated institutions attending programs in school administrative units or private schools in accordance with rules adopted or amended by the commissioner; and

B. The state share of the total operating allocation and the total debt service allocation described in sections 15683 and 15683-A; ~~and~~

C. The state share of the total enhancing student performance and opportunity costs described in sections 15688-A; and

D. The state share of the total normal cost of teacher retirement pursuant to Title 5, section 17154, subsection 6.

Sec. C-18. 20-A MRSA §15689-F, sub-§3, is enacted to read:

3. Casino revenues. If the annual funding for public education from kindergarten through grade 12 enacted by the legislature is supported by casino revenues credited to the Department of Education pursuant to Title 8, Section 1036, the department shall journal expenditures from the General Purpose Aid for Local Schools account to the K-12 Essential Programs and Services Other Special Revenue fund account to meet financial obligations and for purposes of cash flow.

Sec. C-19. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2013-14 is 8.11.

Sec. C-20. 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 2013-14 is as follows:

	2013-14 TOTAL
Total Operating Allocation	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 without transitions percentage	\$1,397,436,773
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 97% transitions percentage	\$1,355,513,670
Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$441,387,263
Total Operating Allocation	<hr/>
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,796,900,933
Total Debt Service Allocation	
Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$97,440,243
Enhancing Student Performance and Opportunity	\$9,050,000
Total Adjustments and Miscellaneous Costs	
Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, sections 15689 and 15689-A	\$68,520,413
Total Normal Cost of Teacher Retirement	\$28,898,559
Total Cost of Funding Public Education from Kindergarten to Grade 12	<hr/>
Total cost of funding public education from kindergarten to grade 12 for fiscal year 2013-14 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	\$2,000,810,148
Total cost of the state contribution to teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2013-14 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423 excluding the normal cost of teacher retirement	\$172,515,043

Adjustment pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subsection 2	\$41,923,103
Total cost of funding public education from kindergarten to grade 12	\$2,215,248,294

Sec. C-21. 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, 2013 and ending June 30, 2014 is calculated as follows:

	2013-14 LOCAL	2013-14 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	\$1,078,120,212	\$922,539,936
State contribution to the total cost of teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2012-13 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423		\$172,515,043
State contribution to the total cost of funding public education from kindergarten to grade 12		\$1,095,054,979

Sec. C-22. Limit of State's obligation. If the State's continued obligation for any individual component contained in those sections of this Part 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 Part may not lapse but must be carried forward for the same purpose.

Sec. C-23. Authorization of payments. Those sections of this Part 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, 2013 and ending June 30, 2014.

SUMMARY PART C

This Part establishes the Total Cost of Education from Kindergarten to Grade 12 for fiscal year 2013-14, the state contribution and the annual target state share percentage. Section C-3 changes the annual transition targets to 97% from 100% for fiscal year 2013-14 and succeeding years. Sections C-4, related to essential programs and services, C-5 related to property tax contribution to public schools, C-6 related to targeted funds, and C-11 related to adjustments to state share of total allocation, are amended based on changes in Public Law 2013, chapter 1. Current Section C-12 that reduces the percentage adjustment for economically disadvantaged students is deleted and current Section C-20 that extended language related to federal stimulus funds to June 30, 2014 is deleted. Proposed Section C-20 revises several amounts related to total cost of funding public education from kindergarten to grade 12.

Amend sections in LD 1509 Part K as follows:

Current

Sec. K-3. 36 MRSA §700-C is enacted to read:

§700-C. Transition.

Reimbursement provided by this chapter is eliminated for property taxes paid on or after January 1, 2013. Property that would otherwise qualify for reimbursement under this chapter is eligible for exemption to the extent provided, and except as excluded, under Chapter 105, subchapter 4-C for property tax years beginning on or after April 1, 2014.

Revised

Sec. K-3. 36 MRSA §6666 is enacted to read:

§6666. Transition

Reimbursement provided by this chapter is eliminated for property taxes paid on or after January 1, 2014. Property that would otherwise qualify for reimbursement under this chapter is eligible for exemption to the extent provided, and except as excluded, under Chapter 105, subchapter 4-C for property tax years beginning on or after April 1, 2014.

Reimbursement for property taxes due prior to January 1 and paid during calendar year 2013 which would otherwise be paid pursuant to section 6656 are to be certified to the State Controller in three equal installments on or about September 15 in three consecutive fiscal years beginning with fiscal year 2015-16 and paid by the assessor based on those certified amounts on or about December 15 of the corresponding fiscal years.

Current

Sec. K-5. Retroactivity. That section of this Part that enacts the Maine Revised Statutes, Title 36, section 700-C applies retroactively to property taxes paid on or after January 1, 2013.

Revised

Sec. K-5. Retroactivity. That section of this Part that enacts the Maine Revised Statutes, Title 36, section 6666 applies retroactively to property taxes paid on or after January 1, 2013.

SUMMARY
PART K

Part K as originally proposed would sunset the Business Equipment Tax Reimbursement (BETR) program with respect to property taxes paid after 2012. This amendment sunsets the BETR program with respect to property taxes paid after 2013. The amendment delays payment of reimbursements related to property taxes paid during calendar year 2013 until after June 30, 2015. One third of the reimbursement must be paid in each state fiscal year 2015-16, 2016-17 and 2017-18. The amendment also limits the BETR benefit with respect to property taxes assessed on April 1, 2013 to those property taxes due in 2013.

Amend section in LD 1509 Part L as follows:

Current

Sec. L-1. 36 MRSA §6201, sub-§3, as amended by PL 2007, c. 438, §112 is further amended to read:

3. Elderly household. “Elderly household” means a household in which, during the year for which relief is requested:

A. At least one member of the household had attained the age of ~~62~~ 65;

~~B. The claimant was not married and had attained the age of 55 and was, due to disability, receiving federal disability payments such as supplemental security income; or~~

~~C. The claimant was married and had attained the age of 55 and both the claimant and the claimant’s spouse were, due to disability, receiving federal disability payments such as supplemental security income.~~

Revised

Sec. L-1. 36 MRSA §6201, sub-§3, as amended by PL 2007, c. 438, §112 is further amended to read:

3. Elderly household. “Elderly household” means a household in which, during the year for which relief is requested:

A. The claimant or the claimant’s spouse ~~At least one member of the household~~ had attained the age of ~~62~~ 65;

~~B. The claimant was not married and had attained the age of 55 and was, due to disability, receiving federal disability payments such as supplemental security income; or~~

~~C. The claimant was married and had attained the age of 55 and both the claimant and the claimant’s spouse were, due to disability, receiving federal disability payments such as supplemental security income.~~

Amend LD 1509 Part L by adding the following new Section L-11

Sec. L-11. Application. This Part applies to application periods beginning on or after August 1, 2013.

SUMMARY
PART L

Section L-1 is amended to clarify that an individual does not qualify for a senior benefit under the Circuitbreaker program unless the claimant or the claimant's spouse attained the age of 65 during the year for which relief is requested. The change provides consistency with the provisions of Section L-10. New Section L-11 provides an application date for Part L that was unintentionally omitted from the original submission.

Amend LD 1509 Part N by adding the following new Section N-2

Sec. N-2. 36 MRSA § 1752, sub-§26, is enacted to read:

26. Products transferred electronically. “Products transferred electronically” means digital products the sale of which in non-digital physical form would be subject to sales tax in this State as sales of tangible personal property.

Amend LD 1509 Part N by renumbering Section N-2 to be Section N-3

Sec. N-3. 36 MRSA § 1811, as amended by PL 2011, c.209, §4 and affected by PL 2011, c. 209, §5, is further amended to add ¶2:

“Products transferred electronically” are sold in this State if the property is electronically delivered to the customer at an address in Maine. If the property is not received by the purchasers at the seller’s Maine business location or the purchaser’s Maine location, the sale is in this State for these purposes when a Maine billing address is provided by the purchaser in connection with the transaction or, if no billing address is provided by the purchaser in connection with the transaction, when a Maine billing address is indicated in the seller’s business records.

**SUMMARY
PART N**

This amendment clarifies that Part N is not intended to subject to tax services or products other than those that would be subject to tax in this State if purchased in non-digital physical form.

Amend sections in LD 1509 Part O as follows:

Current

Sec. O-3. 36 MRSA §208-A, sub-§2 as repealed and replaced by PL 2007, c. 322, §2, is amended to read:

2. Sudden and severe disruption. A municipality experiences a sudden and severe disruption in its municipal valuation if:

A. The municipality experiences ~~an equalized~~ a net reduction in equalized municipal valuation of at least 2% from the equalized municipal valuation that would apply without adjustment under this section;

B. The ~~equalized net reduction in equalized municipal valuation~~ is attributable to the ~~closure~~ cessation of business operations, removal, replacement, retrofit, obsolescence or destruction of property resulting from disaster, disaster or abatement attributable to a single taxpayer that occurred in the prior tax year; and

C. The municipality's equalized tax rate of residential property exceeds the state average.

For purposes of this subsection, “removal” does not include property that was present in the municipality for less than 24 months. This subsection does not apply to property acquired by a municipality that otherwise could seek relief pursuant to this section.

Sec. O-4. 36 MRSA §208-A, sub-§3 as repealed and replaced by PL 2007, c. 322, §2, is repealed and the following enacted in its place:

3. Procedure. A municipality may request an adjustment under this section by filing a petition with the State Tax Assessor in accordance with this subsection.

A. On forms prescribed by the State Tax Assessor, the municipality shall identify a net reduction in equalized municipal valuation of at least 2% of the municipality’s equalized value, the property of a single taxpayer, the date of the loss, and the cause of the loss. The municipality must include a professional appraisal of the property responsible for the loss that shows the value of the property immediately prior to the loss and the value of the

property following the loss. In determining the values of the property, the appraiser must consider the cost, income capitalization and sales comparison approaches to the valuation of property. The appraisal must be prepared by a professional appraiser approved for that purpose by the State Tax Assessor. The municipality is required to provide any other documentation to support its claim as determined by the State Tax Assessor.

B. The State Tax Assessor shall examine the documentation provided by the municipality and determine whether the municipality qualifies for an adjustment under this section.

C. If the State Tax Assessor determines that a municipality qualifies for an adjustment under this section, the State Tax Assessor shall calculate the amount of the adjustment for the municipality by determining the amount by which the state valuation determined under section 208 would be reduced as a result of the net sudden and severe disruption of equalized municipal valuation for the state valuations to be used in the next fiscal year by the Commissioner of Education and the Treasurer of State. The State Tax Assessor shall adjust subsequent state valuations until such time as the state valuation recognizes the loss. The State Tax Assessor may limit the time period or amount of adjustment to reflect the circumstances of the sudden and severe loss of valuation.

Sec. O-5. 36 MRSA §208-A, sub-§5 as repealed and replaced by PL 2007, c. 322, §2, is amended to read:

5. Effect of modified state valuation. The determination of an adjustment to state valuation has the following effect.

A. The Commissioner of Education shall use the adjusted state valuation amount instead of the valuation certified under section 305 in calculate the amount by which the local share of education funding under Title 20-A, chapter 606-B would have been increased if the adjusted state valuation amount had been used for the applicable time period in calculating for the following fiscal year education funding obligations. The commissioner shall certify to the State Controller the amount required to make the necessary payments and pay that amount to the municipality.

B. The Treasurer of State shall use the adjusted state valuation amount instead of the valuation certified under section 305 in calculating ~~future~~ for the following fiscal year distributions of state-municipal revenue sharing.

Sec. O-6. 36 MRSA §694, sub-§2, ¶ B, as amended by P.L. 2007, c.627, section 25, is further amended to read:

B. In the case of a municipality that chooses reimbursement under this paragraph in which the personal property factor exceeds 5%, the applicable percentage for exempt business equipment is 50% plus an amount equal to 1/2 of the personal property factor. For purposes of this paragraph, "personal property factor" means the percentage derived from a fraction, the numerator of which is the value of business personal property in the municipality, whether taxable or exempt, and the denominator of which is the value of all taxable property

in the municipality plus the value of exempt business equipment. For purposes of this paragraph, the taxable value of exempt business equipment is the value that would have been assessed on that equipment if it were taxable. In order to obtain the reimbursement under this paragraph, the municipality must provide to the State Tax Assessor an appraisal of the exempt business equipment of all taxpayers whose equalized municipal valuation makes up at least 2% of the overall equalized valuation of the municipality. In determining the value of the property the appraiser must consider the cost, income capitalization and sales comparison approaches to the valuation of property. The appraisal must determine a value for the property within the five years prior to the date of the claim and must be prepared by a professional appraiser approved for that purpose by the State Tax Assessor. This appraisal must be the basis on which the property is assessed for municipal property tax purposes.

Revised

Sec. O-3. 36 MRSA §208-A, sub-§2 as repealed and replaced by PL 2007, c. 322, §2, is amended to read:

2. Sudden and severe disruption. A municipality experiences a sudden and severe disruption in its municipal valuation if:

A. The municipality experiences ~~an equalized~~ a net reduction in equalized municipal valuation of at least 2% from the equalized municipal valuation that would apply without adjustment under this section;

B. The ~~equalized~~ net reduction in equalized municipal valuation is attributable to:

(1) ~~the closure~~ cessation of business operations, removal, replacement, retrofit, obsolescence functional or economic obsolescence not due to short-term market volatility, or destruction of or damage to property resulting from disaster, disaster or abatement attributable to a single taxpayer that occurred in the prior tax year; and or

(2) the qualification for exemption under Chapter 105, Subchapter 4-C of business equipment that had qualified for reimbursement under Chapter 915 as of April 1, 2013 and

C. The municipality's equalized tax rate of residential property exceeds the state average.

For purposes of this subsection, "removal" does not include property that was present in the municipality for less than 24 months. This subsection does not apply to property acquired by a municipality that otherwise could have been the basis for relief pursuant to this section.

Sec. O-4. 36 MRSA §208-A, sub-§3 as repealed and replaced by PL 2007, c. 322, §2, is repealed and the following enacted in its place:

3. Procedure. A municipality may request an adjustment under this section by filing a

petition with the State Tax Assessor in accordance with this subsection.

A. On forms prescribed by the State Tax Assessor, the municipality shall identify a net reduction in equalized municipal valuation of at least 2% of the municipality's equalized value, the property of a single taxpayer, the date of the loss, and the cause of the loss. The municipality must include an appraisal report prepared by a qualified professional appraiser with respect to the property responsible for the loss that shows the value of the property immediately prior to the loss and the value of the property following the loss. The appraisal report must include a summary of the appraiser's consideration of the cost, income capitalization and sales comparison approaches to the value of the property. The municipality is required to provide any other documentation to support its claim as determined by the State Tax Assessor, including, if requested, all records associated with the municipality's assessment of the property subject to the requested adjustment for the three year period prior to the date of the reduction in valuation.

For purposes of this section, a qualified professional appraiser is an individual who is a certified general real property appraiser licensed under 32 MRSA chapter 124, or a Certified Maine Assessor certified under 36 MRSA section 310; has at least five years' experience determining the just value of real and personal property of the commercial and industrial type using the three standard methods of valuation; and attests in writing to the State Tax Assessor that the individual has a current working knowledge of the application of the three standard methods of valuation to real and personal property of the commercial and industrial type.

B. The State Tax Assessor shall examine the documentation provided by the municipality and determine whether the municipality qualifies for an adjustment under this section.

C. If the State Tax Assessor determines that a municipality qualifies for an adjustment under this section, the State Tax Assessor shall calculate the amount of the adjustment for the municipality by determining the amount by which the state valuation determined under section 208 would be reduced as a result of the net sudden and severe disruption of equalized municipal valuation for the state valuations to be used in the next fiscal year by the Commissioner of Education and the Treasurer of State. The State Tax Assessor shall adjust subsequent state valuations until such time as the state valuation recognizes the loss. The State Tax Assessor may limit the time period or amount of adjustment to reflect the circumstances of the sudden and severe loss of valuation.

Sec. O-5. 36 MRSA §208-A, sub-§5 as repealed and replaced by PL 2007, c. 322, §2, is amended to read:

4. Notifications.

A. After review of the claim, the State Tax Assessor shall approve or deny, in whole or in part, the adjustment requested. Notwithstanding 36 MRSA §151, the State Tax Assessor's written determination constitutes final agency action that is subject to review by the Superior Court in accordance with the Maine Administrative Procedure Act, except that Title 5, section 11006 does not apply.

B. Within 30 days of providing the municipality a written determination denying, in whole or in part, a claim for adjustment, the State Tax Assessor shall provide a copy of the denial letter to the clerk of the joint standing committee of the Legislature having jurisdiction over taxation matters.

C. The State Tax Assessor shall notify the Commissioner of Education and the Treasurer of State of any adjustment to state valuation determined under this section and the time period to which the adjustment applies.

