

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023

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

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

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

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

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

PART A

Sec. A-1. Appropriations and allocations. In order to provide for the necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 2022 and June 30, 2023, the following sums as designated in the following tabulations are appropriated or allocated out of money not otherwise appropriated or allocated.

PART B

Sec. B-1. Appropriations and allocations. The following appropriations and allocations are made to provide funding for approved reclassifications and range changes.

PART C

Sec. C-1. 20-A MRSA §15671, sub-§7, ¶B, as amended by PL 2019 c.616, Pt C, §1 is further amended to read:

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

- (1) For fiscal year 2005-06, the target is 52.60%.
- (2) For fiscal year 2006-07, the target is 53.86%.
- (3) For fiscal year 2007-08, the target is 53.51%.

- (4) For fiscal year 2008-09, the target is 52.52%.
- (5) For fiscal year 2009-10, the target is 48.93%.
- (6) For fiscal year 2010-11, the target is 45.84%.
- (7) For fiscal year 2011-12, the target is 46.02%.
- (8) For fiscal year 2012-13, the target is 45.87%.
- (9) For fiscal year 2013-14, the target is 47.29%.
- (10) For fiscal year 2014-15, the target is 46.80%.
- (11) For fiscal year 2015-16, the target is 47.54%.
- (12) For fiscal year 2016-17, the target is 48.14%.
- (13) For fiscal year 2017-18, the target is 49.14%.
- (14) For fiscal year 2018-19, the target is 49.77%.
- (15) For fiscal year 2019-20, the target is 50.78%.
- (16) For fiscal year 2020-21, the target is 51.78%.
- (17) For fiscal year 2021-22, the target is 51.83%.

Sec. C-2. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2019, c. 616, §3 is further amended to read:

The commissioner shall calculate the full-value education mill rate that is required to raise the statewide total local share. The full-value education mill rate is calculated for each fiscal year by dividing the applicable statewide total local share by the applicable statewide valuation. The full-value education mill rate must be applied according to section 15688, subsection 3-A, paragraph A to determine a municipality's local cost share expectation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) For the 2021 property tax year ~~and subsequent tax years~~, the full-value education mill rate is the amount necessary to result in a ~~45%~~ 48.17% statewide total local share in fiscal year 2021-2022 ~~and after~~.

(15) For the 2022 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 2022-2023 and after.

Sec. C-3. 20-A MRSA §15678, sub-§2, as amend by PL 2007, c. 284, Pt. C, §32, is further amended to read:

2. Ratios. In calculating the salary and benefit costs pursuant to this section, the commissioner shall utilize the following student-to-teacher ratios.

A. For the elementary school level, the student-to-teacher ratio is 17:1.

A-1. For fiscal year 2021-2022 only, for the elementary school level, the student-to-teacher ratio is 16:1.

B. For the middle school level, beginning July 1, 2017, the student-to-teacher ratio is 17:1.

C. For the high school level, beginning July 1, 2017, the student-to-teacher ratio is 16:1.

D. For the kindergarten level, beginning July 1, 2018, the student-to-teacher ratio is 15:1.

Sec. C-4. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2021-22 is 7.90.

Sec. C-5. Total cost of funding public education from kindergarten to grade 12. The total cost of funding public education from kindergarten to grade 12 for fiscal year 2021-22 is as follows:

	2021-22 TOTAL
Total Operating Allocation	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$1,506,633,588
Total adjustments to state subsidy pursuant to Title 20-A, section 15689 included in subsidizable costs and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$575,975,183
Total Operating Allocation and Subsidizable Costs	
Total operating allocation pursuant to Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$2,082,608,771

Total Debt Service Allocation

Total debt service allocation pursuant to Title 20-A, section 15683-A	\$103,528,810
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Total Adjustments and Targeted Education Funds

Adjustments pursuant to Title 20-A, section 15689

Audit adjustments pursuant to Title 20-A, section 15689, subsection 4	\$225,000
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Educating students in long-term drug treatment center adjustments pursuant to Title 20-A, section 15689, subsection 5	\$500,000
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Minimum teacher salary adjustment pursuant to Title 20-A, section 15689, subsection 7-A	\$1,576,272
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Regionalization, consolidation and efficiency assistance adjustments pursuant to Title 20-A, section 15689, subsection 9	\$6,056,993
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Maine Care seed payments adjustments pursuant to Title 20-A, section 15689, subsection 14	\$1,334,776
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Total adjustments to the state share of total allocation pursuant to Title 20-A, section 15689	\$9,693,041
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Targeted education funds pursuant to Title 20-A, section 15689-A

Special education costs for state agency clients and state wards pursuant to Title 20-A, section 15689-A, subsection 1	\$33,737,998
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Essential programs and services components contract pursuant to Title 20-A, section 15689-A, subsection 3	\$250,000
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Data management and support services for essential programs and services pursuant to Title 20-A, section 15689-A, subsection 10	\$9,550,629
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Postsecondary course payments pursuant to Title 20-A, section 15689-A, subsection 11	\$4,000,000
National board certification salary supplement pursuant to Title 20-A, section 15689-A, subsection 12	\$307,551
Learning through technology program pursuant to Title 20-A, section 15689-A, subsection 12-A	\$14,000,000
Jobs for Maine's Graduates including college pursuant to Title 20-A, section 15689-A, subsection 13	\$3,545,379
Maine School of Science and Mathematics pursuant to Title 20-A, section 15689-A, subsection 14	\$3,615,347
Maine Educational Center for the Deaf and Hard of Hearing pursuant to Title 20-A, section 15689-A, subsection 15	\$8,712,565
Transportation administration pursuant to Title 20-A, section 15689-A, subsection 16	\$416,764
Special education for juvenile offenders pursuant to Title 20-A, section 15689-A, subsection 17	\$401,650
Comprehensive early college programs funding (bridge year program) pursuant to Title 20-A, section 15689-A, subsection 23	\$1,000,000
Community schools pursuant to Title 20-A, section 15689-A, subsection 25	\$200,000
Maine School for Marine Science, Technology, Transportation and Engineering pursuant to Title 20-A, section 15689-A, subsection 26	\$195,610
Instruments and professional development in rural schools pursuant to Title 20-A, section 15689-A, subsection 28	\$50,000

Total targeted education funds pursuant to Title 20-A,
section 15689-A \$79,983,493

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

Career and technical education costs pursuant to Title
20-A, section 15688-A, subsection 1 \$58,543,648

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

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

Total enhancing student performance and opportunity
pursuant to Title 20-A, section 15688-A and section
15672, subsection 1-D \$60,993,648

**Total Cost of Funding Public Education from Kindergarten
to Grade 12**

Total cost of funding public education from
kindergarten to grade 12 for fiscal year 2021-22
pursuant to Title 20-A, chapter 606-B, not including
normal retirement costs \$2,336,807,763

Total normal cost of teacher retirement \$48,878,211

Total cost of funding public education from
kindergarten to grade 12 for fiscal year 2021-22
pursuant to Title 20-A, chapter 606-B, including
normal retirement costs \$2,385,685,974

Total cost of state contribution to unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2021-22 pursuant to Title 5, chapters 421 and 423, excluding the normal cost of teacher retirement	\$244,247,289
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Total cost of funding public education from kindergarten to grade 12, plus state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2021-22 pursuant to Title 5, chapters 421 and 423	\$2,629,933,263
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Sec. C-6. Local and state contributions to total cost of funding public education from kindergarten to grade 12. The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2021 and ending June 30, 2022 is calculated as follows:

	2021-22 LOCAL	2021-22 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	\$1,149,270,617	\$1,236,415,357
State contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2021-22		\$244,247,289

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

State contribution to the total cost of funding public education from kindergarten to grade 12 plus state contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance pursuant to Title 5, chapters 421 and 423

\$1,480,662,646

Sec. C-7. Authorization of payments. 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-8. Limit of State's obligation. 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, 2021 and ending June 30, 2022.

PART C SUMMARY

This Part does the following:

1. Establishes the total cost of education from kindergarten to grade 12, the state contribution, the annual target state share percentage and the mill expectation for the local contribution for fiscal year 2021-2022.
2. Provides a one-year change to the Essential Program and Services model in order to recognize the decline in student enrollment for the year prior to funding, and due to the unusual nature of the decline, the inability of school units to reduce their costs accordingly.

PART D

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

§ 1610-M. Additional securities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed \$52,910,000 outstanding at any one time for capital repairs and improvements to state-owned facilities and hazardous waste cleanup on state-owned properties.

Sec. D-2. Maine Governmental Facilities Authority; issuance of securities. Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2 and section 1610-M, and notwithstanding the limitation contained in Maine Revised Statutes, Title 4, section 1606, subsection 2 regarding the amount of securities that may be issued, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$52,910,000. Proceeds must be used for the purpose of paying the costs associated with capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties as designated by the Commissioner of Administrative and Financial Services.