Sec. O-6. 36 MRSA §694, sub-§2, ¶ B, as amended by P.L. 2007, c.627, section 25, is further amended to read:

B. In the case of a municipality that chooses reimbursement under this paragraph in which the personal property factor exceeds 5%, the applicable percentage for exempt business equipment is 50% plus an amount equal to 1/2 of the personal property factor. For purposes of this paragraph, "personal property factor" means the percentage derived from a fraction, the numerator of which is the value of business personal property in the municipality, whether taxable or exempt, and the denominator of which is the value of all taxable property in the municipality plus the value of exempt business equipment. For purposes of this paragraph, the taxable value of exempt business equipment is the value that would have been assessed on that equipment if it were taxable. In order to obtain the reimbursement under this paragraph on or after April 1, 2014, the municipality must provide to the State Tax Assessor a report providing an appraisal of the exempt business equipment of all taxpayers whose equalized municipal valuation makes up at least 2% of the overall equalized valuation of the municipality. The appraisal report must include a summary of the appraiser's consideration of the cost, income capitalization and sales comparison approaches to the valuation of property. The appraisal must determine a value for the property within the five years prior to the date of the claim and must be prepared by a qualified professional appraiser within the meaning of 36 MRSA section 208-A. This appraisal must be the basis on which the property is assessed for municipal property tax purposes.

Amend Part O of LD 1509 to renumber the sections sequentially.

SUMMARY

PART O

1. This amendment adds back “obsolescence” as a qualifying cause of sudden and severe disruption in municipal valuation, but limited and clarified as “functional or economic obsolescence not due to short term market volatility.”
2. This amendment adds as an additional qualifying cause of sudden and severe disruption in municipal valuation the loss of value between April 1, 2013 and April 1, 2014 that is attributable to the exemption of business equipment under BETE that as of April 1, 2013 had been taxable property that qualified for reimbursement under Chapter 915.
3. This Part requires an application for a “sudden and severe” adjustment to include an assessment of property valuation by a “professional appraiser”. This amendment clarifies what information must be included in the appraisal report, and specifies that the report must be prepared by a qualified professional appraiser meeting the specified requirements. This amendment also expressly allows the State Tax Assessor to ask for and obtain the previous three years’ worth of assessing records with respect to the property subject to the sudden and severe adjustment request to further verify the adequacy of the application.
4. This amendment provides that any denial of a claim for adjustment is final agency action subject to review in Superior Court, and that the State Tax Assessor shall provide a copy of the denial letter to the clerk of the joint standing committee of the Legislature having jurisdiction over taxation matters a copy of the denial letter.
5. This Part requires all municipalities that receives the so-called “enhanced BETE” reimbursement rate because of their disproportionate reliance on personal property in their tax base to provide a “professional appraisal report” that provides an appraisal of the exempt business equipment of all taxpayers whose equalized municipal valuation makes up at least 2% of the overall equalized valuation of the municipality. This version clarifies what information must be included in the appraisal report, and specifies that the report must be prepared by a qualified professional appraiser meeting the specified requirements. This amendment implements the new requirements on and after April 1, 2014 in order to allow the affected municipalities to engage the necessary professional and otherwise prepare their assessment to meet the mandates.

Amend section in LD 1509 Part U as follows:

Current

PART U

Sec. U-1. 36 MRSA §4641-B, sub-§4-B, ¶C, sub-¶(3), as enacted by PL 2011, c. 453, §6, is amended to read:

(3) On a monthly basis the Treasurer of State shall apply 50% of the revenues in accordance with this subparagraph. The Treasurer of State shall first credit ~~\$245,160~~ \$2,445,160 of the revenues available under this subparagraph to the General Fund, after which the Treasurer of State shall pay any remaining revenues available under this subparagraph to the Maine State Housing Authority, which shall deposit the funds in the Housing Opportunities for Maine Fund created in Title 30-A, section 4853.

Sec. U-2. 36 MRSA §4641-B, sub-§4-B, ¶D, sub-¶(3), as enacted by PL 2011, c. 453, §6, is amended to read:

(3) On a monthly basis the Treasurer of State shall apply 50% of the revenues in accordance with this subparagraph. The Treasurer of State shall first credit ~~\$1,879,560~~ \$3,979,560 of the revenues available under this subparagraph to the General Fund, after which the Treasurer of State shall pay any remaining revenues available under this subparagraph to the Maine State Housing Authority, which shall deposit the funds in the Housing Opportunities for Maine Fund created in Title 30-A, section 4853.

Revised

Sec. U-1. 36 MRSA §4641-B, sub-§4-B, ¶C, sub-¶(3), as enacted by PL 2011, c. 453, §6, is amended to read:

(3) On a monthly basis the Treasurer of State shall apply 50% of the revenues in accordance with this subparagraph. The Treasurer of State shall first credit ~~\$245,160~~ \$2,510,964 of the revenues available under this subparagraph to the General Fund, after which the Treasurer of State shall pay any remaining revenues available under this subparagraph to the Maine State Housing Authority, which shall deposit the funds in the Housing Opportunities for Maine Fund created in Title 30-A, section 4853.

Sec. U-2. 36 MRSA §4641-B, sub-§4-B, ¶D, sub-¶(3), as enacted by PL 2011, c. 453, §6, is amended to read:

(3) On a monthly basis the Treasurer of State shall apply 50% of the revenues in accordance with this subparagraph. The Treasurer of State shall first credit ~~\$1,879,560~~ \$4,038,104 of the revenues available under this subparagraph to the General Fund, after which the Treasurer of State shall pay any remaining revenues available under this subparagraph to the Maine State Housing Authority, which shall deposit the funds in the Housing Opportunities for Maine Fund created in Title 30-A, section 4853.

SUMMARY PART U

This amendment corrects the cap amounts to be consistent with the fiscal impact recorded in the bill, which is intended to offset downward adjustments to undedicated revenue in the Revenue Forecasting Committee's December 2012 forecast for the Real Estate Transfer Tax.

Amend LD 1509 Part AA as follows:

Current

Sec. AA-1. PL 2011, c. 657, Pt. V, §2, is amended to read:

Sec. V-2. Legislative intent; ~~contingent repeal~~. It is the intent of the Legislature to create a unified statute for the Department of Agriculture, Conservation and Forestry, while at the same time preserving the legislative history of the affected titles to the greatest extent possible. To that end, it is the intent of the Legislature that a bill submitted pursuant to Part W, section 4 that consolidates the Maine Revised Statutes, moves Title 7-A and relevant portions of Title 12 into Title 7-A be enacted into law by the second regular session of the 126th Legislature. If a bill submitted pursuant to Part W, section 4 has not been enacted into law by December 3, 2014, Title 7-A is repealed on that date.— It is not the intent of the Legislature that the bill to be submitted correct all potentially outdated language. The Department shall propose additional changes to statutory language and terms at such times in the future as it deems necessary to carry out its responsibilities.

Sec. AA-3. PL 2011, c. 657, Pt. V, §4, is amended to read:

Sec. W-4. Legislation; review. ~~Following the development of a department budget pursuant to section 9, the Department of Agriculture, Conservation and Forestry shall review those provisions of the Maine Revised Statutes governing the Department of Agriculture, Conservation and Forestry, including but not limited to the Maine Revised Statutes, Titles 7, 7-A and 12. Based upon the review, The department, working with the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters, shall develop and submit a bill for introduction to the second regular session of the 126th Legislature to consolidate move existing law into Title 7-A, and in relevant portions of Title 12 into update Title 7-A.—The department, working with the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters, shall review submitted legislation, and to correct any errors and inconsistencies in law that result from this Part.~~

Revised

Sec. AA-1. PL 2011, c. 657, Pt. V, §2, is amended to read:

Sec. V-2. Legislative intent; ~~contingent repeal~~. It is the intent of the Legislature to create a unified statute for the Department of Agriculture, Conservation and Forestry, while at the same time preserving the legislative history of the affected titles to the greatest extent possible. To that end, it is the intent of the Legislature that a bill submitted pursuant to Part W, section 4 that consolidates the Maine Revised Statutes, Title 7-A and relevant portions of Title 12 move into Title 7-A and be enacted into law. If a bill submitted pursuant to Part W, section 4 has not been enacted into law by December 3, 2014, Title 7-A is repealed on that date.— The Department mission may not be altered without approval of the Legislature.

Sec. AA-3. PL 2011, c. 657, Pt. W, §4, is repealed.

SUMMARY
PART AA

This amendment repeals the requirement that a bill needs to be submitted to move existing laws in Titles 7-A and relevant portions of Title 12 into Title 7 and correct any errors and inconsistencies resulting from PL 2011, c. 657, Part W after review by the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters.

Amend LD 1509 Part DD as follows:

Current

PART DD

Sec. DD-1. 5 MRSA §1582, sub-§4, as amended by PL 2011, c.1 Pt. S, §1, is further amended to read:

At the close of each fiscal year, except for the Division of Forest Protection account within the Department of Conservation, the Disproportionate Share - Riverview Psychiatric Center and the Disproportionate Share - Dorothea Dix Psychiatric Center accounts within the Department of Health and Human Services, ~~and~~ the Education in the Unorganized Territory account within the Department of Education, and the Chief Medical Examiner account within the Department of the Attorney General, any unexpended General Fund Personal Services appropriations to executive branch agencies including accounts that are authorized to carry unexpended balances forward must lapse to the Salary Plan program, General Fund account in the Department of Administrative and Financial Services.

Sec. DD-2. 22 MRSA §3024, as amended by PL 2011, c. 445, §1 and affected by §3 is further amended by adding at the end the following:

Available balances at the end of each fiscal year in the Personal Services line category of the account may be transferred to the All Other line category by financial order upon the recommendation of the State Budget Officer and approval of the Governor to provide for contracted medical examiner services.

Revised

Sec. DD-2. 22 MRSA §3024, as amended by PL 2011, c. 445, §1 and affected by §3 is further amended by adding at the end the following:

Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, available balances in the Personal Services line category in excess of funds needed to offset attrition may be transferred by financial order to the All Other line category to provide for contracted medical examiner services upon the recommendation of the State Budget Officer and approval of the Governor.

**SUMMARY
PART DD**

This amendment allows available Personal Services balances to be transferred to the All Other line category during the course of the year rather than at the end of the year.

Amend LD 1509 Part OO as follows:

Current

PART OO

Sec.OO-1. 22 MRSA §4301, sub-§1-A is amended to read:

1-A. Direct costs. "Direct costs" means the total value of general assistance benefits paid out by a municipality that is in compliance with this chapter and the municipality's general assistance ordinance but does not include any amount in excess of \$10 per night for temporary housing at a homeless shelter.

Sec. OO-2. 22 MRSA §4301, sub-§3, as enacted by PL 1983, c. 577, §1 is amended to read:

3. Eligible person. "Eligible person" means a person who is qualified to receive general assistance from a municipality according to standards of eligibility determined by the municipal officers whether or not that person has applied for general assistance. The following are not eligible persons under this section:

- A. A person who is ineligible to receive benefits under the Temporary Assistance for Needy Families program pursuant to § 3762, subsection 18.
- B. A person who has been sanctioned under § 3763, subsection 1.

Sec. OO-3. 22 MRSA §4309, sub-§3 as enacted by PL 1983, c. 577, §1 is amended to read:

3. Eligibility of members of person's household. Failure of an otherwise eligible person to comply with this chapter shall not affect the general assistance eligibility of any member of the person's household who is not capable of working, except as provided in subsection 3-A. For purposes of this section, household members who are not capable of working include ~~including~~ at least:

- A. A dependent minor child;
- B. An elderly, ill or disabled person; and
- C. A person whose presence is required in order to provide care for any child under the age of 6 years or for any ill or disabled member of the household.

Sec.OO-4. 22 MRSA §4309, sub-§3-A is enacted to read:

5. Ineligibility of members of person's household. Notwithstanding any provision of law to the contrary, a member of a household of a person that is ineligible to receive benefits under the Temporary Assistance for Needy Families program pursuant to § 3762, subsection 18 is ineligible to receive general assistance. Likewise, a member of a household of a person has been sanctioned under § 3763, subsection 1 is ineligible to receive general assistance benefits.

Sec. OO-5. 22 MRSA §4309, sub-§4, as enacted by PL 1991, c. 591, Pt. SS, §3 is amended to read:

4. Eligibility of minors who are parents. ~~A~~ An otherwise eligible person under the age of 18 who has never married and who has a dependent child or is pregnant is eligible only if that person and child reside in a dwelling maintained by a parent or other adult relative as that parent's or relative's own home or in a foster home, maternity home or other adult-supervised supportive living arrangement unless:

- A. The person has no living parent or the whereabouts of both parents are unknown;
- B. No parent will permit the person to live in the parent's home;
- C. The department determines that the physical or emotional health or safety of the person or dependent child would be jeopardized if that person and dependent child lived with a parent;
- D. The individual has lived apart from both parents for a period of at least one year before the birth of any dependent child; or
- E. The department determines, in accordance with rules adopted pursuant to this section, which must be in accordance with federal regulations, that there is good cause to waive this requirement.

For the purposes of this subsection, "parent" includes legal guardian.

Sec. OO-6. 22 MRSA §4310, first ¶ as amended PL 1991, c. 9, Pt. U, §7 is further amended to read:

Whenever an eligible person becomes an applicant for general assistance and states to the administrator that the applicant is in an emergency situation and requires immediate assistance to meet basic necessities, the overseer shall, pending verification, issue to the applicant either personally or by mail, as soon as possible but in no event later than 24 hours after application, sufficient benefits to provide the basic necessities needed immediately by the applicant, provided that the following conditions are met.

Sec. OO-6. 22 MRSA §4311, sub-§1, as revised by PL 2003, c. 689, Pt. B, §6 is repealed and replaced with the following:

1. Departmental reimbursement. The department shall reimburse each municipality or Indian tribe for the costs of a portion of the direct costs of paying benefits through its general assistance program if the department finds that the municipality or Indian tribe was in compliance with all requirements of this chapter during the fiscal year for which reimbursement is sought. The amount of reimbursement must be an amount equal to:

- A. For each municipality, 50% of all general assistance granted by that municipality;

B. For an Indian tribe, 90% of net general assistance costs in any fiscal year in excess of .0003 of that Tribe's most recent state valuation relative to the state fiscal year for which reimbursement is being issued, as determined by the State Tax Assessor in the statement filed as provided in Title 36, section 381. In addition, the department shall reimburse 10% of all general assistance granted.

As used in this subsection, "Indian tribe" has the same meaning as in section 411, subsection 8-A

Sec. OO-7. 22 MRSA §4311, sub-§1-B, as amended by PL 1991, c. 9, Pt. U, §8 is repealed.

Sec. OO-8. 22 MRSA §4311, sub-§2, as amended by PL 1991, c. 9, Pt. U, §9 is further amended to read:

2. Submission of reports. Municipalities and Tribes shall submit monthly reports on forms provided by the department. ~~reports as follows:~~

~~A. For purposes of this section, those municipalities that received reimbursement at 90% during the previous fiscal year of the State and those municipalities that expect to receive reimbursement at 90% during the current fiscal year of the State must submit monthly reports on forms provided by the department.~~

~~B. Those municipalities that did not receive reimbursement at 90% during the previous fiscal year and do not expect to receive reimbursement at 90% for the current fiscal year must submit quarterly or semiannual reports on forms provided by the department.~~

Proposed

PART OO

Sec. OO-1. 22 MRSA §4301, sub-§3, as enacted by PL 1983, c. 577, §1 is amended to read:

3. Eligible person. "Eligible person" means a person who is qualified to receive general assistance from a municipality according to standards of eligibility determined by the municipal officers whether or not that person has applied for general assistance. The following are not eligible persons under this section:

A. A person who is ineligible to receive benefits under the Temporary Assistance for Needy Families program pursuant to § 3762, subsection 18.

B. A person who has been sanctioned under § 3763, subsection 1.

C. A person who is a fugitive from justice as that term is defined in Title 15, MRSA section 201, subsection 4.

Sec. OO-2. 22 MRSA §4309, sub-§3 as enacted by PL 1983, c. 577, §1 is amended to read:

3. Eligibility of members of person's household. Failure of an otherwise eligible person to comply with this chapter shall not affect the general assistance eligibility of any member of the person's household who is not capable of working, except as provided in subsection 3-A. For purposes of this section, household members who are not capable of working include ~~including~~ at least:

- A. A dependent minor child;
- B. An elderly, ill or disabled person; and
- C. A person whose presence is required in order to provide care for any child under the age of 6 years or for any ill or disabled member of the household.

Sec. OO-3. 22 MRSA §4309, sub-§3-A is enacted to read:

5. Ineligibility of members of person's household. Notwithstanding any provision of law to the contrary, a member of a household of a person that is ineligible to receive benefits under the Temporary Assistance for Needy Families program pursuant to § 3762, subsection 18 is ineligible to receive general assistance. Likewise, a member of a household of a person who has been sanctioned under § 3763, subsection 1 is ineligible to receive general assistance benefits.