PART D SUMMARY

This Part authorizes the Maine Governmental Facilities Authority to issue additional securities up to an amount of \$52,910,000 to pay for the costs of capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties.

PART E

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

§8. Mileage allowance

The State shall pay for the use of privately-owned automobiles for travel by employees of the State in the business of the State such reimbursement as agreed to between the State and their certified or recognized bargaining agent. For employees and state officers and officials not subject to any such agreement, the State shall pay 36¢ per mile effective January 1, 2006, 38¢ per mile effective January 1, 2007, 40¢ per mile effective July 1, 2007, 42¢ per mile effective July 1, 2008, ~~and 44¢ per mile effective January 1, 2009, and effective July 1, 2021 the lower of the rate included in the bargaining agreement representing the most employees or the federal rate of reimbursement, whichever is lower,~~ for miles actually traveled on state business. The Governor may suspend the operation of this section and require state officials and employees to travel in automobiles owned or controlled by the State, if such automobiles are available.

**PART E
SUMMARY**

This Part updates the mileage rate paid to employees and state officers and officials not subject to a bargaining agreement to either the rate included in the bargaining agreement representing the most employees or the federal rate of reimbursement, whichever is lower. This change will be effective July 1, 2021.

PART F

Sec. F-1. 5 MRSA §1518-A, as amended by PL 2019, c. 448, §1, is repealed

Sec. F-2. 5 MRSA §1536, sub-§1, as amended by PL 2019, c. 448, §2 and §3, is further amended to read:

1. Final priority reserves. After the transfers to the State Contingent Account pursuant to section 1507, the transfers to the Loan Insurance Reserve pursuant to section 1511, the transfers pursuant to section 1522, a transfer of \$2,500,000 for the Reserve for General Fund Operating Capital and the transfers to the Retiree Health Insurance Internal Service Fund pursuant to section 1519, the State Controller shall transfer at the close of each fiscal year from the unappropriated surplus of the General Fund an amount equal to the amount available from the unappropriated surplus after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made as follows:

A. ~~Eighty~~ Ninety percent to the stabilization fund; and

B.

C.

D.

E.

F. ~~Twenty percent to the Property Tax Relief Fund for Maine Residents established in section 1518-A.~~

G. Ten percent to the Capital Construction and Improvements Reserve Fund established in section 1516-A.

Sec. F-3. Transfer to General Fund unappropriated surplus; Property Tax Relief Fund for Maine Residents. Notwithstanding any other provisions of law, the State Controller shall transfer \$300,000 from the Property Tax Relief Fund for Maine Residents account in the Department of Administrative and Financial Services to General Fund unappropriated surplus no later than June 30, 2022.

PART F SUMMARY

This Part repeals the Property Tax Relief Fund for Maine Residents, amends the year end transfers and transfers the remaining balance of the Property Tax Relief Fund for Maine Residents to the General Fund unappropriated surplus.

PART G

Sec. G-1. 30-A MRSA §5681, sub-§5, as amended by PL 2019, c. 343, Part H §1 is further amended to read:

5. Transfers to funds. No later than the 10th day of each month, the State Controller shall transfer to the Local Government Fund 5% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F and L, and credited to the General Fund without any reduction, except that for fiscal years 2015-16, 2016-17, 2017-18 and 2018-19 the amount transferred is 2%, except that for fiscal year 2019-20, the amount transferred is 3% and except that for fiscal years 2020-21, 2021-22, and 2022-23 the amount transferred is 3.75% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F and L, and credited to the General Fund without any reduction, and except that the postage, state cost allocation program and programming costs of administering state-municipal revenue sharing may be paid by the Local Government Fund. A percentage share of the amounts transferred to the Local Government Fund each month must be transferred to the Disproportionate Tax Burden Fund and distributed pursuant to subsection 4-B as follows:

- C. For months beginning on or after July 1, 2009 but before July 1, 2010, 15%;
- D. For months beginning on or after July 1, 2010 but before July 1, 2011, 16%;
- E. For months beginning on or after July 1, 2011 but before July 1, 2012, 17%;
- F. For months beginning on or after July 1, 2012 but before July 1, 2013, 18%;
- G. For months beginning on or after July 1, 2013 but before July 1, 2014, 19%; and
- H. For months beginning on or after July 1, 2014, 20%.

**PART G
SUMMARY**

This Part sets the transfer to the Local Government Fund at 3.75% in fiscal years 2022 and 2023.

PART H

Sec. H-1. 30-A MRSA § 5681, sub-§5, as amended by PL 2019, c. 343, Pt. H, §1, is further amended to read:

5. Transfers to funds. No later than the 10th day of each month, the State Controller shall transfer to the Local Government Fund 5% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F ~~and L, and N~~, and credited to the General Fund without any reduction, except that for fiscal years 2015-16, 2016-17, 2017-18 and 2018-19 the amount transferred is 2%, for fiscal year 2019-20 the amount transferred is 3% and for fiscal year 2020-21 the amount transferred is 3.75% of the receipts during the previous month from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F ~~and L, and N~~, and credited to the General Fund without any reduction, and except that the postage, state cost allocation program and programming costs of administering state-municipal revenue sharing may be paid by the Local Government Fund. A percentage share of the amounts transferred to the Local Government Fund each month must be transferred to the Disproportionate Tax Burden Fund and distributed pursuant to subsection 4-B as follows:

- C. For months beginning on or after July 1, 2009 but before July 1, 2010, 15%;
- D. For months beginning on or after July 1, 2010 but before July 1, 2011, 16%;
- E. For months beginning on or after July 1, 2011 but before July 1, 2012, 17%;
- F. For months beginning on or after July 1, 2012 but before July 1, 2013, 18%;
- G. For months beginning on or after July 1, 2013 but before July 1, 2014, 19%; and
- H. For months beginning on or after July 1, 2014, 20%.

Sec. H-2. 36 MRSA §2551, sub-§2-B is enacted to read:

2-B. Digital audio-visual and digital audio services. “Digital audio-visual and digital audio services” means the electronic transfer of digital audio-visual works and digital audio works to an end user with the right of less than permanent use granted by the seller, including when conditioned upon continued payment from the purchaser or a subscription.

For purposes of this subsection:

A. “End user” means a person other than a person who receives by contract a product transferred electronically for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or exhibition of the product, in whole or in part, to another person;

B. “Permanent” means perpetual or for an indefinite or unspecified length of time;

C. “Subscription” means an agreement with a seller that grants a purchaser the right to obtain products transferred electronically, in a fixed quantity or for a fixed period of time, or both; and

D. “Transfer electronically” or “electronic transfer” means obtainment by the purchaser by means other than tangible storage media.

Sec. H-3. 36 MRS §2551, sub-§2-C is enacted to read:

2-C. Digital audio-visual works. “Digital audio-visual works” means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

Sec. H-4. 36 MRS §2551, sub-§2-D is enacted to read:

2-D. Digital audio works. “Digital audio works” means works that result from the fixation of a series of musical, spoken or other sounds, including ringtones. For purposes of this subsection, “ringtones” means digitized sound files that are downloaded onto a device and that may be used to alert the purchaser with respect to a communication.

Sec. H-5. 36 MRS §2552, sub-§1, ¶L, as amended by PL 2013, c. 368, Pt. OOOO, §3, is further amended to read:

L. Ancillary services;~~and~~

Sec. H-6. 36 MRS §2552, sub-§1, ¶M, as enacted by PL 2013, c. 368, Pt. OOOO, §4, is amended to read:

M. Group residential services for persons with brain injuries;and

Sec. H-7. 36 MRS §2552, sub-§1, ¶N is enacted to read:

N. Digital audio-visual and digital audio services.

Sec. H-8. 36 MRSA §2556-A is enacted to read:

§2556-A. Sourcing for sales of digital audio-visual and digital audio services

The sale of digital audio-visual and digital audio services is sourced in this State pursuant to this section.

1. Sourced to address of purchaser in seller's business records. The sale is sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith.

2. Sourced to address of purchaser not in seller's business records. For a sale when subsection 1 does not apply, the sale is sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith.

3. Sourced to address from which service provided. When subsections 1 and 2 do not apply, including the circumstance in which the seller is without sufficient information to apply subsection 1 or 2, the location is determined by the address from which the service was provided, disregarding for these purposes any location that was merely the site from which the digital transfer of the product sold was provided.

4. Mobile telecommunications service providers. Notwithstanding sections 1 to 3, the sale of digital audio-visual and digital audio services by a provider of mobile telecommunications service is sourced in the same manner as mobile telecommunications services pursuant to section 2556.

Sec. H-9. 36 MRSA §2559, as amended by PL 2015, c. 300, Pt. A, §35, is further amended to read:

§2559. Application of revenues.

Revenues derived by the tax imposed by this chapter must be credited to a General Fund suspense account. On or before the last day of each month, the State Controller shall transfer a percentage of the revenues received by the State Tax Assessor during the preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraphs A to F and L and N to the Local Government Fund as provided by Title 30-A, section 5681, subsection 5. The balance remaining in the General Fund suspense account must be transferred to service provider tax General Fund revenue. On or before the 15th day of each month, the State Controller shall transfer all revenues received by the assessor during the preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraphs G to J and M to the Medical Care Services Other Special Revenue Funds account, the Other Special Revenue Funds Mental Health Services – Community

Medicaid Program, the Medicaid Services – Adult Developmental Services program and the Office of Substance Abuse – Medicaid Seed program within the Department of Health and Human Services.

Sec. H-10. Application date. This Part applies to sales occurring on or after October 1, 2021.

PART H SUMMARY

This Part updates, clarifies and simplifies the service provider tax law regarding consumer purchases of digital media by equalizing the tax treatment between the various modes of purchase for sales occurring on or after October 1, 2021.

PART I

Sec. I-1. Carry balances; Debt Service - Government Facilities Authority. Notwithstanding any provision of law to the contrary, the State Controller shall carry any remaining balances in the Debt Service - Government Facilities Authority program in the Department of Administrative and Financial Services in each year of the 2022-2023 biennium into the following fiscal year.

PART I SUMMARY

This Part renews the authority for the Debt Service – Government Facilities Authority program to carry their funds in the following biennium.

PART J

Sec. J-1. Transfer of funds. Notwithstanding any provision of law to the contrary, the State Controller shall transfer to the unappropriated surplus of the General Fund \$1,000,000 no later than June 30, 2022 and \$1,000,000 no later than June 30, 2023 from the Medical Use of Marijuana Fund, established in the Maine Revised Statutes, Title 22, section 2430.

PART J SUMMARY

This transfers \$1,000,000 for fiscal year 2021-22 and \$1,000,000 for fiscal year 2022-23 from the Medical Use of Marijuana Fund to the unappropriated surplus of the General Fund.

PART K

Sec. K-1. Department of Administrative and Financial Services, Central Administrative Applications program, General Fund account carry-forward.

Notwithstanding any provision of law to the contrary, any balance remaining in the Department of Administrative and Financial Services, Central Administrative Applications program, General Fund account at the close of fiscal year 2021-22 and fiscal year 2022-23 may not lapse and must be carried forward in the same program.

PART K SUMMARY

This Part authorizes the Department of Administrative and Financial Services to carry forward any remaining balance in the Central Administrative Applications program for fiscal years 2021-22 and 2022-23.

PART L

Sec. L-1. Department of Administrative and Financial Services; financial agreement authorization; system requirements. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, Office of Information Technology and the Bureau of Alcoholic Beverages and Lottery Operations may enter into financial agreements on or after July 1, 2021, with debt service commencing on or after July 1, 2021, for the acquisition, licensing, installation, implementation, maintenance and support of computer hardware, software and other systems development of a constituent facing and back end liquor licensing and document management system of the Bureau of Alcoholic Beverages and Lottery Operations. The financial agreements may not collectively exceed 7 years in duration and \$3,000,000 in principal costs. The interest rate may not exceed 5%. Annual principal and interest costs must be paid from the Bureau of Alcoholic Beverages and Lottery Operations program accounts in the Department of Administrative and Financial Services.

PART L SUMMARY

This Part authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2021-22 and 2022-23 for the acquisition, licensing, installation, implementation, maintenance and support of computer hardware, software and other systems to support the operations Bureau of Alcoholic Beverages and Lottery Operations.

PART M

Sec. M-1. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of State, may enter into financing agreements in fiscal years 2021-22 and 2022-23 for the acquisition of motor vehicles for the Central Fleet Management Division. The financing agreements entered into in each fiscal year may not exceed \$7,500,000 in principal costs, and a financing agreement may not exceed 4 years in duration. The interest rate may not exceed 5%. The annual principal and interest costs must be paid from the appropriate line category allocations in the Central Fleet Management Division account.

PART M SUMMARY

This Part authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2021-22 and 2022-23 for the acquisition of motor vehicles for the Central Fleet Management Division.

PART N

Sec. N-1. Department of Administrative and Financial Services and Department of Public Safety; lease-purchase authorization for motor vehicles for State Police. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation within the Treasurer of State, on behalf of the Department of Public Safety, may enter into financing agreements in fiscal year 2021-22 and 2022-23 for the acquisition of motor vehicles for the State Police. The financing agreements entered into each fiscal year may not exceed \$2,300,000 in principal costs, and financing agreement may not exceed 42 months in duration. The interest rate may not exceed 5%. The annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the State Police accounts.

PART N SUMMARY

This Part authorizes the Department of Administrative and Financial Services and the Department of Public Safety to enter into financial arrangements in fiscal year 2021-22 and 2022-23 for the acquisition of motor vehicles for the State Police.

PART O

Sec. O-1. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of State, may enter into financing arrangements on or after July 1, 2021 for the acquisition of hardware, software and systems to support the operations of the Statewide Radio and Network System Reserve Fund, established in Title 5, section 1520. Specifically, for purchasing portables, ongoing upgrades of tower hardware, and the purchase of equipment in support of tower maintenance. The financing agreements entered into each fiscal year may not exceed \$5,000,000 in principal costs, and a financing agreement may not exceed 7 years in duration. The interest rate may not exceed 5%. The annual principal and interest costs must be paid from the appropriate line category appropriations in the Department of Administrative and Financial Services, Office of Information Technology accounts.

PART O SUMMARY

This Part authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2021-22 and 2022-23 for the acquisition of hardware, software and systems to support the operations of the Statewide Radio and Network System.

PART P

Sec. P-1. Attrition savings. Notwithstanding any provision of law to the contrary, the attrition rate for the 2022-2023 biennium is 5% for judicial branch and executive branch departments and agencies only. The attrition rate for subsequent biennia is 1.6%.

Sec. P-2. Calculation and transfer; attrition savings. The State Budget Officer shall calculate the amount of the savings in Part A that applies against each General Fund account for all executive branch departments and agencies statewide and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2021-22 and 2022-23. The State Budget Officer shall submit to the Joint Standing Committee on Appropriations and Financial Affairs a report of the transferred amounts no later than October 1, 2021.

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

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
Executive Branch Departments and Independent Agencies - Statewide 0017**

Initiative: Reduces funding to reflect projected savings from an increase in the attrition rate from 1.6% to 5% for fiscal years 2021-22 and 2022-23.

GENERAL FUND	2021-22	2022-23
Personal Services	<u>(\$14,154,911)</u>	<u>(\$14,361,890)</u>
GENERAL FUND TOTAL	(\$14,154,911)	(\$14,361,890)

**JUDICIAL DEPARTMENT
Courts – Supreme, Superior and District 0063**

Initiative: Reduces funding to reflect projected savings from an increase in the attrition rate from 1.6% to 5% for fiscal years 2021-22 and 2022-23.

GENERAL FUND	2021-22	2022-23
Personal Services	<u>(\$1,566,169)</u>	<u>(\$1,594,453)</u>
GENERAL FUND TOTAL	(\$1,566,169)	(\$1,594,453)

**PART P
SUMMARY**

This Part sets the attrition rate for the 2022-2023 biennium from 1.6% to 5% for judicial branch and executive branch departments and agencies.

PART Q

Sec. Q-1. Voluntary employee incentive programs. Notwithstanding the Maine Revised Statutes, Title 5, section 903, subsections 1 and 2, the Commissioner of Administrative and Financial Services shall offer for use prior to July 1, 2023 special voluntary employee incentive programs for state employees, including a 50% workweek, flexible position staffing and time off without pay. Employee participation in a voluntary employee incentive program is subject to the approval of the employee's appointing authority.

Sec. Q-2. Continuation of group health insurance. Notwithstanding the Maine Revised Statutes, Title 5, section 285, subsection 7 and Title 5, section 903, the State shall continue to pay health and dental insurance benefits for a state employee who applies prior to July 1, 2023 and is approved to participate in a voluntary employee incentive program under section 1 of this Part

based upon the scheduled workweek in effect prior to the employee's participation in the voluntary employee incentive program.

Sec. Q-3. Continuation of group life insurance. Notwithstanding the Maine Revised Statutes, Title 5, sections 903 and 18056 and the rules of the Maine Public Employees Retirement System, the life, accidental death and dismemberment, supplemental and dependent insurance amounts for a state employee who applies prior to July 1, 2023 and is approved to participate in a voluntary employee incentive program under section 1 of this Part are based upon the scheduled hours of the employee prior to the employee's participation in the voluntary employee incentive program.