Sec. OO-4. 22 MRSA §4309, sub-§4, as enacted by PL 1991, c. 591, Pt. SS, §3 is amended to read:

4. Eligibility of minors who are parents. ~~A~~ An otherwise eligible person under the age of 18 who has never married and who has a dependent child or is pregnant is eligible only if that person and child reside in a dwelling maintained by a parent or other adult relative as that parent's or relative's own home or in a foster home, maternity home or other adult-supervised supportive living arrangement unless:

- A. The person has no living parent or the whereabouts of both parents are unknown;
- B. No parent will permit the person to live in the parent's home;
- C. The department determines that the physical or emotional health or safety of the person or dependent child would be jeopardized if that person and dependent child lived with a parent;
- D. The individual has lived apart from both parents for a period of at least one year before the birth of any dependent child; or
- E. The department determines, in accordance with rules adopted pursuant to this section, which must be in accordance with federal regulations, that there is good cause to waive this requirement.

For the purposes of this subsection, "parent" includes legal guardian.

Sec. OO-5. 22 MRSA §4310, first ¶ as amended PL 1991, c. 9, Pt. U, §7 is further amended to read:

Whenever an eligible person becomes an applicant for general assistance and states to the administrator that the applicant is in an emergency situation and requires immediate assistance to meet basic necessities, the overseer shall, pending verification, issue to the applicant either personally or by mail, as soon as possible but in no event later than 24 hours after application, sufficient benefits to provide the basic necessities needed immediately by the applicant, provided that the following conditions are met.

Sec. OO-6. 22 MRSA §4311, sub-§1, as revised by PL 2003, c. 689, Pt. B, §6 is repealed and replaced with the following:

1. Departmental reimbursement. The department shall reimburse each municipality or Indian tribe for the costs of a portion of the direct costs of paying benefits through its general assistance program if the department finds that the municipality or Indian tribe was in compliance with all requirements of this chapter during the fiscal year for which reimbursement is sought. The amount of reimbursement must be an amount equal to:

A. For each municipality, 50% of all general assistance granted by that municipality in a State fiscal year;

B. For an Indian tribe, 10% of the amount, up to .0003 of that tribe's most recent State valuation, as determined by the State Tax Assessor in the statement filed as provided in Title 36, section 381, relative to the year for which reimbursement is being issued, of general assistance granted by that tribe in a State fiscal year and 100% of the amount, in excess of .0003 of that tribe's most recent State valuation relative to the year for which reimbursement is being issued, of general assistance granted by that tribe in a State fiscal year.

As used in this subsection, "Indian tribe" has the same meaning as in section 411, subsection 8-A

Sec. OO-7. 22 MRSA §4311, sub-§1-B, as amended by PL 1991, c. 9, Pt. U, §8 is repealed.

Sec. OO-8. 22 MRSA §4311, sub-§2, as amended by PL 1991, c. 9, Pt. U, §9 is further amended to read:

2. Submission of reports. Municipalities and Tribes shall submit monthly reports on forms provided by the department. reports as follows-

~~A. For purposes of this section, those municipalities that received reimbursement at 90% during the previous fiscal year of the State and those municipalities that expect to receive reimbursement at 90% during the current fiscal year of the State must submit monthly reports on forms provided by the department.~~

~~B. Those municipalities that did not receive reimbursement at 90% during the previous fiscal year and do not expect to receive reimbursement at 90% for the current fiscal year must submit quarterly or semiannual reports on forms provided by the department.~~

Sec. OO-9. 22 MRSA §4305, sub-§3-C is amended to read:

3-C. Maximum level of assistance from beginning July 1, 2012 to June 30, 2013.

Notwithstanding subsection 3-A or 3-B, ~~for the period from beginning July 1, 2012 to June 30, 2013,~~ the maximum level of assistance is 90% of the maximum level of assistance in effect on April 1, 2012.

Sec. OO-10. 22 MRSA §4308, sub-§1-A is amended to read:

1-A. Limit on housing assistance. Except as provided in subsections 1-B and 2, housing assistance provided pursuant to this chapter is limited to a maximum of 9 months during ~~the period from July 1, 2012 to June 30, 2013~~ a State fiscal year.

SUMMARY PART OO

This amendment makes the following changes to general assistance:

It removes the allowable cost limit of \$10 per night for temporary housing at a homeless shelter.

It makes an individual who is a fugitive from justice ineligible for General Assistance.

It changes the reimbursement amount for Indian Tribes from 90% of net general assistance costs in any fiscal year in excess of .0003 of that Tribe's most recent state valuation to 10% of the reimbursement amount, up to .0003 of that tribe's most recent State valuation and 100% of the amount in excess of .0003 of that tribe's most recent State valuation.

It establishes the maximum level of assistance as 90% of the maximum level of assistance in effect on April 1, 2012.

It limits housing assistance to 9 months in a fiscal year subject to certain exceptions.

Amend LD 1509 Part QQ as follows:

Current

Part QQ

Sec. QQ-1. 36 MRSA §2892, as amended by PL 2009, c. 571, Pt. AAA, §1, is further amended to read:

For state fiscal years beginning on or after July 1, 2013, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2011.

Proposed

Part QQ

Sec. QQ-1. 36 MRSA §2892, as amended by PL 2009, c. 571, Pt. AAA, §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, the hospital's taxable year is the hospital's fiscal year that ended during the calendar year that is two years prior to the calendar year in which the state fiscal year begins.

**SUMMARY
PART QQ**

This amendment establishes that for state fiscal years on or after July 1, 2013, the hospital's taxable year is its fiscal year that ended in the calendar year two years prior to the calendar year in which the state fiscal year begins.

Amend LD 1509 Part XX as follows:

Current

PART XX

Sec. XX-1. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account. On or before August 1, 2013, the State Controller shall transfer \$32,395 from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations – Inland Fisheries and Wildlife program, General Fund account for the purchase of one replacement aircraft engine. On or before August 1, 2014, the State Controller shall transfer \$32,395 from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations – Inland Fisheries and Wildlife program, General Fund account for the purchase of one replacement aircraft engine.

Revised

Sec. XX-1. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account. On or before August 1, 2013, the State Controller shall transfer \$33,000 from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations – Inland Fisheries and Wildlife program, General Fund account for the purchase of one replacement aircraft engine. On or before August 1, 2014, the State Controller shall transfer \$33,000 from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations – Inland Fisheries and Wildlife program, General Fund account for the purchase of one replacement aircraft engine.

SUMMARY

PART XX

This amendment increases the authorized transfer from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to purchase one replacement aircraft engine.

Amend LD 1509 Part AAA as follows:

Current

PART AAA

Sec. AAA-1. 12 MRSA §10206, sub-§3, C, as amended by PL 2009, c. 652, Pt. A, §15, is further amended to read:

C. All revenues collected under the provisions of this Part relating to watercraft, including chapter 935, including fines, fees and other available money deposited with the Treasurer of State, must be distributed as undedicated revenue to the General Fund and the Department of Marine Resources according to an ~~allocation~~ administrative rate that directly relates to the administrative costs of the Division of Licensing, and Registration ~~and Engineering~~, which shall be jointly agreed upon by the Commissioners of the Department of Inland Fisheries and Wildlife and the Department of Marine Resources bi- annually. ~~Eight dollars of each motorized watercraft registration is dedicated to the Department of Inland Fisheries and Wildlife and is not subject to the split with another agency as required under this paragraph.~~ The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those costs must be verified by the Department of Marine Resources and the Department of Administrative and Financial Services. The allocation rate must also allow for any necessary year-end reconciliation and accounting distribution. The allocation rate shall be 75% to the Department of Inland Fisheries and Wildlife and 25% to the Department of Marine Resources ~~must be jointly agreed to by the department and the Department of Marine Resources~~ and approved by the Department of Administrative and Financial Services, Bureau of the Budget.

Revised

PART AAA

Sec. AAA-1. 12 MRSA §10206, sub-§3, C, as amended by PL 2009, c. 652, Pt. A, §15, is further amended to read:

C. All revenues collected under the provisions of this Part relating to watercraft, including chapter 935, including fines, fees and other available money deposited with the Treasurer of State, must be distributed as undedicated revenue to the General Fund and the Department of Marine Resources according to an ~~allocation~~ administrative rate that directly relates to the administrative costs of the Division of Licensing, and Registration ~~and Engineering~~, which shall be jointly agreed upon by the Commissioners of the Department of Inland Fisheries and Wildlife and the Department of Marine Resources biennially. ~~Eight dollars of each motorized watercraft registration is dedicated to the Department of Inland Fisheries and Wildlife and is not subject to the split with another agency as required under~~

~~this paragraph.~~ The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those costs must be verified by the Department of Marine Resources and the Department of Administrative and Financial Services. The allocation rate must also allow for any necessary year-end reconciliation and accounting distribution. The allocation rate shall be 75% to the Department of Inland Fisheries and Wildlife and 25% to the Department of Marine Resources ~~must be jointly agreed to by the department and the Department of Marine Resources~~ and approved by the Department of Administrative and Financial Services, Bureau of the Budget.

SUMMARY
PART AAA

This Part changes bi-annually to biennially. This clarification provides that the Commissioners will agree on a rate every two years rather than twice a year.

PART KKK

Current

Sec. KKK-1. Transfer from Other Special Revenue Funds to unappropriated surplus of the General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$70,450,000 on June 30, 2014 from Other Special Revenue Funds to the unappropriated surplus of the General Fund. On July 1, 2014, the State Controller shall transfer \$70,450,000 from the General Fund unappropriated surplus to Other Special Revenue Funds as repayment. This transfer is considered an interfund advance.

Revised

Sec. KKK-1. Transfer from Other Special Revenue Funds to unappropriated surplus of the General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$79,258,794 on June 30, 2014 from Other Special Revenue Funds to the unappropriated surplus of the General Fund. On July 1, 2014, the State Controller shall transfer \$79,258,794 from the General Fund unappropriated surplus to Other Special Revenue Funds as repayment. This transfer is considered an interfund advance.

**SUMMARY
PART KKK**

This amendment increases the interfund advance from Other Special Revenue Funds to the General Fund unappropriated surplus by \$8,808,794 that is required for one day at the end of fiscal year 2014-15.

Amend LD 1509 by adding a new Part PPP

PART PPP

Sec. PPP-1. 20-A MRS §5806, sub-§2, as amended by PL 2009, c. 571, Pt. E, §8, is further amended to read:

2. Maximum allowable tuition. The maximum allowable tuition charged to a school administrative unit by a private school is the rate established under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower, plus an insured value factor. ~~For school year 2009-2010 only, the maximum allowable tuition rate, prior to the addition of the insured value factor, must be reduced by 2%; the insured value factor must be based on this reduced rate. The~~ Until school year 2013-2014, the insured value factor is computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. For the 2008-2009 school year only, a school administrative unit is not required to pay an insured value factor greater than 5% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student. Beginning in Until school year 2009-2010 2013-2014, a school administrative unit is not required to pay an insured value factor greater than 5% of the school's tuition rate or \$500 per student, whichever is less, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student. Beginning in school year 2013-2014, the insured value factor is computed by multiplying the school's tuition rate per student by dividing 10%. Beginning in school year 2013-2014, a school administrative unit is not required to pay an insured value factor greater than 10% of the school's tuition rate per student.

Sec. PPP-2. 20-A MRS §15683-A, as amended by PL 2011, c. 655, Pt. C, §7, is further amended to read:

§15683-A. Total debt service allocation

For each school administrative unit, that unit's total debt service allocation is that unit's debt service costs as defined in section 15672, subsection 2-A. Each school administrative unit's total debt service allocation must include the portion of the tuition cost applicable to the insured value factor for the base year computed under section 5806 limited to an insured value factor no greater than 5% for each eligible student. Beginning in school year 2015-2016, each school administrative unit's total debt service allocation must include the portion of the tuition cost applicable to the insured value factor for the base year computed under section 5806 limited to an insured value factor no greater than 10% for each eligible student.

SUMMARY PART PPP

This Part changes the method used to compute the insured value factor and increases the insured value factor percentage from a maximum of 5% of a school's tuition rate or \$500 per student, whichever is less, to 10% of a school's tuition rate. The purpose of the insured value factor is for capital commitment for publicly funded students attending private schools.

Amend LD 1509 by adding the following new Part QQQ

PART QQQ

Sec. QQQ-1. 27 MRSA, §85-A, sub§3-A is enacted to read:

3-A. Certain personal history information. In order to protect the privacy of Malaga Island residents and their descendants, records containing personally identifiable information about those residents and descendants are not public records for purposes of Title 1, chapter 13, subchapter 1 if the records were created or collected by the Maine State Museum and relate to the personal and family history of those residents or descendants.

Notwithstanding this subsection, the Museum shall disclose a record at the request of, or with the permission of, the person identified in the record or the person's descendant.

**SUMMARY
PART QQQ**

In order to prepare its exhibit on the history of Malaga Island, the Maine State Museum collected information on family histories of the Island residents and their descendants. This Part protects the privacy of those individuals by ensuring that the information is not a public record.

Amend LD 1509 by adding the following new Part RRR

PART RRR

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Provides funding in the Medical Care – Payments to Providers program necessary to make cycle payments for the remainder of fiscal year 2012-13

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$33,300,776	\$0	\$0
	<hr/>	<hr/>	<hr/>
GENERAL FUND TOTAL	\$33,300,776	\$0	\$0
FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
All Other	\$55,667,366	\$0	\$0
	<hr/>	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	\$55,667,366	\$0	\$0

Initiative: Provides funding to support MaineCare costs not funded in fiscal year 2012-13 based on an adjustment made in Public Law 2013, Chapter 1.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$1,986,200	\$0	\$0
	<hr/>	<hr/>	<hr/>
GENERAL FUND TOTAL	\$1,986,200	\$0	\$0

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

Maine Commission on Indigent Legal Services Z112

Initiative: Provides funding for increased counsel and non-counsel for indigent legal services.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$1,000,000	\$0	\$0
GENERAL FUND TOTAL	<u>\$1,000,000</u>	<u>\$0</u>	<u>\$0</u>

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

TREASURER OF STATE, OFFICE OF

Debt Service - Treasury 0021

Initiative: Reduces funding for debt service.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$250,000)	\$0	\$0
GENERAL FUND TOTAL	(\$250,000)	\$0	\$0

SECTION TOTALS	2012-13	2013-14	2014-15
GENERAL FUND	\$36,036,976	\$0	\$0
FEDERAL EXPENDITURES FUND	\$55,667,366	\$0	\$0
SECTION TOTAL - ALL FUNDS	\$91,704,342	\$0	\$0

**SUMMARY
PART RRR**

This Part makes adjustments to appropriations and allocations for funds in the fiscal year ending June 30, 2013.

Amend LD 1509 by adding a new Part SSS

Part SSS

Sec. SSS-1. Transfer of funds. Notwithstanding any other provision of law, the Department of Health and Human Services is authorized to transfer available balances of Personal Services appropriations, after all salary, benefit and other obligations are met in the Developmental Services – Community program account, to the Crisis Outreach Program account by financial order upon the recommendation of the State Budget Officer and approval of the Governor.

**SUMMARY
PART SSS**

This Part authorizes the transfer of available Personal Services appropriations from the Developmental Services – Community program account to the Crisis Outreach Program account.

Part TTT

Sec. TTT -1. Rename Bureau of Medical Services program. Notwithstanding any other provision of law, the Bureau of Medical Services program within the Department of Health and Human Services is renamed the Office of MaineCare Services program.

Sec. TTT-2. Rename Office of Elder Services Central Office program. Notwithstanding any other provision of law, the Office of Elder Services Central Office program within the Department of Health and Human Services is renamed the Office of Aging and Disability Services Central Office program.

Sec. TTT-3. Rename Office of Management and Budget programs. Notwithstanding any other provision of law, any Office of Management and Budget programs within the Department of Health and Human Services are renamed the Office of the Commissioner programs.

Sec. TTT-4. Rename Health - Bureau of program. Notwithstanding any other provision of law, the Health – Bureau of program within the Department of Health and Human Services is renamed the Maine Center for Disease Control and Prevention program.

Sec. TTT-5. Rename OMB Division of Regional Business Operations program. Notwithstanding any other provision of law, the OMB Division of Regional Business Operations program within the Department of Health and Human Services is renamed the Office of the Commissioner District Operations program.

Sec. TTT-6. Rename Bureau of Child and Family Services – Central program. Notwithstanding any other provision of law, the Bureau of Child and Family Services – Central program within the Department of Health and Human Services is renamed the Office of Child and Family Services – Central program.

Sec. TTT-7. Rename Long Term Care – Human Services program. Notwithstanding any other provision of law, the Long Term Care – Human Services program within the Department of Health and Human Services is renamed the Long Term Care – Office of Aging and Disability Services program.

Sec. TTT-8. Rename Bureau of Child and Family Services – Regional program. Notwithstanding any other provision of law, the Bureau of Child and Family Services – Regional program within the Department of Health and Human Services is renamed the Office of Child and Family Services – District program.

Sec. TTT-9. Rename Bureau of Family Independence – Regional program. Notwithstanding any other provision of law, the Bureau of Family Independence – Regional program within the Department of Health and Human Services is renamed the Office for Family Independence – District program.

Sec. TTT-10. Rename Division of Purchased Services program. Notwithstanding any other provision of law, the Division of Purchased Services program within the Department of Health and Human Services is renamed Division of Contract Management program.

Sec. TTT-11. Rename Division of Data, Research and Vital Statistics program. Notwithstanding any other provision of law, the Division of Data, Research and Vital Statistics program within the Department of Health and Human Services is renamed Data, Research and Vital Statistics program.

Sec. TTT-12. Rename Office of Elder Services Adult Protective Services program. Notwithstanding any other provision of law, the Office of Elder Services Adult Protective Services program within the Department of Health and Human Services is renamed Office of Aging and Disability Services Adult Protective Services program.

Sec. TTT-13. Rename Office of Substance Abuse program. Notwithstanding any other provision of law, the Office of Substance Abuse program within the Department of Health and Human Services is renamed Office of Substance Abuse and Mental Health Services program.

Sec. TTT-14. Rename Driver Education & Evaluation Program – Substance Abuse program. Notwithstanding any other provision of law, the Driver Education & Evaluation Program - Substance Abuse program within the Department of Health and Human Services is renamed Driver Education & Evaluation Program - Office of Substance Abuse and Mental Health Services program.

Sec. TTT-15. Rename Office of Substance Abuse – Medicaid Seed program. Notwithstanding any other provision of law, the Office of Substance Abuse – Medicaid Seed program within the Department of Health and Human Services is renamed Office of Substance Abuse and Mental Health Services – Medicaid Seed program.

Sec. TTT-16. Rename Regional Operations program. Notwithstanding any other provision of law, the Regional Operations program within the Department of Health and Human Services is renamed District Operations program.

SUMMARY PART TTT

This Part renames several programs within the Department of Health and Human Services as follows: the Bureau of Medical Services program is renamed the Office of MaineCare Services program; the Office of Elder Services Central Office program is renamed the Office of Aging and Disability Services Central Office program; the Office of Management and Budget programs are renamed the Office of the Commissioner programs; the Health – Bureau of program is renamed the Maine Center for Disease Control and Prevention program; the OMB Division of Regional Business Operations program is renamed the Office of the Commissioner District Operations program; the Bureau of Child and Family Services – Central program is renamed the Office of Child and Family Services – Central program; the Long Term Care – Human Services program is renamed the Long Term Care – Office of Aging and Disability Services program; the Bureau of Child and Family Services – Regional program is renamed the Office of Child and Family Services – District program; the Bureau of Family Independence – Regional program is renamed the Office for Family Independence – District program; the Division of Purchased Services program is renamed the Division of Contract Management program; the Division of Data, Research and Vital Statistics program is renamed the Data, Research and Vital Statistics program; the Office of Elder Services Adult Protective Services program is renamed the Office of Aging and Disability Services Adult Protective Services program; the Office of Substance Abuse program is renamed the Office of Substance Abuse and Mental Health Services program; the Driver Education & Evaluation Program - Substance Abuse program is renamed the Driver Education & Evaluation Program - Office of Substance Abuse and Mental Health Services program; the Office of Substance Abuse – Medicaid Seed program is renamed the Office of Substance Abuse and Mental Health Services – Medicaid Seed program; and the Regional Operations program is renamed the District Operations program.

Amend LD 1509 by adding a new Part UUU

Part UUU

Sec. UUU-1. 22 MRSA, §3762, sub-§3-B, as amended by PL 2011, c. 380, Pt. KK §4, is further amended to read:

(6) To provide a special housing allowance for TANF families whose shelter expenses for rent, mortgage or similar payments, homeowners insurance and property taxes equal or exceed 75% of their monthly income. The special housing allowance is limited to \$100 per month for each family. Effective October 1, 2013, the special housing allowance is limited to \$200 per month for each family. For purposes of this subparagraph, "monthly income" means the total of the TANF monthly benefit and all income countable under the TANF program, plus child support received by the family, excluding the \$50 pass-through payment;

**SUMMARY
PART UUU**

This Part increases the limit for special housing allowance for TANF families from \$100 monthly to \$200 monthly for qualified households.

Amend LD 1509 by adding a new Part VVV

PART VVV

Sec. VVV-1. PL 2007, c. 240, Pt. X, §2, as amended by PL 2011, c. 380, Pt. VV, §2, is further amended to read:

Sec. VVV-2. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, until June 30, 2015, available balances of appropriations in MaineCare General Fund accounts may be transferred between accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor.

**SUMMARY
PART VVV**

This Part allows the transfer of balances between MaineCare accounts in order to process MaineCare payments.

Part WWW

Sec WWW-1. Department of Health and Human Services; transfer of funds for MaineCare payments authorized. Notwithstanding any provisions of law, for the fiscal years of the 2013-14 and 2014-15 only, available balances of appropriations, including available balances of Personal Services appropriations from any account within the Department of Health and Human Services, may be transferred between MaineCare, MaineCare related and non-MaineCare-related accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations. It is the intent of the Legislature that the Department of Health and Human Services makes every effort to make these transfers to fully fund MaineCare cycle payments. These transfers are effective upon approval of the Governor. The Department shall provide regular updates to the Joint Standing Committee on Appropriations and Financial Affairs on its progress toward the goal of fully funding such weekly cycle payments.

Sec. WWW-2. Transfer of Personal Services balances to All Other; state psychiatric centers. Notwithstanding any other provisions of law, for fiscal years 2013-14 and 2014-15 only, the Department of Health and Human Services is authorized to transfer available balances of Personal Services appropriations in the Disproportionate Share- Dorothea Dix Psychiatric Center program, the Disproportionate Share- Riverview Psychiatric Center program and the Riverview Psychiatric Center program after all salary, benefit and other obligations are met to the All Other line category of those programs in order to provide funding for an electronic medical records system. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. Transfers pursuant to this section are not considered adjustments to appropriations.

**SUMMARY
PART WWW**

This Part does the following:

It authorizes the transfer by financial order of any available appropriations, including those in Personal Services, to MaineCare in order to fully fund weekly cycle payments.

It authorizes the transfer by financial order available Personal Services balances in the Disproportionate Share- Dorothea Dix Psychiatric Center program, the Disproportionate Share- Riverview Psychiatric Center program and the Riverview Psychiatric Center program in order to provide funds for an electronic medical record system.

PART XXX

Sec. XXX-1. Transfer of funds; food, heating and utility expenses. Department of Corrections. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provisions of law, the Department of Corrections, upon recommendation of the State Budget Officer and approval of the Governor, is authorized to transfer, by financial order, All Other funding between accounts within the same fund for the purposes of paying food, heating and utility expenses in fiscal years 2013-14 and 2014-15.

**SUMMARY
PART XXX**

This Part authorizes the Department of Corrections, to transfer All Other funds by financial order between accounts within the same fund for the purpose of paying food, heating and utility expenses.

Amend LD 1509 by adding a new Part YYY

PART YYY

Sec. YYY-1. Transfers and adjustments to position count. The Commissioner of Corrections shall review the current organizational structure to improve organizational efficiency and cost-effectiveness. Notwithstanding any other provision of law, the State Budget Officer shall transfer the position counts and available balances by financial order in order to achieve the purposes of this section through December 1 of each fiscal year of the 2014-15 biennium. Position adjustments made after December 1 of each fiscal year must be non-count or non-appropriation adjustments. In accordance with the requirements of the Maine Revised Statutes, Title 5, section 1585, a financial order describing such a transfer must be submitted by the Department of Administrative and Financial Services, Bureau of the Budget to the Office of Fiscal and Program Review 30 days before a transfer is to be implemented. In case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Any transfer or adjustment pursuant to this section that would result in a program or mission change or facility closure must be reported to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters for review before the associated financial order is submitted to the Governor for approval. These transfers are considered adjustments to authorized position count, appropriations and allocations.

**SUMMARY
PART YYY**

This Part requires the Commissioner of Corrections to review the current organizational structure to improve organizational efficiency and authorizes the State Budget Officer to transfer positions and available balances by financial order. The ability to make these transfers is limited to the period July 1 through December 1 of each fiscal year. Any transfers resulting in a mission change or facility closure must have legislative review.

PART ZZZ

Sec. ZZZ-1. Transfer; unexpended funds; Downeast Correctional Facility Industries account. Notwithstanding any other provision of law, the State Controller shall transfer \$1,500 from the Downeast Correctional Facility program, Other Special Revenue Funds Industries account in the Department of Corrections to the Downeast Correctional Facility program, Other Special Revenue Funds account in the Department of Corrections at the close of fiscal year 2012-13. The State Controller shall transfer any remaining balance in excess of \$1,500 in the Downeast Correctional Facility program, Other Special Revenue Funds Industries account to the Corrections Industries program, Prison Industries Fund in the Department of Corrections.

Sec. ZZZ-2. Transfer; unexpended funds; Charleston Correctional Facility Industries account. Notwithstanding any other provision of law, the State Controller shall transfer the unexpended balance from the Charleston Correctional Facility program, Other Special Revenue Funds account in the Department of Corrections to the Corrections Industries program, Prison Industries Fund in the Department of Corrections at the close of fiscal year 2012-13.

Sec. ZZZ-3. Transfer; unexpended funds; Prison Industries account. Notwithstanding any other provision of law, the State Controller shall transfer the unexpended balance from the State Prison program, Prison Industry Fund account in the Department of Corrections to the Corrections Industries program, Prison Industries Fund in the Department of Corrections at the close of fiscal year 2012-13.

Sec. ZZZ-4. Transfer; unexpended funds; Maine Correctional Center account. Notwithstanding any other provision of law, the State Controller shall transfer any remaining balance over \$335,755 from the Maine Correctional Center program, Other Special Revenue Funds account in the Department of Corrections to the Corrections Industries program, Prison Industries Fund in the Department of Corrections at the close of fiscal year 2012-13.

Sec. ZZZ-5. 34-A MRSA §1403, sub-§9-D, as amended by PL 1989, c. 127, §4 is further amended to read:

All revenues from direct sales of goods and services produced by prisoners at correctional facilities and all amounts received from a private sector industry participating with the Department of Corrections in an industries program certified by the United States Department of Justice under the United States Code, Title 18, Section 1761, in consideration of lease of industry space, provision of utilities, trash removal and other services provided to the private industry which are related to the use of industry space at correctional facilities shall be deposited into the ~~department Industries Accounts~~ department's Industries enterprise account, which shall not lapse. All revenues generated from career and technical training programs shall be deposited into Other Special Revenue Funds accounts, which shall not lapse.

Sec. ZZZ-6. 34-A MRSA §1403, sub-§9-E, as amended by PL 2001, c. 439, Pt. G and revised by PL 2003, c. 545, §6 is amended to read:

Funds from these industries accounts deposited into the department's Industries enterprise account may be used to pay for materials, supplies, equipment, salaries and other costs of establishing and operating career and technical training, work and industrial programs. For industries programs certified by the United States Department of Justice under the United States Code, Title 18, Section 1761, mandatory contributions for crime victim services must be made from these industries accounts the department's Industries enterprise account and transferred to the control of the Office of Victim Services, as established in section 1214. Funds deposited into the department's Other Special Revenue Funds accounts may be used to pay for materials, supplies, equipment, salaries and other costs of establishing and operating career and technical training.

SUMMARY PART ZZZ

This Part segregates funding for vocational and industry programs and transfer the ending balances of the current Enterprise Funds account and portions of Other Special Revenue Funds accounts to a new Enterprise Funds account. In addition, a portion of the current Downeast Correctional Facility Other Special Revenue Funds is authorized to be transferred to a new Downeast Correctional Facility Other Special Revenue Funds account to fund vocational programs. This Part authorizes revenues from all correctional industry programs to be deposited into the new Corrections Industries program accounts and revenues from the vocational training programs to be deposited into each facility's Other Special Revenue Funds accounts. Revenue generated by vocational training programs is directed to be used to support the costs of the vocational training programs

Amend LD 1509 by adding a new Part AAAA

PART AAAA

Sec. AAAA-1. 1 MRSA §402, sub-§2, ¶E, is repealed

Sec. AAAA-2. 20-A MRSA §852, sub-§3, as amended by PL 2009, c.62, §1, is further amended to read:

3. Transfer of assets and liabilities. The University of Maine System's ~~may~~ transfer ~~any~~ of assets and liabilities acquired pursuant to this section in 1992 in order to unify operation in a nonprofit, nonstock private corporation, referred to in this section as "the corporation;" is hereby ratified and confirmed. The University of Maine System retains a reversionary interest in the university's assets as provided for in the articles of incorporation of that corporation. The State's obligation to provide ~~A~~an annual appropriation for operating, constructing, equipping, maintaining, improving and replacing facilities of the corporation must no longer be made in amounts sufficient to ensure delivery of broadcast sources throughout the State. This change shall become effective on the effective date of the 2014-2015 biennial budget at which time funding by the State will undergo a multi-year controlled reduction with discrete "fee for service" offerings making up the major portion of the appropriation over time. Maine Public Broadcasting Corporation shall continue as a freestanding nonprofit private corporation organized and existing under the Maine Nonprofit Corporation Act.

Sec. AAAA-3. 20-A MRSA §852, sub-5 and sub6, are repealed.

Sec. AAAA-4. PL 1991, c. 848, § 3, 2nd ¶, as amended by PL 1997, c. 599, § 1 is repealed.

Sec. AAAA-5. PL 1991, c. 848, § 1, 4, 5, 6, 7 and 8, are repealed.

SUMMARY AAAA

This amendment makes certain changes to the public broadcasting statute such that, after adoption, Maine Public Broadcasting Corporation (MPBC) will continue as a private, freestanding non-profit corporation, to which the State of Maine will make reduced appropriations over time

Amend LD 1509 by adding a new Part BBBB

Part BBBB

Sec. BBBB-1. PL 2013, c. 1, Part CC, §1 is amended to read:

Sec. CC-1. Maine Commission on Indigent Legal Services; funds available in fiscal year 2012-13; transfers authorized. Notwithstanding any other provision of law, for the fiscal year ending June 30, 2013, the Governor may, upon consultation with the State Budget Officer, access any funds available to the State to pay amounts owed by the Maine Commission on Indigent Legal Services as established by the Maine Revised Statutes, Title 4, chapter 37. The Governor shall identify by financial order the account, fund or other source from which the transfer to the Maine Commission on Indigent Legal Services is made. Funds accessed for this purpose may not exceed \$1,000,000~~2,000,000~~.

**SUMMARY
PART BBBB**

This Part amends the amount authorized to transfer by financial order to the Maine Commission on Indigent Legal Services from \$2,000,000 to \$1,000,000.

Amend LD 1509 by adding a new Part CCCC

PART CCCC

Sec. CCCC-1. 22 MRSA §3291, sub-§1, as enacted by PL 1989, c.175, §4 and amended by PL 1989, c. 400, §5 is amended to read:

1. BureauOffice. "BureauOffice" means the BureauOffice of Child and Family Services with respect to chapters 958-A and 1071, and the BureauOffice of Child and Family Services or the Bureau of Medical Services with respect to section 7703 and the Bureau of Medical Services with respect to section 1828

Sec. CCCC-2. 22 MRSA §3291, sub-§4, as enacted by PL 1989, c. 400, §5 is amended to read:

4. Director. "Director" means the Director of the BureauOffice of Child and Family Services with respect to confidential information derived from chapters 958-A and 1071, and the Director of the Bureau of Medical Services or the Director of the BureauOffice of Child and Family Services with respect to confidential information derived from section 7703 and the Director of the Bureau of Medical Services with respect to confidential information derived from section 1828.

Sec. CCCC-3. 22 MRSA §4088, sub-§1, ¶A, as enacted by PL 1989, c. 400, §9 and amended in by PL2003, c. 689, Pt. B, §6 is repealed.

Sec. CCCC-4. 22 MRSA §4093, 3rd ¶, as amended by PL 2001, c. 345, §6 is amended to read:

The family support team shall provide a multidisciplinary approach for suspected child abuse cases that are initially identified in hospital emergency rooms, inpatient pediatric departments and ambulatory clinics. The child protective staff of the BureauOffice of Child and Family Services shall participate on the teams. The team shall report immediately to the department as required in section 4011-A.

Sec. CCCC -5. 22 MRSA §5304, ¶2, as amended by PL 1991, c. 824, Pt. A, §47 and revised by PL 2003, c. 689, Pt. B, §6 is amended to read:

2. BureauOffice. "BureauOffice" means the BureauOffice of Child and Family Services, Department of Health and Human Services.