Sec. Q-4. General Fund savings. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall transfer the General Fund savings resulting from the voluntary employee incentive programs under section 1 of this Part to the General Fund Compensation and Benefit Plan account in the Department of Administrative and Financial Services. The State Budget Officer shall submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2022 for fiscal year 2021-22 and no later than January 15, 2023 for fiscal year 2022-23.

Sec. Q-5. Lapsed balances. Notwithstanding any other provision of law, \$150,000 in fiscal year 2021-22 and \$150,000 in fiscal year 2022-23 of savings identified from the voluntary employee incentive programs in this Part lapse to the General Fund.

PART Q SUMMARY

This Part continues the voluntary employee incentive program through the 2022-2023 biennium.

PART R

Sec. R-1. Tax expenditures. In accordance with the Maine Revised Statutes, Title 5, section 1666 and to the extent not otherwise provided in this Act, funding is continued for each individual tax expenditure, as defined in Title 5, section 1666, reported in the budget document submitted to the Legislature by the Governor on January 8, 2021 in the first regular legislative session.

PART R SUMMARY

This Part continues authorization for each individual tax expenditure provided by statute.

PART S

Sec. S-1. Transfer from Liquor Operation Revenue Fund. Notwithstanding the Maine Revised Statutes, Title 30-A, section 6054, subsection 4, or any other provision of law to the contrary, the Maine Municipal Bond Bank shall transfer \$50,000,000 during fiscal year 2021-22 and \$20,000,000 during fiscal year 2022-23 from the Liquor Operation Revenue Fund, established in Title 30-A, section 6054, subsection 1, to the unappropriated surplus of the General Fund.

**PART S
SUMMARY**

This Part authorizes the General Fund to receive transfers of \$70,000,000 in undedicated revenues associated with profits from liquor. These revenues are in excess of the amount required for debt payments and previously authorized transfers.

PART T

Sec. T-1. Transfer to Maine Budget Stabilization Fund for fiscal year 2021-22. On or before June 30, 2022, the State Controller shall transfer \$10,000,000 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund established in the Maine Revised Statutes, Title 5, section 1532.

Sec. T-2. Transfer to Maine Budget Stabilization Fund for fiscal year 2022-23. On or before June 30, 2023, the State Controller shall transfer \$10,000,000 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund established in the Maine Revised Statutes, Title 5, section 1532.

**PART T
SUMMARY**

This Part requires the transfer of \$10,000,000 in fiscal years 2021-22 and 2022-23 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund.

PART U

Sec. U-1. 2 MRSA §6, sub-§3, as amended by PL 2019, c. 343, Pt. D, §1, is further amended to read:

3. Range 89. The salaries of the following state officials and employees are within salary range 89:

- Director, Bureau of General Services;
- Director, Bureau of Alcoholic Beverages and Lottery Operations;
- State Budget Officer;

State Controller;
Director, Bureau of Forestry;
Director, Governor's Office of Policy Innovation and Management the Future;
Director, Energy Resources Office;
Director of Human Resources;
Director, Bureau of Parks and Lands;
Director of the Governor's Office of Communications;
Director, Bureau of Agriculture, Food and Rural Resources; ~~and~~
Director, Bureau of Resource Information and Land Use Planning; ~~and~~;
Director, Office of Marijuana Policy.

Sec. U-2. 5 MRSA §947-B, as amended by PL 2013, c. 1, Pt. D, §§1-4, is further amended to read:

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

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

PART U SUMMARY

This Part adds the Director, Office of Marijuana Policy as a major policy influencing position within the Department of Administrative and Financial Services and adds it to the list of positions with salaries set by the Governor.

PART V

Sec. V-1. 12 MRSA §1802, as amended by PL 2017, c. 284, Pt. P P P P P P, §1, is further amended to read:

2. Deputy director. The director is assisted in executive duties by a deputy director. The deputy director position is a classified, confidential position.

4. Appointment. The director ~~and the deputy director are~~ is appointed by and will serve at the pleasure of the commissioner.

PART V SUMMARY

This Part changes the Deputy Director position from serving at the pleasure of the Commissioner to a classified, confidential position.

PART W

Sec. W-1. 12 MRSA §1849, as amended by PL 2017, c. 289, is further amended to read:

2. Fund established. All income received by the director from the public reserved lands, except income provided for in section 1855, must be deposited with the Treasurer of State to be credited to the Public Reserved Lands Management Fund, which is established as a nonlapsing fund and is subject to allocation by the legislature. Any interest earned on this money must also be credited to the fund. No expenditure may be made from the fund other than for the bureau's general operating purposes with respect to management of the public reserved lands unless the fund has a cash operating balance of at least \$2,500,000 at the start of the fiscal year during which the expenditure is made.

4. Expenditures from fund. ~~Expenditures from the Public Reserved Lands Management Fund, including but not limited to money expended for road building and road maintenance, are subject to legislative approval in the same manner as appropriations from the General Fund. Money in the Public Reserved Lands Management Fund may not be expended in excess of or in any manner inconsistent with the legislative allocation of the fund by the Legislature. The joint standing committee of the Legislature having jurisdiction over public lands matters, referred to in this subsection as "the jurisdictional committee," shall review all allocations or subdivisions of allocations from the fund.~~

A. Before ~~January~~ February 15th of each odd-numbered year, the commissioner shall submit to the jurisdictional committee a detailed proposed budget for expenditures from the fund for the budgetary biennium. Before January 15th of each even-numbered year, the commissioner shall submit to the jurisdictional committee a detailed budget for any proposed modifications to the legislative allocations of the fund during the remainder of the budgetary biennium.

PART W SUMMARY

This Part allows the department to submit financial orders for this account and adjusts the budget report submission date in odd-numbered years to align with the submission of a biennial budget from a Governor-elect. Legislative reporting requirements and oversight remain intact.

PART X

Sec X-1. Transfer of funds from unencumbered balance forward, Department of Agriculture, Conservation and Forestry, Division of Forest Protection. Notwithstanding any other provision of law to the contrary, the State Controller shall leave \$200,000 of unencumbered balance forward remaining in the Personal Services line category and \$300,000 of unencumbered balance forward remaining in the All Other line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account at the close of fiscal year 2020-21 and shall transfer all remaining money from the unencumbered balance forward in the Personal Services line category above \$200,000 and in the All Other line category above \$300,000 on or before August 1, 2021 to the Capital Expenditures line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account to fund the overhaul of existing aircraft.

Sec X-2. Transfer of funds from unencumbered balance forward, Department of Agriculture, Conservation and Forestry, Division of Forest Protection. Notwithstanding any other provision of law to the contrary, the State Controller shall leave \$200,000 of unencumbered balance forward remaining in the Personal Services line category and \$300,000 of unencumbered balance forward remaining in the All Other line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account at the close of fiscal year 2021-22 and shall transfer all remaining money from the unencumbered balance forward in the Personal Services line category above \$200,000 and in the All Other line category above \$300,000 on or before August 1, 2022 to the Capital Expenditures line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account to fund the overhaul of existing aircraft.

PART X SUMMARY

This Part authorizes a one-time transfer in each year of the biennium of all funds in excess of \$500,000 from unencumbered balance forward in the Personal Services and All Other line categories in the Division of Forest Protection, General Fund account to the Capital Expenditures line category in the Division of Forest Protection, General Fund account to fund the overhaul of existing aircraft.

PART Y

Sec. Y-1. Rename Office of the Commissioner program. Notwithstanding any other provision of law, the Office of the Commissioner program within the Department of Agriculture, Conservation and Forestry is renamed the DACF Administration program.

PART Y SUMMARY

This Part renames the Office of the Commissioner program in the Department of Agriculture, Conservation and Forestry to DACF Administration.

PART Z

Sec. Z-1. Transfer Balances. Notwithstanding any other provision of law, at the close of fiscal year 2020-21, the Department of Agriculture, Conservation and Forestry shall transfer, after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Federal-State Inspection Fund account in the Bureau of Agriculture program, Federal Expenditures Fund to the Division of Quality Assurance and Regulation account in the Bureau of Agriculture program, Other Special Revenue Funds.

PART Z SUMMARY

This Part authorizes a transfer of residual cash remaining in the Federal-State Inspection Fund account to the Division of Quality Assurance and Regulation account at the end of the 2020-21 biennium.

PART AA

Sec. AA-1. 35-A MRS §9211 is amended to read:

2-A. Surcharge; collection. Beginning January 1, 2020, in addition to the assessment imposed pursuant to subsection 2, a ~~ConnectME~~ ConnectMaine surcharge of 10¢ per line or number is imposed. The assessment imposed pursuant to subsection 2 and the surcharge imposed pursuant to this subsection must be collected from the customer on a monthly basis by each communications service provider. Revenue must be deposited in the fund.

3. ConnectMaine fund surcharge; Beginning January 1, 2022, the ConnectMaine surcharge, of 10 cents per month per line imposed in subsection 2-A is levied on:

(1) Each residential and business telephone exchange line, including private branch exchange lines and Centrex lines;

(2) Semipublic coin and public access lines;

(3) Customers of interconnected voice over Internet protocol service; and

(4) Customers of cellular or wireless telecommunications service that is not prepaid wireless telecommunications service;

The Surcharge may not be imposed on more than 25 lines per customer billing the account. Revenue must be deposited in the fund.

~~3.4.~~ Explicit identification of assessment and surcharge on customer bills. A communications service provider assessed pursuant to subsection 2 may recover the amount of the assessment from the provider's customers. If a provider recovers the amount from its customers, it must explicitly identify the amount owed by a customer on the customer's bill and indicate that the funds are collected for use in the ConnectMaine Fund. Beginning January 1, 2020, the ConnectME surcharge imposed pursuant to subsection 2-A must be shown separately from the assessment imposed pursuant to subsection 2 as a statewide ConnectME surcharge on the customer's bill. Beginning January 1, 2022, the ConnectMaine surcharge imposed pursuant to subsection 2-A 3 must be shown separately from the assessment imposed pursuant to subsection 2 as a statewide ~~ConnectME~~ Broadband Access Fund surcharge on the customer's bill.

PART AA SUMMARY

This Part clarifies the new 10 cent ConnectMaine surcharge.

PART BB

Sec. BB-1. Department of Corrections; transfer of funds for overtime expenses.

Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any provision of law to the contrary, the Department of Corrections, by financial order upon the recommendation of the State Budget Officer and approval of the Governor, may transfer Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purposes of paying overtime expenses in fiscal years 2021-22 and 2022-23. These transfers are not considered adjustments to appropriations.

PART BB SUMMARY

This Part authorizes the Department of Corrections to transfer, by financial order, Personal Services, All Other or Capital Expenditure line categories between accounts within the same fund for the purpose of paying departmental overtime expenses in fiscal years 2021-22 and 2022-23.

PART CC

Sec. CC-1. Transfers and adjustments to position count. The Commissioner of Corrections shall review the current organizational structure of the Department of Corrections to improve organizational efficiency and cost-effectiveness and shall recommend transfers of

positions and available balances. Notwithstanding any provision of law to the contrary, the State Budget Officer shall transfer the position counts and available balances by financial order, in order to achieve the purposes of this section, from July 1st to December 1st of each fiscal year of the 2022-2023 biennium. Position adjustments made after December 1st and before July 1st of each fiscal year may not be considered an adjustment to position count or appropriations. The transfer and adjustment authorized by this section must comply with the requirements of the Maine Revised Statutes, Title 5, section 1585. Any transfer or adjustment pursuant to this section that would result in a program or mission change or facility closure must be reported by the Bureau of the Budget 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.

PART CC SUMMARY

This Part allows 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 of July 1st to December 1st of each fiscal year in the 2022-2023 biennium. Any transfers resulting in a mission change or facility closure must have legislative review.

PART DD

Sec. DD-1. Personal Services balances; Maine Health Data Organization; transfers authorized. Notwithstanding any other provision of law, in the 2022-2023 biennium, the Maine Health Data Organization is authorized to transfer up to \$325,000 in each fiscal year, available balances of Personal Services allocations, after all salary, benefit and other obligations are met, to the All Other line category in the Maine Health Data Organization, Other Special Revenue Funds account.

PART DD SUMMARY

This Part authorizes transfers of Personal Services to All Other in the Maine Health Data Organization, Other Special Revenue Funds account.

PART EE

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

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

Sec. EE-2. 20-A MRSA §203, sub-§1, ¶F, as amended by PL 2019, c. 343, Pt. SS, §2, is further amended to read:

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

PART EE SUMMARY

This Part changes the title of Director, Legislative Affairs within the Department of Education to Director of Policy and Government Affairs.

PART FF

Sec. FF-1. 5 MRSA §937, sub-§1, ¶M, as enacted by PL 2011, c. 655, Pt. D, §4, is amended to read:

M. Director, ~~of Marketing and~~ Communications;

Sec. FF-2. 5 MRSA §937, sub-§1, ¶N is enacted to read:

N. Chief Innovation Officer; and

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

M. Director, ~~of Marketing and~~ Communications;

Sec. FF-4. 20-A MRSA §203, sub-§1, ¶O, as amended by PL 2019, c. 343, Pt. TT, §2, is further amended to read:

O. ~~Director of Special Projects~~ Chief Innovation Officer; and

PART FF SUMMARY

This Part changes the title of Director, Communications within the Department of Education to Director of Marketing and Communications and the title of Director of Special Projects within the Department of Education to Chief Innovation Officer and adds the Chief Innovation Officer as a major policy-influencing position in the department.

PART GG

Sec. GG-1. 5 MRSA §937, sub-§1, ¶O is enacted to read:

O. Chief of Operations.

PART GG SUMMARY

This Part adds the Chief of Operations position as a major policy-influencing position in the Department of Education.

PART HH

Sec. HH-1. 5 MRSA §1582, sub-§4, as amended by PL 2013, c. 368, Pt. DD, §1, is further amended to read:

4. Use of savings; personal services funds. Savings accrued from unused funding of employee benefits may not be used to increase services provided by employees. Accrued salary savings generated within an appropriation or allocation for Personal Services may be used for the payment of nonrecurring Personal Services costs only within the account where the savings exist. Accrued savings generated from vacant positions within a General Fund account's appropriation for Personal Services may be used to offset Personal Services shortfalls in other General Fund accounts that occur as a direct result of Personal Services appropriation reductions for projected vacancies, and accrued savings generated within a Highway Fund account's allocations for Personal Services may be used to offset Personal Services shortfalls in other Highway Fund accounts that occur as a direct result of Personal Services allocation reductions for projected vacancies; except that the transfer of such accrued savings is subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Costs related to acting capacity appointments and emergency, unbudgeted overtime for which it is impractical to budget in advance may be used with the approval of the appointing authority. Other actions such as retroactive compensation for reclassifications or reallocations and retroactive or one-time settlements related to arbitrator or court decisions must be recommended by the department or agency head and approved by the State Budget Officer. Salary and employee benefits savings may not be used to fund recurring Personal Services actions either in the account where the savings exist or in another account. At the close of each fiscal year, except for the forest protection unit account within the Department of Agriculture, Conservation and Forestry, the Disproportionate Share - Riverview Psychiatric Center and the Disproportionate Share - Dorothea Dix Psychiatric Center accounts within the Department of Health and Human Services, ~~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. HH-2 Department of Education; Education in the Unorganized Territory; lapsed balances. Notwithstanding any other provision of law, \$5,002,639 of unencumbered balance forward from the Department of Education, Education in the Unorganized Territory account, Personal Services line category lapses to the unappropriated surplus of the General Fund no later than June 30, 2022.

PART HH SUMMARY

This part removes the Education in the Unorganized Territory account within the Department of Education from the list of accounts authorized to carry unexpended General Fund Personal Services balances and transfers the accumulated balance to the unappropriated surplus of the General Fund.

PART II

Sec. II-1. 20-A MRS §7209, sub-§4, as amended by PL 2017, c. 284, Pt. SSS, §1 is further amended to read:

4. Director of early childhood special education. The commissioner or the commissioner's designee shall ~~appoint and~~ supervise a director of early childhood special education. The director has the following powers and duties:

PART II SUMMARY

This Part removes the appointment of the Director of Early Childhood Special Education. This position was formerly a Child Development Services position. It is now a State position and does not need to be appointed.

PART JJ

Sec. JJ-1. 20-A MRS §13013-A, sub-§3, as enacted by PL 2011, c. 702, §2, ¶3 is amended to read:

3. Payment. The department shall provide the salary supplement to school administrative units and publicly supported secondary schools for eligible teachers no later than February 15th of each year. Payment must be paid within available resources. Amounts paid may be prorated.

PART JJ SUMMARY

This Part adds language that allows the prorating of salary supplement payments for national board-certified teachers based on the amount of revenue received for this purpose.