Sec. CCCC -6. 22 MRSA §5308 as amended by PL1991, c. 824, Pt. A, §48 and revised by PL 2003, c. 689, Pt. B, §6 is amended to read:

There is within the Department of Health and Human Services the BureauOffice of Child and Family Services. The bureauoffice must be a separate, distinct administrative unit, which may not be integrated in any way as a part or function of any other administrative unit of the department. The bureauoffice is equal in organizational level and status with other major organizational units within the department or its successors. The bureauoffice is under the immediate and full supervision of the commissioner or the chief officer of whatsoever unit succeeds the department.

It is the intent of this Part that the bureau-office shall function as a central office administrative unit of the department with the advice of the council and that the powers, duties, authority and responsibility of the bureau-office may not be delegated, decentralized or assigned to regional, local

or other units of the department, except as provided in this section, section 6108 and Title 5, section 464. Regarding any portion of this Part and Part 2 that relate to provision of services directly to eligible people through staff employed subject to the Civil Service Law by the department or other organizational units of State Government, the ~~bureau-office~~ may carry out its powers and duties through regional or other administrative units of the department or State Government.

Regarding any portion of this Part and Part 2 that relate to development, execution and monitoring of agreements, the ~~bureau-office~~ shall carry out its powers and duties directly with public or private, nonprofit agencies without acting through other administrative units of the department as intermediaries, except as provided in section 6108. Functions relating to agreements do not require the approval of any other unit of the department, except as the ~~bureau-office~~ is responsible and accountable to the commissioner and except as the ~~bureau-office~~ shall function with the advice of the council pursuant to Title, 5, section 464 and with the consent of the Maine Committee on Aging pursuant to section 5112, subsection 3 and except as provided by section 6108.

The ~~bureau-office~~ is the sole agency of State Government responsible for administration of this Part and Part 2 subject to the direction of the commissioner. The ~~bureau office~~ shall fully coordinate with appropriate state agencies and fully utilize existing support services.

Sec. CCCC -7. Contingent revision clause. Wherever in the Maine Revised Statutes, Title 22, the words "Bureau of Child and Family Services" appear or reference is made to that bureau within the Department of Health and Human Services, they are amended to read or mean, as appropriate, "Office of Child and Family Services". The Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

SUMMARY PART CCCC

This Part renames the Bureau of Child and Family Services to the Office of Child and Family Services within the Department of Health and Human Services and revises any statutes that contain references to Bureau of Child and Family Services

Amend LD 1509 by adding a new Part DDDD

PART DDDD

Sec. DDDD-1. Transfers; unexpended funds; Maine Community Policing Institute Surcharge Fund; Other Special Revenue Funds balances. Notwithstanding any other provision of law, the State Controller shall transfer the remaining balance of \$76,326.56, no later than June 30, 2014, from the Maine Community Policing Institute Surcharge Fund, Other Special Revenue Funds account in the Board of Trustees of the University of Maine System to the General Fund unappropriated surplus.

**SUMMARY
PART DDDD**

This Part requires the State Controller to transfer the remaining balance of \$76,326.56 from Maine Community Policing Institute Surcharge Fund, Other Special Revenue Funds account within the Board of Trustees of the University of Maine System to the unappropriated surplus of the General Fund by the close of fiscal year 2013-14.

Amend LD 1509 by adding a new Part EEEE

PART EEEE

Sec. EEEE-1. Lewiston-Auburn College Teacher Education Program. Notwithstanding Public Law 2001, chapter 439, Part. P, § 1, the University of Maine System is authorized to expand the Lewiston-Auburn College Teacher Education Endowment to include students working in grades K-12, as well as programs in Early Childhood Studies. Proceeds from the endowment may be used for internships or scholarships.

SUMMARY PART EEEE

This Part clarifies that student teachers receiving financial assistance from the Lewiston-Auburn College Teacher Education Endowment includes those students working in grades K-12, as well as in programs in Early Childhood Studies. When the endowment was originally created, the language was drafted to cover only elementary and middle school programs because those were the only programs at Lewiston-Auburn College in 2001.

Amend LD 1509 by adding a new Part FFFF

PART FFFF

Sec. FFFF-1. Bureau of Revenue Services Fund; transfer to General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$250,000 no later than June 30, 2015 from the Bureau of Revenue Services Fund program, Internal Service Fund account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus.

SUMMARY

PART FFFF

This Part requires the State Controller to transfer \$250,000 from the Bureau of Revenue Services Fund program, Internal Service Fund in the Department of Administrative and Financial Services to the General Fund unappropriated surplus in fiscal year 2014-15.

Amend LD 1509 by adding a new Part GGGG

PART GGGG

Sec. GGGG-1. Elderly Tax Deferral; transfer to General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$100,000 no later than June 30, 2015 from the Elderly Tax Deferral Program, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus.

SUMMARY

PART GGGG

This Part requires the State Controller to transfer \$100,000 from the Elderly Tax Deferral Program, Other Special Revenue Funds account to the General Fund unappropriated surplus no later than June 30, 2015.

PART HHHH

Sec. HHHH-1. Bureau of Revenue Services Fund; transfer to General Fund.
Notwithstanding any other provision of law, the State Controller shall transfer \$200,000 no later than June 30, 2013 from the Bureau of Revenue Services Fund program, Internal Service Fund account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus.

**SUMMARY
PART HHHH**

This Part requires the State Controller to transfer \$200,000 from the Bureau of Revenue Services Fund program, Internal Service Fund account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus in fiscal year 2012-13.

Amend LD 1509 by adding a new Part III

PART III

Sec. III-1. Elderly Tax Deferral; transfer to General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$185,000 no later than June 30, 2013 from the Elderly Tax Deferral Program, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus.

**SUMMARY
PART III**

This Part requires the State Controller to transfer \$185,000 from the Elderly Tax Deferral Program, Other Special Revenue Funds account to the General Fund unappropriated surplus on June 30, 2013.

Amend LD 1509 by adding a new Part JJJJ

PART JJJJ

Sec. JJJJ-1. 5 MRSA §12004-G, sub-§10-D, as amended by PL 2011, c. 570, §1 is further amended to read:

10-D.

Education	Maine Charter School Commission	<u>Legislative Per Diem and Expenses Only</u>	20-A MRSA §2405, sub-§8
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Sec. JJJJ-2. 20-A MRSA §2405, sub-§8, ¶A-4, as amended by PL 2011, c. 570, §7 is further amended to read:

(4) A commission member may receive Legislative Per Diem and~~not receive compensation, but may~~ be reimbursed for expenses.

**SUMMARY
PART JJJJ**

This Part allows the members of the State Charter School Commission to receive per diem payments in addition to being reimbursed for expenses.

Amend LD 1509 by adding a new Part KKKK

Part KKKK

Sec. KKKK-1. Department of Administrative and Financial Services: lease-purchase authorization. Pursuant to Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services may enter into financing arrangements on or after July 1, 2013 for information technology projects. Total financing may not exceed \$7,500,000 in principal costs, and a financing arrangement may not exceed 7 years in duration. The interest rate may not exceed 5%. The annual principal and interest costs must be paid from the Information Services program, General Fund account in the Department of Administrative and Financial Services.

**SUMMARY
PART KKKK**

This Part provides the Department of Administrative and Financial Services to enter into financing arrangements for various projects for amounts not to exceed \$7,500,000 in principal costs and not to exceed 7 years in duration.

Amend LD 1509 by adding a new Part LLLL

Part LLLL

Sec. LLLL-1. 12 MRSA §1835, sub-§4, as enacted by PL 1997, c. 678, §13, is amended to read:

4. Legislative approval of budget. ~~Expenditures from the Nonreserved Public Lands Management Fund are subject to legislative approval in the same manner as appropriations from the General Fund. Money may not be expended without allocation by the Legislature.~~ The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs must approve the allocation.

Sec. LLLL-2. 12 MRSA §1849, sub-§3, as enacted by PL 1997, c. 678, §13, is amended to read:

3. Expenditures from fund. ~~Expenditures from the Public Reserved Lands Management Fund are subject to legislative approval in the same manner as appropriations from the General Fund. Money may not be expended without allocation by the Legislature.~~ The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs must approve the allocations.

SUMMARY PART LLLL

This Part removes the requirement that expenditures from the Nonreserved Public Lands Management Fund and the Public Reserved Lands Management Fund, Department of Agriculture, Forestry and Conservation be subject to legislative approval in the same manner as General Fund appropriations.

Amend LD 1509 by adding a new Part MMMM

Part MMMM

Sec. MMMM-1. 12 MRSA §10259, sub-§3, as amended by PL 2011, c.657, Pt. W, §§5, 7, is further amended to read:

3. Budget. ~~The expenditures from the fund are subject to legislative approval in the same manner as the General Fund budgets of the department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands are approved. The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs must approve the allocations.~~

**SUMMARY
PART MMMM**

This Part removes the requirement that expenditures from the Whitewater Rafting Fund in the Department of Inland Fisheries and Wildlife be subject to legislative approval in the same manner as General Fund appropriations.

Amend LD 1509 by adding a new Part NNNN

Part NNNN

Sec. NNNN 12 MRSA §6036, sub-§3, as enacted by PL 2003, c.520, §2, is amended to read:

3. Allocations from fund. ~~Expenditures from the fund are subject to legislative approval in the same manner as appropriations from the General Fund.~~ The joint standing committee of the Legislature having jurisdiction over appropriations must approve the allocations.

**SUMMARY
PART NNNN**

This Part removes the requirement that expenditures from the Marine Fisheries Research and Development Fund, Department of Marine Resources be subject to legislative approval in the same manner as General Fund appropriations.

Amend LD 1509 by adding a new Part OOOO

Sec. OOOO-1. 36 MRSA §2551, sub-§1-H is enacted to read:

1-H. Group residential service for persons with brain injuries “Group residential service for persons with brain injuries” means services provided to adults with acquired brain injuries, including direct assistance with eating, bathing, dressing, personal hygiene and other activities of daily living provided by designated agencies under a contract with the Department of Health and Human Services.

Sec. OOOO-2. 36 MRSA §2552, sub-§1(M) is enacted to read:

M. Group residential services for persons with brain injuries.

**SUMMARY
PART OOOO**

This Part extends the service provider tax to group residential services for people with brain injuries.

Amend LD 1509 by adding a new Part PPPP

PART PPPP

Sec. PPPP-1. Revenue Services – Bureau of; transfer to General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$1,200,000 on June 30, 2013 from the Revenue Services – Bureau of program, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus.

Sec. PPPP-2. Revenue Services – Bureau of; transfer to General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$500,000 no later than June 30, 2014 from the Revenue Services – Bureau of program, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus.

Sec. PPPP-3. Revenue Services – Bureau of; transfer to General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$1,300,000 no later than June 30, 2015 from the Revenue Services – Bureau of program, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus.

**SUMMARY
PART PPPP**

This Part requires the State Controller to transfer \$1,200,000 from the Revenue Services – Bureau of program, Other Special Revenue Funds account to the General Fund unappropriated surplus on June 30, 2013, \$500,000 no later than June 30, 2014 and \$1,300,000 no later than June 30, 2015.

Amend LD 1509 by adding a new Part QQQQ

PART QQQQ

Sec. QQQQ-1. Working capital advance to Department of Defense, Veterans and Emergency Management. The State Controller is authorized to advance up to \$350,000 from the General Fund unappropriated surplus to the Administration – Maine Emergency Management Agency program within the Federal Expenditures Fund during fiscal year 2013-14 to be used to provide cash necessary to meet current expenditures of the program until federal funds become available in the same fiscal year. The State Controller shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs within 30 days of making any working capital advance for this purpose.

Funds advanced from the General Fund to the Administration - Maine Emergency Management Agency program must be returned to the General Fund unappropriated surplus not later than December 31, 2013.

**SUMMARY
PART QQQQ**

This Part provides temporary funding for the Administration – Maine Emergency Management Agency Program within the Department of Defense, Veterans and Emergency Management until federal funding becomes available.

Amend LD 1509 by adding a new Part RRRR

PART RRRR

Sec. RRRR-1. PL 2013, c. 1 Pt. F, §1, is amended to read:

Transfer to General Fund unappropriated surplus; K-12 Essential Programs and Services, Other Special Revenue Funds account. Notwithstanding any other provisions of law, the State Controller shall transfer \$~~14,096,679~~15,162,353 from the K-12 Essential Programs and Services, Other Special Revenue Funds account in the Department of Education to General Fund unappropriated surplus no later than June 30, 2013.

Sec. RRRR-2. Transfer to General Fund unappropriated surplus; K-12 Essential Programs and Services Other Special Revenue Funds account. Notwithstanding any other provisions of law, the State Controller shall transfer \$648,147 from the K-12 Essential Programs and Services Other Special Revenue Funds account to General Fund unappropriated surplus no later than June 30, 2014.

Sec. RRRR-2. Transfer to General Fund unappropriated surplus; K-12 Essential Programs and Services Other Special Revenue Funds account. Notwithstanding any other provisions of law, the State Controller shall transfer \$654,629 from the K-12 Essential Programs and Services Other Special Revenue Funds account to General Fund unappropriated surplus no later than June 30, 2015.

**SUMMARY
PART RRRR**

This Part amends language in PL 2013, c. 1 to increase the amounts transferred from the K-12 Essential Programs and Services Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2013 by \$1,065,674. This Part also requires the State Controller to transfer \$648,147 from the K-12 Essential Programs and Services Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2014 and \$654,629 no later than June 30, 2015.

Amend LD 1509 by adding a new Part SSSS

Part SSSS

Sec. SSSS-1. 10 MRSA §1023-K, as affected by PL 1997, c. 500, §5 and amended by c. 655, Pt. MM is repealed.

Sec. SSSS-2. Transfer of funds; unexpended funds; Clean Fuel Vehicle Fund account. Notwithstanding any other provision of the law, the State Controller shall transfer \$65 in unexpended funds from the Clean Fuel Vehicle Fund, Other Special Revenue Fund account in the Finance Authority of Maine to the General Fund unappropriated surplus at the close of fiscal year 2013-14.

Sec. SSSS-3. Payment. Notwithstanding any other provision of the law, the Finance Authority of Maine shall pay \$37,033 from contributions and interest earned in the Clean Fuel Vehicle Fund to the State as undedicated General Fund revenue no later than June 30, 2013.

**Summary
Part SSSS**

This part repeals the Clean Fuel Vehicle Fund and transfers cash balances to the General Fund unappropriated surplus. This part also requires the Finance Authority of Maine to pay \$37,033 from contributions and interest earned in the Clean Fuel Vehicle Fund to the State as undedicated General Fund revenue.

Amend LD 1509 by adding a new Part TTTT

PART TTTT

Sec. TTTT-1. Calculation and transfer; General Fund savings; Risk Management Self-Insurance Fund. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in the Department of Administrative and Financial Services, Risk Management Division, Self-Insurance Fund that applies against each General Fund account for executive branch departments and agencies statewide from a decrease in rates. The State Budget Officer shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2013-14.

**SUMMARY
PART TTTT**

This Part authorizes the State Budget Officer to calculate and transfer the savings to General Fund accounts for decrease in rates from the Risk Management Division in the Department of Administrative and Financial Services.

PART UUUU

Sec. UUUU-1. Calculation and transfer; General Fund Savings; Conversion to Natural Gas. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings against each General Fund account in fiscal year 2014-15 achieved by converting state office buildings in the Augusta area to natural gas heat, and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2014-15.

**SUMMARY
PART UUUU**

This Part authorizes the State Budget Officer to calculate and transfer the savings to General Fund accounts for reduced heating costs resulting from the conversion to natural gas in state office buildings.

Amend LD 1509 by adding a new Part VVVV

PART VVVV

Sec.VVVV-1. 36 MRSA §1760, sub-§23-C as amended by PL 2011, c. 380, Pt. GGG, §1 is amended as follows:

23-C. Certain vehicles purchased or leased by nonresidents. Sales or leases of the following vehicles to a person that is not a resident of this State, if the vehicle is intended to be driven or transported outside the State immediately upon delivery:

A. Motor vehicles, except:

(1) Automobiles rented for a period of less than one year; and

(2) All-terrain vehicles and snowmobiles as defined in Title 12, section 13001;

B. Semitrailers;

C. Aircraft, if the property is an aircraft not exempted under subsection 88-A; and

E. Camper trailers, including truck campers.

If the ~~vehicles are purchases~~ subsequently registered the vehicle or is required register the vehicle for use in the State within 12 months of the date of purchase, the ~~person seeking registration purchaser~~ is liable for use tax on the basis of the original purchase price. Other subsequent use by the purchaser in the State of a vehicle other than an automobile is subject to use tax if the vehicle is present in the State for more than 30 days during the 12 months following its purchase, excluding any days that the property is located in Maine for storage, repair, alteration, refitting, reconstruction, overhaul or restoration. The location of property in the State at any time during a day is considered presence in the State for that entire day.