PART KK

Sec. KK-1. 18-C MRSA §5-415, sub-§1, as affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

1. Bond or collateral. Requiring the conservator to furnish bond or collateral or additional bond or collateral or allowing a reduction in a bond or collateral previously furnished; This subsection does not apply to a public conservator;

Sec. KK-2. 18-C MRSA §5-416, sub-§5, is enacted to read:

5. Public conservator. The court may not require a bond for a public conservator.

Sec. KK-3. 18-C MRSA §5-710, as affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

§5-710. Bond not required

~~The public guardian or conservator is not required to file bonds in individual guardianships or conservatorships, but shall give a surety bond for the joint benefit of the individuals subject to guardianship or protected persons placed under the responsibility of the public guardian or conservator and the State, with a surety company or companies authorized to do business within the State, in an amount not less than the total value of all assets held by the public guardian or conservator, which amount must be computed at the end of each state fiscal year and approved by the Probate Court for Kennebec County. At no time may the bond of each of the public guardians or conservators be less than \$500 respectively.~~

Sec. KK-4. 18-C MRSA §5-711, sub-§1, as affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

1. Reasonable expenses; account for costs. The public guardian or conservator may receive such reasonable amounts for its expenses as guardian or conservator as the Probate Court may allow. The amounts so allowed must be allocated to an account from which may be drawn expenses for filing fees, ~~bond premiums~~, court costs and other expenses required in the administration of the functions of the public guardian or conservator. No amounts thus received may inure to the benefit of any employee of the public guardian or conservator. Any balance in the account at the end of a fiscal year does not lapse but is carried forward from year to year and used for the purposes provided for in this subsection.

PART KK SUMMARY

This Part eliminates the requirement that a public guardian or public conservator furnish a bond. The Maine Supreme Judicial Court held in *Perry v. Dean*, 2017 ME 35, that the State, having not explicitly waived its sovereign immunity provided under the Maine Tort Claims Act,

is immune to claims against the State for breach of fiduciary duty owed to the person subject to public guardianship or public conservatorship.

PART LL

Sec. LL-1. 22 MRSA §1708, sub-§3, ¶F, as enacted by PL 2017, c. 460, Pt. B, §1, is amended to read:

F. Establish a nursing facility's base year every 2 years and increase the rate of reimbursement beginning July 1, 2014 and every year thereafter until June 30, 2018. For the state fiscal year beginning July 1, 2018, the base year for each facility is its fiscal year that ended in the calendar year 2016. For state fiscal years beginning on or after July 1, 2019, subsequent rebasing must be based on the most recent cost report filings available. The department may provide a mechanism for subsequent adjustments to base year costs to reflect any material difference between as-filed cost reports used in rebasing and subsequent determinations of audited, allowable costs for the same fiscal period. The department's rules must provide that, beginning in the state fiscal year beginning July 1, 2018, the rates set for each rebasing year must include an inflation adjustment for a cost-of-living percentage change in nursing facility reimbursement each year in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index ~~medical care~~ nursing homes and adult day care services index.

Any rebasing done pursuant to this paragraph may not result in a nursing facility receiving a reimbursement rate that is lower than the rate in effect on June 30, 2018.

PART LL SUMMARY

This Part updates the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index to be used for cost-of-living adjustments from the medical care services index to the nursing and adult day care services index.

PART MM

Sec. MM-1. 22 MRSA §1816, as amended by PL 2019, c. 343, Pt. YY, §5, is further amended to read:

§1816. Inspections

Every building, institution or establishment for which a license has been issued must be periodically inspected by duly appointed representatives of the ~~Office of MaineCare Services~~ Division of Licensing and Certification under the rules and regulations to be established by the department. An institution licensed pursuant to this chapter may not be required to be licensed or inspected under the laws of this State relating to hotels, restaurants, lodging houses, boardinghouses and places of refreshments. A full license may not be issued until the applicant

has furnished the department with a written statement signed by the Commissioner of Public Safety or the proper municipal official designated in Title 25, chapters 313 to 321 to make fire safety inspections that the home and premises comply with chapters 313 to 321 relating to fire safety. The department shall establish and pay reasonable fees to the municipal official or the Commissioner of Public Safety for each such inspection. This written statement must be furnished annually prior to the issuance of full licensure.

~~For nursing facilities providing both nursing home and assisted living services, the department shall ensure that a single coordinated licensing and life safety code inspection is performed. The commissioner shall adopt rules to implement this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter H-A.~~

A hospital licensed under this chapter is exempt from department relicensure inspection requirements under this chapter if the hospital is certified by the Centers for Medicare and Medicaid Services for participation in the federal Medicare program and holds full accreditation status by a health care facility accrediting organization recognized by the Centers for Medicare and Medicaid Services. If a hospital is certified to participate in the federal Medicare program and not accredited by a health care facility accrediting organization recognized by the Centers for Medicare and Medicaid Services, the department shall inspect the hospital every 3 years for compliance with the Centers for Medicare and Medicaid Services' conditions of participation. The provisions of this paragraph do not exempt a hospital from an inspection by the department in response to a complaint or suspected violation of this chapter or of the Centers for Medicare and Medicaid Services' conditions of participation or an inspection by another state agency or municipality for building code, fire code, life safety code or other purposes unrelated to health care facility licensing or accreditation. For purposes of this paragraph, "Centers for Medicare and Medicaid Services" means the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

PART MM SUMMARY

This Part accomplishes the following:

1. It changes the representatives that inspect establishments from the Office of MaineCare Services to the Division of Licensing and Certification.
2. It removes the requirement that the department conduct a single coordinated inspection of a facility dually licensed as a nursing home and an assisted housing facility. This requirement is not feasible as nursing facilities are inspected based on their federal certification requirements which varies year to year between 9 and 15 months and assisted housing licensure inspections are done every 2 years to coincide with the term of licensure.

PART NN

Sec. NN-1. 22 MRSA §1964, as enacted by PL 2017, c. 312, Pt. A, §2, is amended to read:

§1964. Required Staffing

Notwithstanding any other provision of law, and without further approval or justification, the department shall promptly fill all public health nurse positions within the Public Health Nursing Program for which funding is provided.

The department shall widely post public notices for public health nurse vacancies under this section on publicly accessible state websites and in other appropriate locations. Public notice must be posted within 30 days of the effective date of this section for vacancies then existing and within 30 days of each subsequent vacancy that occurs. The department shall recruit and hire qualified individuals for these vacant positions

~~Notwithstanding any other provision of law, the department may not transfer or otherwise repurpose any funds appropriated or allocated for the salaries, benefits and other costs of public health nurses and the services they provide.~~

PART NN SUMMARY

This Part removes the language which does not allow the transfer or otherwise repurpose of any funds appropriated or allocated for public health nurses and the services they provide.

PART OO

Sec. OO-1. 36 MRSA §2892, as enacted by PL 2019, c.616, Pt. Y, §1, is amended by:

§2892. Tax imposed

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

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

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

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

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

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

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

For state fiscal years beginning on or after July 1, 2021, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2018.

PART OO SUMMARY

This Part updates the base year for the hospital tax.

PART PP

Sec. PP-1. 22 MRSA, §3762, sub-§8, ¶B, as amended by PL 2015, c. 267, Pt. RRRR, §3, is further amended to read:

B. The department shall provide limited transitional transportation benefits to meet employment-related costs to ASPIRE-TANF program participants who lose eligibility for TANF assistance due to employment, and to employed families with children with income less than 200% of the nonfarm income official poverty line. The department may also make transitional transportation benefits available to families in which one or both adults are working and who, although they remain financially eligible for TANF benefits, request that their benefits be terminated. Benefits may be provided for up to 18 months ~~following loss of TANF eligibility.~~ The department may adopt rules that impose a weekly limit on available transitional transportation benefits and that require a contribution from each participant toward the cost of transportation. For the purposes of employed families, whose household income is less than 200% of the nonfarm income official poverty line and who do not qualify based on the loss of TANF due to earnings or are a two parent household who request termination of TANF benefits when at least one adult is working, the department may use up to \$1.4 million annually from the federal TANF block grant for expenditures under this program.

PART PP SUMMARY

This Part accomplishes the following:

1. It changes eligibility for transitional transportation to include families who are employed and have income less than 200% of the nonfarm income official poverty line.
2. It allows the department to use federal TANF block grant to support employed families who have transportation costs and have income less than 200% of the nonfarm income official poverty line. The department may use up to \$1.4 million annually in TANF block grant expenditures for these families.

PART QQ

Sec. QQ-1. 22 MRSA §8605, as amended by PL 1997, c. 728, §15, is further amended to read:

§8605. Fire safety

1. Inspection required. A license may not be issued by the department for an adult day care program until the department has received from the Commissioner of Public Safety a written statement signed by one of the officials designated under Title 25, section 2360, 2391 or 2392 to make fire safety inspections. This statement must indicate that a facility has complied with the applicable fire safety provisions referred to in subsection 2 and Title 25, section 2452 and must be furnished ~~annually~~ to the department prior to the issuance of full licensure.