Sec.VVVV-2. 36 MRSA §1760, sub-§25 as amended by PL 2011, c. 285, §3 is repealed and the following enacted in its place:

25. Watercraft purchased by nonresidents.

A. Sales of watercraft, materials to be incorporated under contract in the construction of a watercraft or materials under contract for the repair, alteration, refitting, reconstruction, overhaul or restoration of a watercraft to a person that is not a resident of this State when the watercraft is present in the State not more than 30 days, not including any time spent in this State for storage, during the 12 months following its purchases.

B. If watercraft or materials exempted by this subsection are present in the State for more than 30 days, for a purpose other than storage, during the 12-month period following its date of purchases, the exemption is 60% of the sale price of the watercraft or materials.

For purchases of this subsection, the location of the watercraft in the State at any time during a day is considered presence in the State for that entire day.

Sec. VVVV-3. 36 MRSA §1760, sub-§45 is amended to read:

45. Certain property purchased outside State. Sales of property purchased and used by the present owner outside the State:

A. If the property is an automobile, as defined in Title 29-A, section 101, subsection 7, and if the owner is an individual who was, at the time of purchase, a resident of the other state;

A-2. If the property is a snowmobile or all-terrain vehicle as defined in Title 12, section 13001 and the purchaser is an individual who is not a resident of the State;

~~A-3. If the property is an aircraft not exempted under subsection 88 or 88 A and the owner at the time of purchase was a resident of another state or tax jurisdiction and the aircraft is present in this State not more than 20 days during the 12 months following its purchase, exclusive of days during which the aircraft is in this State for the purpose of undergoing "major alterations," "major repairs" or "preventive maintenance" as those terms are described in 14 Code of Federal Regulations, Appendix A to Part 43, as in effect on January 1, 2005. For the purposes of this paragraph, the location of an aircraft on the ground in the State at any time during a day is considered presence in the State for that entire day, and a day must be disregarded if at any time during that day the aircraft is used to provide free emergency or compassionate air transportation arranged by an incorporated nonprofit organization providing free air transportation in private aircraft by volunteer pilots so children and adults may access life saving medical care;~~

A-4. If the property is brought into this State solely to conduct activities directly related to a declared state disaster or emergency, at the request of the State, a county, city, town or political subdivision of the State or a registered business, the property is owned by a person not otherwise required to register as a seller under section 1754-B and the property is present in this State only during a disaster period. As used in this paragraph, "declared state disaster or emergency" has the same meaning as in Title 10, section 9902, subsection 1 and "disaster period" means the period of 60 days that begins with the date of the Governor's proclamation of a state of emergency or the declaration by the President of the United States of a major disaster or major emergency, whichever occurs first; or

~~B. For more than 12 months in In all other cases-, if the property is not required to be registered, and is present in the State for no more than 30 days during the 12 months following its purchase, excluding any days that the property is located in Maine for storage, repair, alteration, refitting, reconstruction, overhaul or restoration. The location of property in the State at any time during a day is considered presence in the State for that entire day.~~

~~Property, other than automobiles, watercraft, snowmobiles, all terrain vehicles and aircraft, that is required to be registered for use in this State does not qualify for this exemption unless it was registered by its present owner outside this State more than 12 months prior to its registration in this State. If property required to be registered for use in this State was not required to be registered for use outside this State, the owner must be able to document actual use of the property outside this State for more than 12 months prior to its registration in this State. For purposes of this subsection, "use" does not include storage but means actual use of the property for a purpose consistent with its design.~~

Sec. VVVV-4. 36 MRSA §1760, sub-§76 is repealed.

Sec. VVVV-5. 36 MRSA §1760, sub-§82 is amended to read:

82. Sales of property delivered outside this State. Sales of tangible personal property when the seller delivers the property to a location outside this State or to the United States Postal Service, a common carrier or a contract carrier hired by the seller for delivery to a location outside this State, regardless of whether the property is purchased F.O.B. shipping point or other point in this State and regardless of whether passage of title occurs in this State. ~~This exemption does not apply to any subsequent use of the property in this State.~~ Subsequent use in this State of property other than an automobile is subject to use tax if the property is present in the State for more than 30 days during the 12 months following its purchase, excluding any days that the property is located in Maine for storage, repair, alteration, refitting, reconstruction, overhaul or restoration. The location of property in the State at any time during a day is considered presence in the State for the entire day. In addition subsequent is in this State of any property, including automobiles, the use of which is exempt from pursuant to this section, is subject to use tax if the property is registered or required to be registered for use in the State within 12 months of the date of the purchase.

Sec. VVVV-6. 36 MRSA §1760, sub-§88 is repealed.

Sec. VVVV-7. 36 MRSA §1760, sub-§88-A is amended to read:

88-A. Aircraft and parts. Sales, use or leases of aircraft and sales of repair and replacement parts exclusively for use in aircraft or in the significant overhauling or rebuilding of aircraft or aircraft parts or of components from July 1, 2011 to June 30, 2015-2033.

Sec. VVVV-7. 36 MRSA §1764 is amended to read:

§1764. Tax against certain casual sales

The tax imposed by this Part must be levied upon all casual rentals of living quarters in a hotel, rooming house, tourist camp or trailer camp and upon all casual sales involving the sale of trailers, truck campers, motor vehicles, special mobile equipment, watercraft ~~or aircraft~~ unless the property is sold for resale at retail sale or to a corporation, partnership, limited liability company or limited liability partnership when the seller is the owner of a majority of the common stock of the corporation or of the ownership interests in the partnership, limited liability company or limited liability partnership. This section does not apply to the rental of living quarters rented for a total of fewer than 15 days in the calendar year, except that a person who owns and offers for rental more than one property in the State during the calendar year is liable for collecting sales tax with respect to the rental of each unit regardless of the number of days for which it is rented. For purposes of this section, "special mobile equipment" does not include farm tractors and lumber harvesting vehicles or loaders.

Sec. VVVV-8. 36 MRSA §1765, sub-§4 is repealed.

Sec. VVVV-9. Application. Those sections of this Part that amend the Maine Revised Statutes Title 36 Section 1760, subsection 23-C, 25, 82 apply to sales occurring on or after October 1, 2013. The section of this Part that amends the Maine Revised Statutes, Title 36 Section 1760, subsection 45 applies to property first used in Maine on or after October 1, 2013.

**SUMMARY
PART VVVV**

This Part repeals the provision that “sunset” the sales tax exemption for aircraft and aircraft parts. This Part also enacts threshold language that establishes consistency among various use tax exemptions and provides that in most circumstances Maine use tax does not apply to tangible personal property brought into Maine by either a resident or a nonresident, when that property is not present in the State for more than 30 days during the 12 months following its purchase, exclusive of days that the property is located in Maine for storage, repair, alteration, refitting, reconstruction, overhaul or restoration. This Part also expands exemption for certain purchases of watercraft by nonresidents to remove use tax for less than 15 days use in some circumstances being taxed higher effective rate than 30 days or more of such use.

Amend LD 1509 by adding a new Part WWWW

Part WWWW

Sec. WWWW-1. 36 MRSA §1758 is amended to read:

1. Definition. As used in this section, unless the context otherwise indicates, the term "rentals" includes any receipts derived from the use of property that is rented or leased.

2. Generally; tax imposed on rental payments. This section governs the taxation of tangible personal property that is purchased for resale in this State, other than at casual sale, and upon which no sales tax has been paid pursuant to chapters 211 to 225 when the property, while being held in inventory for resale, is rented or leased after purchase on an interim basis by the purchaser to another person prior to being sold. In lieu of the use tax otherwise imposed by section 1861, a tax is imposed at the same rate as that provided in the case of sales taxes by section 1811 upon all rentals received by the purchaser for the use of that property.

3. Exceptions. The purchaser is liable for a use tax on the property based on the purchase price less the aggregate amount of tax paid pursuant to this section on the rentals received by the purchaser in the following circumstances:

A. When the purchaser, after first renting tangible personal property purchased for resale, subsequently makes any use of that property other than as set forth in subsection 2; ~~or~~

B. When the purchaser rents the property for a period of 12 months or more to any one person; or

C. When the purchaser depreciates the property, or claims an expense for the property under section 179 of the Code, for federal income tax purposes.

4. Other sections applicable. The tax on rentals imposed by this section is subject to section 1812 and all other pertinent provisions of this Part and for the purposes of this Part is treated the same as the sales tax imposed by section 1811 with the lessor deemed to be the retailer, the lease payments deemed to be the sale price and the lessee deemed to be the purchaser and consumer.

SUMMARY

Part WWWW

This Part amends Maine law to clarify that when tangible personal property is purchased for resale and then rented to consumers on an interim basis, use tax is incurred when the owner depreciates the property for federal income tax purposes or claims an expense for the property under section 179 of the Internal Revenue Code, consistent with the longstanding administrative position of the Bureau of Revenue Services.

Amend LD 1509 by adding a new Part XXXX

PART XXXX

Sec. XXXX-1. 28-A MRSA §1652, as amended by PL 2011, c. 629, §36, is further amended to read:

1. Excise tax on malt liquor. An excise tax is imposed on the privilege of manufacturing and selling malt liquor in the State. The Maine manufacturer or importing wholesale licensee shall pay an excise tax of ~~2535~~¢ per gallon on all malt liquor sold in the State.

1-A. Excise tax on low-alcohol spirits products and fortified wines. An excise tax is imposed on the privilege of manufacturing and selling low-alcohol spirits products and fortified wines in the State. The Maine manufacturer or importing wholesale licensee shall pay an excise tax of \$~~1.24~~ per gallon on all low-alcohol spirits products and fortified wines manufactured in or imported into the State.

2. Excise tax on wine; hard cider. An excise tax is imposed on the privilege of manufacturing and selling wine in the State. The Maine manufacturer or importing wholesale licensee shall pay an excise tax of ~~3060~~¢ per gallon on all wine other than sparkling wine manufactured in or imported into the State, \$~~1.24~~ per gallon on all sparkling wine manufactured in or imported into the State and ~~2535~~¢ per gallon on all hard cider manufactured in or imported into the State.

2-A. Payment due. On the 15th day of each month, every brewery and winery shall pay the excise taxes and premium due on malt liquor and wine that that brewery or winery removed from areas required to be bonded by the Federal Government.

2-B. Failure to make payments. If a winery or brewery that has not filed an excise tax surety bond fails to make tax payments as required by this section, the bureau may immediately take back its license issued pursuant to section 1355-A, having the effect of voiding the license.

3. General Fund. The bureau shall immediately deposit all money received under this section to be credited to the General Fund.

4. Excise tax accounts and adjustments. The bureau shall open an excise tax account with all manufacturers, wholesale licensees and certificate of approval holders and make the following adjustments when appropriate.

A. The bureau may grant credits and make tax adjustments that it determines the wholesale licensee or certificate of approval holder is entitled to upon the filing of affidavits in the form prescribed by the bureau.

B. The bureau shall refund all excise tax ~~and premium~~ paid by the wholesale licensee or certificate of approval holder on all malt liquor or wine caused to be destroyed by a supplier

as long as the quantity and size are verified by the bureau and the destruction is witnessed by an authorized representative of the bureau.

C. If a wholesale licensee's inventories are destroyed by fire, flood or other natural disaster, the bureau may refund the excise tax ~~and premium~~ on the wholesale licensee's inventories.

D. Any wholesale licensee selling malt liquor or wine to an instrumentality, a licensee for resale to an airline, a training site or a ship chandler shall present proof of that sale to the bureau. The bureau shall grant to the wholesale licensee a credit of all state excise tax ~~and premium~~ paid in connection with that sale under the following conditions.

(1) The bureau shall grant a credit for the excise tax ~~and premium~~ on malt liquor or wine sold by wholesale licensees to any instrumentality of the United States or any Maine National Guard state training site exempted by the bureau.

(2) The bureau shall grant a credit for the excise tax ~~and premium~~ on malt liquor or wine sold to any ship chandler, provided that the malt liquor and wine are resold to vessels of foreign registry for consumption after that vessel has left port or are resold for consumption on board vessels of United States registry that are destined for a foreign port.

(3) The bureau shall grant a credit for the excise tax ~~and premium~~ on malt liquor and table wine sold to a licensee registered with the bureau for resale to licensed airlines or to unlicensed airlines for their international flights.

Sec. XXXX-2. Appropriation. The amount of funds appropriated from the General Fund to the Department of Health and Human Services for substance abuse prevention and treatment may not be less than 31% of excise tax collected or received by the bureau under this section.

Sec. XXXX-3. 28-A MRSA §1703, sub-§2, as enacted in PL 1997, c. 767, § 5, is repealed.

Sec. XXXX-4. 28-A MRSA §1703, sub-§3, ¶A, as amended in PL 1997, c. 767, §6, is repealed.

Sec. XXXX-5. 28-A MRSA §1703, sub-§3, ¶ B, as enacted in PL 1987, c.45, Part A, §4, is repealed.

Sec. XXXX-6. 28-A MRSA §1703, sub-§3, ¶ C, as amended in PL 1993, c. 462, §9, is repealed.

Sec. XXXX-7. 28-A MRSA §1703, sub-§5, as amended in PL 2011, c. 657, Part AA, § 75, is amended to read:

5. Appropriation. The amount of funds appropriated from the General Fund to the Department of Health and Human Services for substance abuse prevention and treatment may not be less than the dollar amount collected or received by the alcohol bureau ~~and bureau~~ under this section.

Sec. XXXX-8. Application. This Part applies to sales occurring on or after October 1, 2013.

SUMMARY
PART XXXX

This Part repeals the premium tax on malt liquor, wine, low-alcohol spirits products, fortified wines and hard cider and increases the excise tax on these items. This change will apply to sales occurring on or after October 1, 2013.

Amend LD 1509 by adding a new Part YYYY

PART YYYY

Sec. YYYY-1. Department of Administrative and Financial Services, Office of Information Technology; public notice services. Notwithstanding any other provision of law, the Department of Administrative and Financial Services, Office of Information Technology shall competitively bid for public notice services in accordance with the Maine Revised Statutes, Title 5, section 1825-B. The public notice service may include broadcast, print, online, and other forms of media, or a combination thereof. The Office of Information Technology shall take into account public accessibility to the public notice services to ensure that public access to notices is not diminished.

Sec. YYYY-2. Other governmental entities; public notice services. Notwithstanding any other provision of law, governmental entities, including but not limited to the legislature, judicial branch, independent authorities, municipalities, and county governments may, through contract, use the public notice service obtained by the Department of Administrative and Financial Services, Office of Information Technology pursuant to this Part.

Sec. YYYY-3. Exclusive use of public notice services for 2014-2015 biennium. Notwithstanding any provision of law to the contrary, for the 2014-2015 biennium, state agencies shall provide public notices only by means of the public notice services obtained pursuant to section 1 of this Part and not by any other means, including, but not limited to, newspaper, television, and radio. Municipalities and county governments may continue to determine which method to use that provides the most effective and economical public notice for their jurisdiction. This section is effective upon final execution of a contract obtained pursuant to section 1 of this Part and subject to the terms of said contract.

**SUMMARY
PART YYYY**

This Part requires that the Department of Administrative and Financial Services, Office of Information Technology shall competitively bid for public notice services and governmental entities, including but not limited to the legislature, judicial branch, independent authorities, municipalities, and county governments may, through contract, use the public notice service obtained by the Department of Administrative and Financial Services.

Amend LD 1509 by adding a new Part ZZZZ

PART ZZZZ

Sec. ZZZZ-1. Criminal History Record Check Fund; transfer to General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$100,000 no later than June 30, 2014 from the Criminal History Record Check Fund program, Other Special Revenue Funds account in the Department of Education to the General Fund unappropriated surplus.

**SUMMARY
PART ZZZZ**

This Part requires the State Controller to transfer \$100,000 from the Criminal History Record Check Fund program, Other Special Revenue Funds account in the Department of Education to the General

Amend LD 1509 by adding a new Part AAAAA

Part AAAAA

Sec. AAAAA-1. 22 MRSA §3174-UU is amended to read:

1. Treatment of a new onset of acute pain. The department shall establish limits for MaineCare reimbursement of opioid drugs that are prescribed as medically necessary in response to a new onset of acute pain. After the initial fifteen (15) day prescription, ~~the~~ limits established may not exceed 45~~2~~ days per year without prior authorization. In order to qualify for reimbursement under this subsection, the prior authorized prescription ~~a prescription~~ may not provide for more than 15~~4~~ days of medication and requires a face-to-face visit between the prescriber and the MaineCare member. Notwithstanding the provisions of this subsection, the department shall limit to a period of 60 days following the surgical procedure MaineCare reimbursement for opioid drugs prescribed as treatment of post-operative care following a surgical procedure for which the medical standard of care includes the use of opioids. A MaineCare member who suffers from intractable pain and for whom opioid drugs are medically necessary beyond the limits set by this subsection may qualify for opioid drugs under subsection 2 as treatment for long-term chronic pain.