2. Life Safety Code. The written statement must be furnished ~~annually~~ to the department prior to the issuance of full licensure and must indicate that the adult day care program has complied with at least the requirements of the Life Safety Code of the National Fire Protection Association that are specified in:

A. The family day care homes section, if the adult day care program has no more than 6 adults per session;

B. The group day care homes section, if the adult day care program has at least 7 but no more than 12 adults per session; or

C. The child day care section, if the adult day care program has more than 13 adults per session.

3. Fees. The department shall establish and pay reasonable fees to the Department of Public Safety or municipal official for each such inspection. Fees collected by the Department of Public Safety must be deposited into a special revenue account to defray expenses in carrying out this

section. Any balance of fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

PART QQ SUMMARY

This Part changes the frequency of life safety inspections from annual to prior to the issuance of the license which is every 2 years.

PART RR

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

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

PART RR SUMMARY

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

PART SS

Sec. SS-1. Transfer provision. Notwithstanding any other provision of law, at the close of fiscal year 2020-21, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balances in the Low-Cost Drugs to Maine's Elderly program, the Mental Health Services - Community Medicaid program and the Office of Substance Abuse and Mental Health Services - Medicaid Seed program, General Fund to the Medical Care - Payments to Providers program, General Fund. Additionally, all existing contracts, agreements and compacts currently in effect in the Department of Health and Human Services continue in effect.

Sec. SS-2. Transfer provision. Notwithstanding any other provision of law, at the close of fiscal year 2020-21, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balances in the Private Non-Medical Institutions Room and Board program, General Fund to the Nursing Facilities program, General Fund. Additionally, all existing contracts, agreements and compacts currently in effect in the Department of Health and Human Services continue in effect.

Sec. SS-3. Transfer provision. Notwithstanding any other provision of law, at the close of fiscal year 2020-21, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balances in the Developmental Services Waiver - MaineCare program, the Developmental Services Waiver - Supports program, the Medicaid Waiver for Other Related Conditions program, the Traumatic Brain Injury Seed program and the Medicaid Waiver for Brain Injury Residential and Community Services program, General Fund to the Medicaid Services - Developmental Services program, General Fund. Additionally, all existing contracts, agreements and compacts currently in effect in the Department of Health and Human Services continue in effect.

Sec. SS-4. Transfer of funds. Notwithstanding any other provision of law, the Department of Health and Human Services may transfer available balances in the accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are considered adjustments to appropriations.

PART SS SUMMARY

This Part contains transition provisions for the consolidation of General Fund programs from 13 to 4 in the Department of Health and Human Services, Office of MaineCare Services. Additionally, all existing contracts, agreements and compacts currently in effect in the Department of Health and Human Services continue in effect.

PART TT

Sec. TT-1. Carrying balances; Department of Health and Human Services web portal upgrade. Notwithstanding any provision of law to the contrary, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$1,400,000 appropriated in Public Law 2019, chapter 343 in the All Other line category in the Office for Family Independence -District program, General Fund account for the purpose of upgrades to the public assistance web portal.

PART TT SUMMARY

This Part authorizes any unexpended balance in the Office for Family Independence – District program, General Fund account within the Department of Health and Human Services for the purpose of upgrades to the public assistance web portal be carried forward for use in the next fiscal year.

PART UU

Sec. UU-1. Transfer of Personal Services balances to All Other; state psychiatric centers.

Notwithstanding any provision of law to the contrary, for fiscal years 2021-22 and 2022-23 only, the Department of Health and Human Services is authorized to transfer available balances of Personal Services appropriations and allocations in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program, the Riverview Psychiatric Center program and the Dorothea Dix Psychiatric Center program after all salary, benefit and other obligations are met to the All Other line category of those programs. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

PART UU SUMMARY

This Part authorizes the Department of Health and Human Services to transfer by financial order available Personal Services balances in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program, the Riverview Psychiatric Center program and the Dorothea Dix Psychiatric Center program in order to provide flexibility in the payment of operational expenses.

PART VV

Sec. VV-1. Rename Office of Substance Abuse and Mental Health Services.

Notwithstanding any other provision of law, the Office of Substance Abuse and Mental Health Services within the Department of Health and Human Services is renamed the Office of Behavioral Health.

PART VV SUMMARY

This Part renames the Office of Substance Abuse and Mental Health Services within the Department of Health and Human Services to the Office of Behavioral Health.

PART WW

Sec. WW-1. Emergency rule-making authority; health and human services matters. The Department of Health and Human Services is authorized to adopt emergency rules under the Maine Revised Statutes, Title 5, sections 8054 and 8073 as necessary 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 without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

PART WW SUMMARY

This Part authorizes the Department of Health and Human Services to adopt emergency rules to implement any provisions of this Act over which it has specific authority that has not been addressed by some other Part of the Act without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

PART XX

Sec. XX-1. Department of Health and Human Services; transfer of funds from All Other. Notwithstanding any provision of law to the contrary, for fiscal years 2021-22 and 2022-23 only, the Department of Health and Human Services may transfer from available balances of appropriations in the All Other line category after the deduction of all appropriations, financial commitments, other designated funds or any other transfer authorized by statute from any account within the Department of Health and Human Services, excluding balances in the IV-E Foster Care/Adoption Assistance and State-funded Foster Care/Adoption Assistance programs, for the purpose of the information system modernization project in the Office of Aging and Disability Services, including the modernization of and merging of information systems within the Department of Health and Human Services, Office of Aging and Disability Services, by financial order upon the recommendation of the State Budget Officer and approval of the Governor. This transfer is not considered an adjustment to appropriations.

PART XX SUMMARY

This Part authorizes the transfer of All Other balances from any account within the Department of Health and Human Services, excluding balances in the IV-E Foster Care/Adoption Assistance and State-funded Foster Care/Adoption Assistance programs, for the purpose of the information system modernization project in the Office of Aging and Disability Services.

PART YY

Sec. YY-1. Transfer of funds. Notwithstanding any other provision of law, for fiscal years 2021-22 and 2022-23, the Department of Health and Human Services may transfer available balances between the State-Funded Foster Care/Adoption Assistance program and the IV-E Foster Care/Adoption Assistance program in the All Other line category. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

**PART YY
SUMMARY**

This Part authorizes the Department of Health and Human Services to transfer appropriations within the Office of Child and Family Services related to the cost of administering the child welfare program.

PART ZZ

Sec. ZZ-1. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any provision of law to the contrary, until June 30, 2023, 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.

**PART ZZ
SUMMARY**

This Part authorizes the Department of Health and Human Services to transfer available balances of appropriations between the MaineCare General Fund accounts for the 2022-2023 biennium.

PART AAA

Sec. AAA-1. Transfer of Personal Services balances to All Other; Department of Health and Human Services, Office for Family Independence. Notwithstanding any provision of law to the contrary, in fiscal years 2021-22 and 2022-23 only, the Department of Health and Human Services is authorized to transfer available balances of appropriations in the Personal Services line category in the Office for Family Independence program and the Office for Family Independence - District program after all financial commitments for salary, benefit, other obligations and budgetary adjustments have been made to the All Other line category in either the Office for Family Independence program or the Office for Family Independence - District program in order to provide for information technology and related services. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

**PART AAA
SUMMARY**

This Part authorizes the Department of Health and Human Services to transfer available balances of Personal Services appropriations to All Other in the Office for Family Independence program and the Office of Family Independence – District program for the 2022-2023 biennium.

PART BBB

Sec. BBB-1. Department of Health and Human Services; General Assistance – Reimbursement to Cities and Towns account; lapsed balances. Notwithstanding any other provision of law, \$3,000,000 of unencumbered balance forward from the Department of Health and Human Services, General Assistance – Reimbursement to Cities and Towns, General Fund carrying account, All Other line category lapses to the unappropriated surplus of the General Fund no later than June 30, 2022.

**PART BBB
SUMMARY**

This Part lapses \$3,000,000 of the unencumbered balance forward of the Department of Health and Human Services, General Assistance – Reimbursement to Cities and Towns, General Fund account to the General Fund in fiscal year 2021-22.

PART CCC

Sec. CCC-1. Department of Health and Human Services; Temporary Assistance to Needy Families account; lapsed balances. Notwithstanding any other provision of law, \$5,000,000 of unencumbered balance forward from the Department of Health and Human Services, Temporary Assistance to Needy Families, General Fund carrying account, All Other line category lapses to the unappropriated surplus of the General Fund no later than June 30, 2022.

**PART CCC
SUMMARY**

This Part lapses \$5,000,000 of the unencumbered balance forward of the Department of Health and Human Services, Temporary Assistance to Needy Families, General Fund account to the General Fund in fiscal year 2021-22.