[2011, c. 657, Pt. O, §2 (NEW) .]

2. Treatment of long-term chronic pain. Reimbursement for opioid drugs beyond the limit set in subsection 1 is allowed by prior authorization if the MaineCare member participates in one or more ~~alternative intervention~~ therapeutic treatments options established by the department through rulemaking.

In order to qualify for reimbursement for opioid drugs under this subsection, the MaineCare member must:

A. Have failed to have an adequate response to the prescribed ~~alternative intervention~~ therapeutic treatment options;

B. Have completed the prescribed ~~alternative intervention~~ therapeutic treatment option(s) in accordance with the guidelines and show signs of regression; or

C. Have completed at least 50% of the prescribed ~~alternative intervention treatment~~ therapeutic treatment option(s) under this subsection, after which the prescriber recommends that adequate control of pain will not be obtained under the ~~alternative intervention treatment~~ therapeutic treatment option(s).

The department shall limit reimbursement for opioids for a MaineCare member who fails to have an adequate response to the prescribed ~~alternative intervention treatment~~ therapeutic treatment option(s), subject to exception based on medical necessity. The department may include in rulemaking the establishment of a daily dosing limit, subject to exception.

The department may waive the requirement of ~~an alternative intervention treatment~~ a therapeutic treatment option through prior authorization when participation is not feasible and opioid treatment is medically necessary.

The department may allow a MaineCare member who is participating in a course of treatment recommended by a prescriber, including alternatives, in accordance with rules adopted by the department to obtain a prior authorization for physical therapy in excess of 2 visits to a maximum of 6 visits.

3. Second opinion. In order for a prescription to qualify for reimbursement under this section, prior to prescribing an opioid drug for a medical diagnosis ~~MaineCare member who suffers from one of the medical diagnoses~~ known typically to have a poor response to opioid drugs, a prescriber shall obtain an evaluation from a prescriber from outside the practice of the prescriber.

4. 3. Current use. The department may delay until January 1, 2013 the application of this section to the reimbursement for opioid drugs for MaineCare members who have been receiving

such treatment consistently for 6 months or longer on the effective date of this section. The department may require the development of a protocol for proper, safe and effective tapering from opioid use when appropriate and may adopt exceptions to the requirements of this section based on diagnosis or condition or on the basis of daily doses.

54. Collaboration. The department shall seek input from pain specialists, addiction medicine specialists and members of the department's physician advisory committee in the development of rules governing this section.

65. Morphine equivalent dose. The department may establish and utilize a total daily morphine equivalent dose calculation when developing rules to implement this section.

76. Exceptions. This section does not apply to reimbursement for opioid drugs for the following MaineCare members as specified in rules adopted by the department or as established through the MaineCare preferred drug list:

A. A MaineCare member who is receiving opioid drugs for symptoms related to HIV, AIDS, cancer and certain other qualifying diseases and conditions, as established by department rule;

B. A MaineCare member who is receiving opioid drugs during inpatient treatment in a hospital or during hospice care;

C. A MaineCare member who is receiving opioid drugs at certain qualifying low doses, as established by department rule; ~~and~~

D. A MaineCare member for whom MaineCare reimbursement for opioid drugs for the treatment of addiction is restricted by limits applicable to methadone and buprenorphine and naloxone combination drugs; and

E. A MaineCare member who is residing in a Nursing Facility.

87. Rules. The department shall adopt rules to implement this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Part AAAAA

This Part amends Maine law to clearly identify that the second opinion provision applies to a “condition” that is typically known to have a poor response to opioids, rather than, a “member” who is typically known to have a poor response to opioids, clearly identify that the second opinion provision only applies to chronic conditions that are not typically known to have a good response to opioids, include nursing facilities as one of the groups exempted from this policy and revise the term alternative intervention treatments to therapeutic treatment options.

Amend LD 1509 by adding a new Part BBBBB

PART BBBBB

Sec. BBBBB-1. Emergency Rule-making authority; health and human services matters.

The Department of Health and Human Services is authorized to adopt emergency rules on or before August 1, 2013 under the Maine Revised Statutes, Title 5, sections 8054 and 8073 in order to implement those provisions of this Act over which the department has subject matter jurisdiction for which specific authority has not been provided in any other part of this Act. Notwithstanding Title 5, section 8054, subsections 1 and 2, the Department of Health and Human Services is not required to find that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

SUMMARY

PART BBBBB

This Part gives the Department of Health and Human Services the authority to adopt emergency rules to implement any provisions of the bill over which it has specific authority that has not been addressed by some other Part of the bill.

Amend LD 1509 by adding a new Part CCCCC

PART CCCCC

Sec. CCCCC-1. Transfers for the dairy stabilization program in fiscal year 2012-13. Notwithstanding the Maine Revised Statutes, Title 7, section 3153-D, in fiscal year 2012-13, the administrator of the Maine Milk Pool shall certify an additional amount to be transferred from the General Fund for distributions under Title 7, section 3153-B in fiscal year 2012-13 of \$3,000,000.

Notwithstanding Title 7, section 3153-B, in fiscal year 2012-13, the administrator of the Maine Milk Pool shall distribute additional payments for dairy stabilization support in the amount of \$3,000,000. These payments shall be distributed with the last monthly payment in the fiscal year 2012-13 using the previous month's production. The amount of \$3,000,000 shall be distributed equally to producers on a per hundred weight basis.

**SUMMARY
PART CCCC**

This Part provides for an additional \$3,000,000 to be transferred from the General Fund for distribution to the milk producers.

Amend LD 1509 by adding a new Part DDDDD

PART DDDDD

Sec. DDDDD-1. 5 MRSA §13072, Sub-§7, as amended by PL 2011, c. 655, Pt. FF, is amended to read:

7. Oversee community development resources and programs. The director shall oversee the implementation of community development programs to include at a minimum:

A. The Community Development Block Grant Program; ~~and~~

~~G. Training and certification for municipal code enforcement officers under Title 30-A, chapter 187, subchapter 5.~~

Sec. DDDDD-2. 10 MRSA §9723, as amended by PL 2011, c. 655, Pt. FF, is amended to read:

§9723. Training and certification program standards

1. Appoint committee; establish requirements. The board shall appoint a 5-member training and certification committee, referred to in this section as "the committee," to establish the training and certification requirements for municipal building officials, local code enforcement officers and 3rd-party inspectors. For purposes of this section, "3rd-party inspector" has the same meaning as set forth in Title 25, section 2371, subsection 6.

2. Training and certification program standards; implementation. The committee shall direct the training coordinator of the Bureau of Building Codes and Standards, established in Title 25, section 2372, to develop and implement a training and certification program for municipal building officials, local code enforcement officers and 3rd-party inspectors. ~~The Department of Economic and Community Development, Office of Community Development, pursuant to Title 30-A, section 4451, subsection 3-A, shall implement the training and certification program established under this chapter.~~

3. Annual review. The committee shall annually review the training program developed pursuant to subsection 2 to confirm that training courses are regularly offered in geographically diverse locations and that training for municipal building officials is fully funded by the State.

4. Certification standards. The committee shall adopt routine technical rules under Title 5, chapter 375, subchapter 2-A to establish the qualifications, conditions and licensing standards and procedures for the certification and recertification of individuals as code enforcement officers. A code enforcement officer need only be certified in the areas of actual job responsibilities. The rules established under this subsection must identify standards for each of the areas of training under subsection 2-A, in addition to general standards that apply to all code enforcement officers.

5. Certification; terms; revocation. The committee shall certify individuals as to their competency to successfully enforce ordinances and other land use regulations and permits granted under those ordinances and regulations and shall issue certificates attesting to the competency of those individuals to act as code enforcement officers. Certificates issued by the former State Planning Office or the Department of Economic and Community Development, Office of

Community Development are valid for 6 years unless revoked by the District Court. An examination is not required for recertification of code enforcement officers. The committee shall recertify a code enforcement officer if the code enforcement officer successfully completes at least 12 hours of approved training in each area of job responsibility during the 6-year certification period.

A. The District Court may revoke the certificate of a code enforcement officer, in accordance with Title 4, chapter 5, when it finds that:

(1) The code enforcement officer has practiced fraud or deception;

(2) Reasonable care, judgment or the application of a duly trained and knowledgeable code enforcement officer's ability was not used in the performance of the duties of the office; or

(3) The code enforcement officer is incompetent or unable to perform properly the duties of the office.

B. Code enforcement officers whose certificates are invalidated under this subsection may be issued new certificates provided that they are newly certified as provided in this section.

6. Other professions unaffected. This subchapter may not be construed to affect or prevent the practice of any other profession.

Sec. DDDDD-3. 25 MRSA §2374, as amended by PL 2011, c. 655, Pt. FF, is amended to read:

§2374. Uniform building codes and standards fund

The Uniform Building Codes and Standards Fund, referred to in this section as "the fund," is established within the Department of Public Safety to fund the activities of the bureau under this chapter and the activities of the board under Title 10, chapter 1103 ~~and the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A.~~ Revenue for this fund is provided by the surcharge established by section 2450-A. ~~The Department of Public Safety and the Department of Economic and Community Development, Office of Community Development shall together determine an amount to be transferred annually from the fund for training and certification under Title 30-A, section 4451, subsection 3-A to the Maine Code Enforcement Training and Certification Fund established in Title 30-A, section 4451, subsection 3-B.~~ Any balance of the fund may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal year.

Sec. DDDDD-4. 25 MRSA §2450-A, as amended by PL 2011, c. 655, Pt. FF, is amended to read:

§2450-A. Surcharge on plan review fee for Uniform Building Codes and Standards Fund

In addition to the fees established in section 2450, a surcharge of 4¢ per square foot of occupied space must be levied on the existing fee schedule for new construction, reconstruction, repairs, renovations or new use for the sole purpose of funding the activities of the Technical Building Codes and Standards Board with respect to the Maine Uniform Building and Energy Code, established pursuant to the Title 10, chapter 1103; and the activities of the Bureau of Building Codes and Standards under chapter 314 ~~and the activities of the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A,~~ except that the fee for review of a plan for the renovation of a public school, including the fee established under section 2450, may not exceed \$450. Revenue collected from this surcharge must

be deposited into the Uniform Building Codes and Standards Fund established by section 2374.

Sec. DDDDD-5. 30-A MRSA §4215 Sub-§4, as amended by PL 2011, c. 655, Pt. FF, is amended to read:

4. Fees. The plumbing inspector shall issue any permit under this section upon receipt and approval of a completed application form as prescribed by the commissioner and payment by the applicant of the fee established by the municipality. The fee must be at least the minimum amount determined by rule of the department. One-quarter of the amount of the minimum fee must be paid through the department to the Treasurer of State to be maintained as a permanent fund and used by the department to implement its subsurface wastewater disposal rules, to administer the receipt and collation of completed permits and to issue plumbing permit labels to the municipality ~~and by the Department of Economic and Community Development, Office of Community Development for training and certification of local plumbing inspectors. The department and the Department of Economic and Community Development, Office of Community Development shall together determine an amount to be transferred annually by the Treasurer of State for training and certification of local plumbing inspectors to the Maine Code Enforcement Training and Certification Fund established in section 4451, subsection 3-B.~~ The remainder of the fee must be paid to the treasurer of the municipality.

Sec. DDDDD-6. 30-A MRSA §4221 Sub-§1, as amended by PL 2011, c. 655, Pt. FF, is amended to read:

1. Appointment; compensation; removal. In every municipality, the municipal officers shall appoint one or more inspectors of plumbing, who need not be residents of the municipality for which they are appointed. Plumbing inspectors are appointed for a term of one year or more and must be sworn and the appointment recorded as provided in section 2526, subsection 9. An individual properly appointed as plumbing inspector and satisfactorily performing the duties may continue in that capacity after the term has expired until replaced. The municipal officers shall notify the department ~~and the Department of Economic and Community Development, Office of Community Development~~ of the appointment of a plumbing inspector in writing within 30 days of the appointment.

Compensation of plumbing inspectors is determined by the municipal officers and paid by the respective municipalities.

The municipal officers may remove a plumbing inspector for cause, after notice and hearing.

Sec. DDDDD-7. 30-A MRSA §4451, as amended by PL2011, c.655, Pt. FF, is amended to read:

§4451. Training and certification for code enforcement officers

1. Certification required; exceptions. A municipality may not employ any individual to perform the duties of a code enforcement officer who is not certified ~~by the former State Planning Office or the Department of Economic and Community Development, Office of Community Development,~~ except that:

A. An individual other than an individual appointed as a plumbing inspector has 12 months after beginning employment to be trained and certified as provided in this section;

B. Whether or not any extension is available under paragraph A, the ~~Department of Economic and Community Development, Office of Community Development~~ Department of Health and Human Services, Division of Health Engineering may waive this requirement for up to one year if the certification requirements cannot be met without imposing a hardship on the municipality employing the individual;

C. An individual may be temporarily authorized in writing by the Department of Health and Human Services, Division of Health Engineering to be employed as a plumbing inspector for a period not to exceed 12 months; and

D. An individual whose certification has expired or is about to expire may be temporarily authorized in writing by the ~~Department of Economic and Community Development, Office of Community Development~~ Department of Health and Human Services, Division of Health Engineering to extend that individual's certification for a period not to exceed 12 months in cases where the necessary training or examination is suspended under subsection 3-B, paragraph E.

2. Penalty. Any municipality that violates this section commits a civil violation for which a forfeiture of not more than \$100 may be adjudged. Each day in violation constitutes a separate offense.

2-A. Code enforcement officer; definition and duties. As used in this subchapter, "code enforcement officer" means a person certified under this section and employed by a municipality to enforce all applicable laws and ordinances in the following areas:

A. Shoreland zoning under Title 38, chapter 3, subchapter 1, article 2-B;

B. Comprehensive planning and land use under Part 2, Subpart 6-A;

C. Internal plumbing under chapter 185, subchapter 3;

D. Subsurface wastewater disposal under chapter 185, subchapter 3; and

E. Building standards under chapter 141; chapter 185, subchapter 1; Title 5, sections 4582-B, 4582-C and 4594-F; beginning June 1, 2010, Title 10, chapter 1103; and Title 25, chapter 313.

3. Training and certification of code enforcement officers. In cooperation with code enforcement officer professional associations, ~~and the~~ Maine Community College System, the Department of Environmental Protection, the Department of Health and Human Services and the Department of Public Safety, ~~except as otherwise provided in paragraph H, the Department of Economic and Community Development, Office of Community Development~~ shall establish a continuing education program for individuals engaged in code enforcement. This program must

provide basic training in the technical and legal aspects of code enforcement necessary for certification. The basic training program must include training to provide familiarity with the laws and ordinances related to the structure and practice of the municipal code enforcement office, municipal planning board and appeals board procedures, application review and permitting procedures, inspection procedures and enforcement techniques.

~~H. If funding is not available to support the training and certification program authorized under this subsection, the Department of Economic and Community Development, Office of Community Development shall discontinue training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs A and B and shall adopt by routine technical rules under Title 5, chapter 375, subchapter 2-A a program to register code enforcement officers that meet training and education qualifications. The Department of Economic and Community Development, Office of Community Development shall publish the list of persons registered for code enforcement who have submitted evidence of required qualifications. Persons registered under this paragraph must meet the requirements for training and certification under this subchapter. The Department of Economic and Community Development, Office of Community Development shall consult with the Department of Health and Human Services for the purposes of carrying out training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs C and D. Within one month of discontinuation of training and certification under this paragraph, the Department of Economic and Community Development, Office of Community Development shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over state and local government matters a recommendation for funding the training and certification program or for further changes in program requirements.~~

3-A. Training and certification of inspectors in the Maine Uniform Building and Energy Code. In accordance with the training and certification requirements developed pursuant to Title 10, section 9723, the training and certification committee ~~Department of Economic and Community Development, Office of Community Development~~ shall provide the training necessary to certify municipal building officials, local code enforcement officers and 3rd-party inspectors.

~~**3-B. Maine Code Enforcement Training and Certification Fund.** The Maine Code Enforcement Training and Certification Fund, referred to in this section as "the fund," is established as a nonlapsing fund to support training and certification programs administered by the Department of Economic and Community Development, Office of Community Development for code enforcement officers, local plumbing inspectors, municipal building officials and 3rd party inspectors in accordance with this subchapter.~~

~~A. Beginning July 1, 2009, and each year thereafter on July 1st, the funds identified in section 4215, subsection 4 for training and certifying local plumbing inspectors must be transferred to the fund.~~

~~B. Beginning July 1, 2009, and each year thereafter on July 1st, the funds identified in Title 25, section 2374 for training and certifying municipal building officials, local code enforcement officers and 3rd party inspectors must be transferred to the fund.~~

~~C. The Department of Economic and Community Development, Office of Community Development shall place in the fund any money it receives from grants to support the requirements of this subchapter.~~

~~D. Funds related to code enforcement training and certification may be expended only in accordance with allocations approved by the Legislature and solely for the administration of this subchapter. Any balance remaining in the fund at the end of any fiscal year may not lapse but~~

must be carried forward to the next fiscal year.

~~E. If the fund does not contain sufficient money to support the costs of the training and certification provided for in this subchapter, the Department of Economic and Community Development, Office of Community Development may suspend all or reduce the level of training and certification activities.~~

~~**4. Examination.** The Department of Economic and Community Development, Office of Community Development shall conduct at least one examination each year to examine candidates for certification at a time and place designated by it. The Department of Economic and Community Development, Office of Community Development may conduct additional examinations to carry out the purposes of this subchapter.~~

~~**5. Certification standards.** The Department of Economic and Community Development, Office of Community Development shall adopt routine technical rules under Title 5, chapter 375, subchapter 2-A to establish the qualifications, conditions and licensing standards and procedures for the certification and recertification of individuals as code enforcement officers. A code enforcement officer need only be certified in the areas of actual job responsibilities. The rules established under this subsection must identify standards for each of the areas of training under subsection 2-A, in addition to general standards that apply to all code enforcement officers.~~

~~**6. Certification; terms; revocation.** The Department of Economic and Community Development, Office of Community Development shall certify individuals as to their competency to successfully enforce ordinances and other land use regulations and permits granted under those ordinances and regulations and shall issue certificates attesting to the competency of those individuals to act as code enforcement officers. Certificates issued by the former State Planning Office or the Department of Economic and Community Development, Office of Community Development are valid for 6 years unless revoked by the District Court. An examination is not required for recertification of code enforcement officers. The Department of Economic and Community Development, Office of Community Development shall recertify a code enforcement officer if the code enforcement officer successfully completes at least 12 hours of approved training in each area of job responsibility during the 6-year certification period.~~

~~A. The District Court may revoke the certificate of a code enforcement officer, in accordance with Title 4, chapter 5, when it finds that:~~

- ~~(1) The code enforcement officer has practiced fraud or deception;~~
- ~~(2) Reasonable care, judgment or the application of a duly trained and knowledgeable code enforcement officer's ability was not used in the performance of the duties of the office; or~~
- ~~(3) The code enforcement officer is incompetent or unable to perform properly the duties of the office.~~

~~B. Code enforcement officers whose certificates are invalidated under this subsection may be issued new certificates provided that they are newly certified as provided in this section.~~

~~**7. Other professions unaffected.** This subchapter may not be construed to affect or prevent the practice of any other profession.~~

Sec. DDDDD-8. 30-A MRSA §4452, Sub-§7, as amended by PL 2011, c. 655, Pt. FF, is amended to read:

7. Natural resources protection laws. A code enforcement officer, authorized by a

municipality to represent that municipality in District Court and certified by the former State Planning Office or the Department of Economic and Community Development, Office of Community Development under section 4453 as familiar with court procedures, may enforce the provisions of Title 38, section 420-C, Title 38, chapter 3, subchapter 1, article 5-A and Title 38, chapter 13-D by instituting injunctive proceedings or by seeking civil penalties in accordance with Title 38, section 349, subsection 2.

Sec. DDDDD-9. 30-A MRSA §4453, as amended by PL2011, c.655, Pt. FF, is amended to read:

§4453. Certification for representation in court

The departments responsible for the following individuals ~~The Department of Economic and Community Development, Office of Community Development~~ shall establish certification standards and a program to certify familiarity with court procedures ~~for the following individuals~~:

1. Code enforcement officers. Code enforcement officers as set forth in sections 4451 and 4452 and Title 38, section 441;

2. Plumbing inspectors. Plumbing inspectors as set forth in sections 4221 and 4451;

3. Department of Environmental Protection. Department of Environmental Protection employees as set forth in Title 38, section 342, subsection 7; and

4. Maine Land Use Planning Commission. Maine Land Use Planning Commission employees as set forth in Title 12, section 685-C, subsection 9.

5. Humane agents and state veterinarians.

Sec. DDDDD-10. 38 MRSA §480-F, Sub-§1, as amended by PL2011, c.655, Pt. FF, is further amended to read:

F. Appointed and certified a code enforcement officer, ~~certified~~ pursuant to Title 30-A, section 4451.

Sec. DDDDD-11. 38-A MRSA §441, Sub-§2, as amended by PL2011, c.655, Pt. FF, is amended to read:

2. Certification; authorization by municipal officers. No person may serve as a code enforcement officer who is authorized by the municipal officers to represent the municipality in District Court unless that person is currently certified under Title 30-A, section 4453, as being familiar with court procedures.

Upon written authorization by the municipal officers, a certified code enforcement officer may serve civil process on persons whom that officer determines to be in violation of ordinances adopted pursuant to this chapter and, if authorized by the municipal officers, may represent the municipality in District Court in the prosecution of violations of ordinances adopted pursuant to this chapter.

3. Powers and duties. The duties of the code enforcement officer shall include the following:

A. Enforce the local shoreland zoning ordinance in accordance with the procedures contained

therein;

B. Collect a fee, if authorized by a municipality, for every shoreland permit issued by the code enforcement officer. The amount of any such fee shall be set by the municipality. The fee shall be remitted to the municipality;

C. Keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected. On a biennial basis, beginning in 1992, a summary of this record must be submitted by March 1 to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection; and

D. Investigate complaints of alleged violations of local land use laws.

SUMMARY

Part DDDDD

This Part reassigns the responsibilities of code enforcement training and certification from the Department of Economic and Community Development to the Department of Health and Human Services (code enforcement officers and local plumbing inspectors), the Department of Agriculture, Conservation, and Forestry (land use regulations), and the Department of Public Safety (municipal building officials). This Part also eliminates the Maine Code Enforcement Training and Certification Fund within the Department of Economic and Community Development.

Amend LD 1509 by adding a new Part EEEEE

PART EEEEE

Sec. EEEEE -1. State Board of Corrections; funds available in fiscal year 2012-13; transfers authorized. Notwithstanding any other provision of law, for the fiscal year ending June 30, 2013, the Governor shall, upon consultation with the State Budget Officer, access funds available from the Department of Corrections - Capital Improvements, General Fund account within the Department of Corrections by financial order to pay amounts owed by the State Board of Corrections as established by the Maine Revised Statutes, Title 34-A, section 1805. Funds accessed for this purpose may not exceed \$800,000. This transfer is considered an adjustment to appropriations.

**SUMMARY
PART EEEEE**

This part authorizes the State Budget Officer to transfer by financial order from the Department of Corrections- Capital Improvements, General Fund account to the State Board of Corrections up to the amount of \$800,000 for the purposes established by Maine Revised Statutes, Title 34-A, section 1805.

Amend LD 1509 by adding a new Part FFFFF

PART FFFFF

Sec. FFFFF-1. 12 MRSA §13060-A, as enacted by PL 2011, c. 533, §9 is amended as follows:

13060-A. Temporary registration certificate

1. Twenty-day certificate. The commissioner may issue temporary registration certificates to a registered dealer who may, upon the sale or exchange of a boat, issue a temporary registration certificate to a new owner in order to allow the new owner to operate the boat for a period of ~~20~~30 consecutive days after the date of sale in lieu of a permanent number as required by this chapter. The fee for each temporary registration certificate is \$1.

Sec. FFFFF-2 12 MRSA §3109, sub-§4, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by PL 2003, c. 614, §9, is amended as follows:

13109. Temporary registrations and numbers.

4. The commissioner may issue temporary numbers and registrations for snowmobiles to bona fide dealers who may, upon the sale or exchange of a snowmobile, issue them to new owners in order to allow them to operate snowmobiles for a period of ~~20~~30 consecutive days after the date of sale in lieu of a permanent number as required by this chapter.

Sec. FFFFF-3 12 MRSA §13160, sub-§4, as amended by PL 2009, c. 340, §25, is further amended as follows:

13160. Temporary registrations certificate.

4. The commissioner may issue temporary registration certificates to a registered dealer who may, upon the sale or exchange of an ATV, issue a temporary registration certificate to a new owner in order to allow the new owner to operate the ATV for a period of ~~20~~30 consecutive days after the date of sale in lieu of a permanent number as required by this chapter. The fee for each temporary registration certificate is \$1.

**SUMMARY
PART FFFFF**

This Part aligns the temporary registration time for snowmobiles, all-terrain vehicles and watercraft with tax exemption changes for tangible personal property as proposed in Part WWWW.

Amend LD 1509 by adding a new Part GGGGG

Part GGGGG

Sec. GGGGG-1. 36 MRSA §111, sub-1-A, as amended by PL 2011, c. 530, §1 and affected by §2, 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, 2011~~ January 2, 2013.

Sec. GGGGG-2. 36 M.R.S.A. § 5122, sub-§ 1, ¶ HH is enacted to read:

HH. For taxable years beginning in 2013:

(1) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property placed in service in the State during the taxable year for which a credit is claimed under section 5219-II for that taxable year; and

(2) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property for which a credit is not claimed under section 5219-II.

Sec. GGGGG-3. 36 M.R.S.A. § 5122, sub-§ 1, ¶ Q as enacted by PL 2003, c. 20, Pt. II, §2 is amended to read:

Q. For tax years beginning on or after January 1, 2003 but before January 1, 2013, the amount of deduction claimed pursuant to the Code, Section 222 for qualified tuition and related expenses;

Sec. GGGGG-4. 36 M.R.S.A. § 5122, sub-§ 2, ¶ MM is enacted to read:

MM. For taxable years beginning on or after January 1, 2014, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning in 2013 for which an addition was required under subsection 1, paragraph HH, subparagraph (2) for the taxable year beginning in 2013.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal adjusted gross income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph HH, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph HH, subparagraph (2) for the same property.

Sec. GGGGG-5. 36 MRSA §5124-A as amended by P.L. 2011, c. 380, Pt. N, §7 is further amended to read:

§ 5124-A. Standard deduction; resident

The standard deduction of a resident individual is equal to the standard deduction as determined in accordance with the Code, Section 63, except that for tax years beginning in 2013, the basic standard deduction is \$10,150 in the case of a joint return and a surviving spouse and \$5,075 in the case of a married individual filing a separate return.

Sec. GGGGG-6. 36 MRSA §5125, sub-§2 as amended by P.L. 2003, c. 390, §34 is further amended to read:

2. Spouses. Spouses, both of whom are required to file returns under this Part, are allowed to claim itemized deductions from Maine adjusted gross income only if both do so. Their total itemized deductions from federal adjusted gross income, as modified by subsection 3, may be taken by either spouse or divided between them, as they may elect, if their federal income tax is determined on a joint return but their tax under this Part is determined on separate returns. The total itemized deductions from Maine adjusted gross income claimed on a return may not exceed the limitation amount in subsection 4.

Sec. GGGGG-7. 36 MRSA §5125, sub-§4 is enacted to read:

4. Limitation. The total itemized deductions from Maine adjusted gross income claimed on a return may not exceed \$27,500.

Sec. GGGGG-8. 36 M.R.S.A. § 5200-A, sub-§ 1, ¶ AA is enacted to read:

AA. For taxable years beginning in 2013:

(1) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property placed in service in the State during the taxable year for which a credit is claimed under section 5219-II for that taxable

year; and

(2) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property for which a credit is not claimed under section 5219-II.

Sec. GGGGG-9. 36 M.R.S.A. § 5200-A, sub-§ 2, ¶ Y is enacted to read:

Y. For taxable years beginning on or after January 1, 2014, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning in 2013 for which an addition was required under subsection 1, paragraph AA, subparagraph (2) for the taxable year beginning in 2013.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph AA, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph AA, subparagraph (2) for the same property.

Sec. GGGGG-10. 36 M.R.S.A. § 5219-II is enacted to read:

§ 5219-II. Maine capital investment credit after 2012

1. Credit allowed. A taxpayer that claims a depreciation deduction under the Code, Section 168(k) for property placed in service in the State during the taxable year beginning in 2013 is allowed a credit against the taxes imposed by this Part in an amount equal to 9 % of the amount of the net increase in the depreciation deduction reported as an addition to income for the taxable year under section 5122, subsection 1, paragraph HH, subparagraph (1) or section 5200-A, subsection 1, paragraph AA, subparagraph (1) with respect to that property, except for excluded property under subsection 2.

2. Certain property excluded. The following property is not eligible for the credit under this section:

A. Property owned by a public utility as defined by Title 35-A, section 102;

B. Property owned by a person that provides radio paging services as defined by Title 35-A, section 102;

C. Property owned by a person that provides mobile telecommunications services as defined by Title 35-A, section 102;

D. Property owned by a cable television company as defined by Title 30-A, section 2001;

E. Property owned by a person that provides satellite-based direct television broadcast services;

F. Property owned by a person that provides multichannel, multipoint television distribution services; and

G. Property that is not in service in the State for the entire 12-month period following the date it is placed in service in the State.

3. Limitations; carry-forward. The credit allowed under subsection 1 may not reduce the tax otherwise due under this Part to less than zero. Any unused portion of the credit may be carried forward to the following year or years for a period not to exceed 20 years.

4. Recapture. The credit allowed under this section must be fully recaptured to the extent claimed by the taxpayer if the property forming the basis of the credit is not used in the State for the entire 12-month period following the date it is placed in service in the State. The credit must be recaptured by filing an amended return in accordance with section 5227-A for the tax year in which that property was used to calculate the credit under this section. The amended return must reflect the credit disallowed and the income modifications required by section 5122, subsection 1, paragraph HH and section 5200-A, subsection 1, paragraph AA with respect to that property.

Sec. GGGGG-11. 36 MRSA §5403 as amended by P.L. 2011, c. 380, Pt. N, §19 is further amended to read:

Beginning in 2002, and each subsequent calendar year thereafter, on or about September 15th, the State Tax Assessor shall multiply the cost-of-living adjustment for taxable years beginning in the succeeding calendar year by the dollar amounts of the tax rate tables specified in section 5111, subsections 1-B, 1-C, 2-B, 2-C, 3-B and 3-C. Beginning in 2013, and each subsequent calendar year thereafter, on or about September 15th, the State Tax Assessor shall multiply the cost-of-living adjustment for taxable years beginning in the succeeding calendar year by the dollar amount of the itemized deduction limitation amount in section 5125, subsection 4. If the dollar amounts of each rate bracket or the limitation amount, adjusted by application of the cost-of-living adjustment, are not multiples of \$50, any increase must be rounded to the next lowest multiple of \$50. If the cost-of-living adjustment for any taxable year would be less than the cost-of-living adjustment for the preceding calendar year, the cost-of-living adjustment is the same as for the preceding calendar year. The assessor shall incorporate such changes into the income tax forms, instructions and withholding tables for the taxable year.

Sec. GGGGG-12. Application. The section of this part that amends Maine Revised Statutes, Title 36, section 111, subsection 1-A applies to tax years beginning on or after January 1, 2012 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 January 2, 2013. The sections of this Part that enact the

Maine Revised Statutes, Title 36, section 5125, subsection 4 and amend section 5125, subsection 2, apply to income tax years beginning on or after January 1, 2013.

SUMMARY PART GGGGG

Section GGGGG-1 of this Part updates references to the United States Internal Revenue Code contained in the Maine Revised Statutes, Title 36 so that they refer to the United States Internal Revenue Code of 1986 as amended through January 2, 2013 for tax years beginning on or after January 1, 2013 and for any prior tax years as specifically provided by the United States Internal Revenue Code of 1986. The bill primarily affects the State's income tax laws.

Section GGGGG-5 of this Part amends the allowable standard deduction to not conform with the larger federal married joint standard deduction permanently enacted as part of the American Taxpayer Relief Act 2012 (ATRA) for income tax years beginning in January 1, 2013.

Sections GGGGG-6 and GGGGG-7 of this Part partially conform to the allowable itemized deductions enacted as part of the American Taxpayer Relief Act 2012 (ATRA) and also enacts a limitation on the itemized deductions for income tax years beginning on or after January 1, 2013.

Sections GGGGG-2, GGGGG-4, GGGGG-8 and GGGGG-9 of this Part enact new addition and subtraction modifications for individual and corporate income taxes to decouple from the federal bonus depreciation deductions for taxable years beginning in 2013.

Section GGGGG-3 of this Part amends the addition modification for qualified tuition and related expenses so as to conform to the Internal Revenue Code for taxable years beginning in 2013 and later.

Section GGGGG-10 of this Part also enacts a new credit section extending the Maine capital investment credit for taxable years beginning in 2013.

Section GGGGG-11 of this Part enacts an annual inflation adjustment to the itemized deduction limitation amount.