PART DDD

Sec. DDD-1. Department of Health and Human Services; Additional Support for People in Retraining and Employment account; lapsed balances. Notwithstanding any other provision of law, \$10,000,000 of unencumbered balance forward from the Department of Health and Human Services, Additional Support for People in Retraining and Employment, General Fund carrying account, All Other line category lapses to the unappropriated surplus of the General Fund no later than June 30, 2022.

PART DDD SUMMARY

This Part lapses \$10,000,000 of the unencumbered balance forward of the Department of Health and Human Services, Additional Support for People in Retraining and Employment, General Fund account to the General Fund in fiscal year 2021-22.

PART EEE

Sec. EEE-1. Department of Health and Human Services; Medical Care Services account; lapsed balances. Notwithstanding any other provision of law, \$60,000,000 of unencumbered balance forward from the Department of Health and Human Services, Medical Care Services, General Fund carrying account, All Other line category lapses to the unappropriated surplus of the General Fund no later than June 30, 2022.

PART EEE SUMMARY

This Part lapses \$60,000,000 of the unencumbered balance forward of the Department of Health and Human Services, Medical Care Services, General Fund account to the General Fund in fiscal year 2021-22.

PART FFF

Sec. FFF-1. 4 MRSA, §1804, sub-§4, ¶D is amended to read:

4. Powers. The commission may:

- A. Establish and maintain a principal office and other offices within the State as it considers necessary;
- B. Meet and conduct business at any place within the State;
- C. Use voluntary and uncompensated services of private individuals and organizations as may from time to time be offered and needed;

D. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish ~~standards under subsection 2, paragraph B~~ and rates of compensation for assigned counsel and contract counsel under subsection 2, paragraph F are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; and

E. Appear in court and before other administrative bodies represented by its own attorneys.

PART FFF SUMMARY

This Part allows the Maine Indigent Legal Services Commission to establish rates of compensation for assigned counsel and contract counsel through routine technical, rather than major substantive, rulemaking, enabling the Commission to make these changes more quickly and efficiently.

PART GGG

Sec. GGG-1. 12 MRSA §10202, sub-§9, as amended by PL 2019, c. 343, Pt. LLL, §1, is further amended to read:

9. Fiscal Stability Program. The Fiscal Stability Program is established to ensure that the general public and hunters and anglers share the cost of the fish and wildlife conservation programs of the department. To achieve this goal, beginning with the ~~2022-2023~~2024-2025 biennial budget and for each biennial budget thereafter, the biennial budget submitted by the executive branch must include an additional General Fund appropriation of 18% in excess of the department's requested biennial budget.

PART GGG SUMMARY

This Part amends the fiscal stability program to begin in the 2024-2025 biennium.

PART HHH

Sec. HHH-1. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account. On or before August 1, 2021, the State Controller shall transfer \$45,000 from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Enforcement Operations – Inland Fisheries & Wildlife program, General Fund account for the purchase of one replacement aircraft engine. On or before August 1, 2022, the State Controller shall transfer \$46,000 from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Enforcement

Operations – Inland Fisheries & Wildlife program, General Fund account for the purchase of one replacement aircraft engine.

PART HHH SUMMARY

This Part transfers funds from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Enforcement Operations – Inland Fisheries & Wildlife program, General Fund account to purchase one replacement aircraft engine in fiscal year 2021-22 and one replacement aircraft engine in fiscal year 2022-23.

PART III

Sec. III-1. Judicial salary adjustment. Notwithstanding any provision of the Maine Revised Statutes, Title 4 to the contrary, effective July 1, 2021 and July 1, 2022, the State Court Administrator shall increase the salaries of the State's chief justices, Chief Judge, Deputy Chief Judge, associate justices and associate judges by 3% in total each of those fiscal years.

PART III SUMMARY

This Part authorizes the State Court Administrator to increase the salaries of the State's chief justices, Chief Judge, Deputy Chief Judge, associate justices and associate judges by 3% in each of fiscal years 2021-22 and 2022-23 effective July 1, 2021 and July 1, 2022.

PART JJJ

Sec. JJJ-1. Establish Bureau of Sea Run Fisheries and Habitat program. Notwithstanding any other provision of law, the Bureau of Sea Run Fisheries and Habitat program is established within the Department of Marine Resources for the State funds used to manage and regulate the sea run fisheries and habitat resources of the State of Maine in terms of management, restoration, monitoring and resource utilization.

Sec. JJJ-2. Transfer balances. Notwithstanding any other provision of law, at the end of fiscal year 2020-21, the State Controller shall transfer, after the deduction of all allocations, financial commitments and other designated funds and any other transfer authorized by statute, any remaining balance in the Division of Sea Run Fisheries and Habitat, Other Special Revenue Funds account to the Bureau of Sea Run Fisheries and Habitat program, Other Special Revenue Funds account within the Department of Marine Resources.

PART JJJ SUMMARY

This Part establishes the Bureau of Sea Run Fisheries and Habitat program in the Department of Marine Resources.

PART KKK

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

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

PART KKK SUMMARY

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

PART LLL

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

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

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

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

PART LLL SUMMARY

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

PART MMM

Sec. MMM-1. Carrying provision; Department of Secretary of State, Elections and Commissions. Notwithstanding any other provision of law, the State Controller shall carry forward any unexpended balance in the All Other line category at the end of fiscal year 2020-21 to fiscal year 2021-22 and fiscal year 2022-23 in the Department of Secretary of State, Elections and Commissions program to be used as match for the federal Help America Vote Act Election Security Grant.

PART MMM SUMMARY

This Part carries forward unexpended All Other funds as of June 30, 2021 in the Department of Secretary of State, Elections and Commissions program.

PART NNN

-Sec. NNN-1. Carry balance fiscal year 2020-21; Office of Treasurer of State, Debt Service. Notwithstanding any provision of law to the contrary, the State Controller shall carry any remaining fiscal year 2020-21 balance in the Office of Treasurer of State, Debt Service - Treasury program into fiscal year 2021-22.

Sec. NNN-2. Carry balance fiscal year 2021-22; Office of Treasurer of State, Debt Service. Notwithstanding any provision of law to the contrary, the State Controller shall carry any remaining fiscal year 2021-22 balance in the Office of Treasurer of State, Debt Service - Treasury program into fiscal year 2022-23.

PART NNN SUMMARY

This Part authorizes the balances in the Office of Treasurer of State, Debt Service - Treasury program to carry in this program to be used for the same purpose over the 2022-2023 biennium.

PART OOO

Sec. OOO-1. 5 MRSA §15301 sub-§2, as established by PL1999, c. 401, Pt. AAA, §3 is amended to read:

§15301. Definitions

2. Targeted technologies. "Targeted technologies" means healthcare and public health, biotechnology, aquaculture and marine technology, composite materials technology, environmental technology, advanced technologies for forestry and agriculture, computing, artificial intelligence, information technology and precision manufacturing technology. These targeted technologies may be amended only by the Legislature.

PART OOO SUMMARY

This Part includes healthcare and public health, computing, and artificial intelligence under the definition of targeted technologies for the purpose of research and development.

PART PPP

Sec. PPP-1. 20-A MRSA §10952, sub-§7, as amended by PL 2019, c.487, §1 is further amended to read:

7. Borrow money. To borrow money pursuant to this chapter and issue evidences of indebtedness to finance the acquisition, construction, reconstruction, improvement or equipping of any one project, or more than one, or any combination of projects, or to refund evidences of indebtedness hereafter issued or to refund general obligation debt of the State, or to refund any such refunding evidences of indebtedness or for any one, or more than one, or all of those purposes, or any combination of those purposes, and to provide for the security and payment of those evidences of indebtedness and for the rights of the holders of them, except that any borrowing pursuant to this chapter, exclusive of borrowing to refund evidences of indebtedness, to refund general obligation debt of the State, or to fund issuance costs or necessary reserves, or for the portion of any borrowing where the related debt service will be funded by a commitment from the Maine Legislature or contractually committed to the university from third-party sources, including foundations, public private partnership arrangements, or donors, may not exceed in the aggregate principal amount outstanding at any time \$350,000,000, and except that no borrowing may be effected pursuant to this chapter unless the amount of the borrowing and the project or projects are submitted to the legislative Office of Fiscal and Program Review for review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least 30 days before closing on such borrowing for the project or projects is to be initiated; Borrowings for the purposes of this chapter shall not include capital lease obligations, financing for energy services projects or interim financing for capital projects;

PART PPP SUMMARY

This Part clarifies that borrowing, when the related debt service will be funded by a commitment from the Maine Legislature or is contractually committed by third-party sources, should be excluded from the aggregate principal amount outstanding threshold calculation. Additionally, this Part clarifies that borrowings under this chapter should not include capital lease obligations, financing for energy services projects or interim financing for capital projects.