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**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, 2010 and June 30, 2011**

**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.** The following appropriations and allocations are made.

**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 §5401, sub-§3-A** is enacted to read:

**3-A. Waiver for transportation of public preschool students.** The commissioner may waive the requirement for school administrative units to provide transportation for public preschool students.

**Sec. C-2. 20-A MRSA §5806, sub-§2,** as amended by PL 2007, c. 539, Pt. C, §2, is further amended to read:

**2. Maximum allowable tuition.** The maximum allowable tuition charged to a school administrative unit by a private school is the rate established under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower, plus an insured value factor. The insured value factor is computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. It may not exceed 10% of a school's legal tuition rate per student in any one year. For the 2008-09 and 2009-10 school yearyears only, a school administrative unit is not required to pay an insured value factor greater than 5% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student.

**Sec. C-3. 20-A MRSA §15671, sub-§7, ¶A,** as amended by PL 2007, c. 539, Pt. C, §3, is further amended to read:

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

- (1) For fiscal year 2005-06, the target is 84%.
- (2) For fiscal year 2006-07, the target is 90%.
- (3) For fiscal year 2007-08, the target is 95%.
- (4) For fiscal year 2008-09, the target is 97%.
- (5) For fiscal year 2009-10 ~~and succeeding years~~, the target is ~~100%~~97%.
- (6) For fiscal year 2010-11 and succeeding years, the target is 100%.

**Sec. C-4. 20-A MRSA §15671, sub-§7, ¶B,** as amended by PL 2007, c. 539, Pt. C, §4, is further amended to read:

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

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

(4) For fiscal year 2008-09, the target is ~~54.01%~~52.52%.

(5) For fiscal year 2009-10 ~~and succeeding years~~, the target is ~~55%~~51.01%.

(6) For fiscal year 2010-11 and succeeding years, the target is 55%.

**Sec. C-5. 20-A MRSA §15671-A, sub-§2, ¶B,** as amended by PL 2007, c. 668, §34, is further amended to read:

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

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

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

(3) For the 2007 property tax year, the full-value education mill rate is the amount necessary to result in a 45.56% statewide total local share in fiscal year 2007-08.

(4) For the 2008 property tax year, the full-value education mill rate is the amount necessary to result in a 45.99% statewide total local share in fiscal year 2008-09.

(4-A) For the 2009 property tax year ~~and subsequent tax years~~, the full-value education mill rate is the amount necessary to result in a ~~45.0%~~48.99% statewide total local share in fiscal year 2009-10 ~~and after~~.

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

**Sec. C-6. 20-A MRSA §15682,** as amended by PL 2005, c. 519, Pt. AAAA, §9, is further amended to read:

**§ 15682. Regional adjustment**

The commissioner shall make a regional adjustment in the total operating allocation for each school administrative unit determined pursuant to section 15683. The regional adjustment must be based on the regional differences in teacher salary costs ~~within~~for labor market areas ~~in the State~~in which the school administrative unit is located, as computed by a statewide education policy research institute, and must be applied only to appropriate teacher salary and benefits costs as calculated under section 15678 and salary and benefit costs of other school-level staff who are not teachers as calculated under section 15679.

**Sec. C-7. 20-A MRSA §15683-A**, as amended by PL 2007, c. 539, Pt. C, §9, is further amended to read:

**§ 15683-A. Total debt service allocation**

For each school administrative unit, that unit's total debt service allocation is that unit's debt service costs as defined in section 15672, subsection 2-A. For the 2008-09 and 2009-10 funding yearyears only, for each school administrative unit, that unit's total debt service allocation is that unit's debt service costs as defined in section 15672, subsection 2-A excluding 80% of the insured value factor pursuant to section 15672, subsection 2-A, paragraph C.

**Sec. C-8. 20-A MRSA §15689, sub-§1, ¶B**, as amended by PL 2007, c. 539, Pt. C, §10, is further amended to read:

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

- (1) In fiscal year 2005-06, 84%;
- (2) In fiscal year 2006-07, 84%;
- (3) In fiscal year 2007-08, 84%;
- (4) In fiscal year 2008-09, ~~50%~~45%; and
- (5) In fiscal year 2009-10 ~~and succeeding years~~, ~~84%~~45%; and
- (6) In fiscal year 2010-11 and succeeding years, 84%.

**Sec. C-9. 20-A MRSA §15689, sub-§10** is enacted to read:

**10. Innovative school construction project adjustment.** For any fiscal year, if the appropriation for the state share of debt service exceeds the annual payments, the commissioner may expend and disburse the balance of funds to carry out the purposes of innovative school construction.

**Sec. C-10. 20-A MRSA §15689-A, sub-§10**, as amended by PL 2007, c. 539, Pt. W, §1, is further amended to read:

**10. Data management and support services for essential programs and services.**

The commissioner may pay costs attributed to system maintenance and staff support consisting of 11 positions that provide professional and administrative support to general purpose aid for local schools necessary to implement the requirements of the Essential Programs and Services Funding Act. ~~A transfer of All Other funds from the General Purpose Aid for Local Schools account to Personal Services in the Management Information Systems account for 11 positions that provide professional and administrative support to general purpose aid for local schools in the department's management information systems program may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.~~

**Sec. C-11. 20-A MRSA §15689-A, sub-§12-A**, as amended by PL 2007, c. 539, Pt. C, §11, is further amended to read:

**12-A. Learning through technology.** The commissioner may pay costs attributed to staff support consisting of one Education Team and Policy Director position, 2 Education Specialist III positions, one Planning and Research Associate I position, one Director of Special Projects position and 2 Education Specialist II positions and system maintenance for a program that promotes learning through technology. ~~A transfer of All Other funds from the General Purpose Aid for Local Schools account to Personal Services and the All Other line categories category in the Learning Through Technology General Fund nonlapsing account sufficient to support the Personal Services and All Other costs of one Education Team and Policy Director position, 2 Education Specialist III positions, one Planning and Research Associate I position, one Director of Special Projects position, one Education Specialist II position, the General Fund share of one Education Specialist II position and the agreement that provides one-to-one wireless computers for 7th grade, 8th grade and high school students and educators may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.~~

**Sec. C-12. 20-A MRSA §15689-A, sub-§16**, as enacted by PL 2007, c. 539, Pt. C, §12, is amended to read:

**16. Transportation administration.** The commissioner may pay costs attributed to staff support one Education Specialist III position and system maintenance necessary to implement the transportation requirements of this chapter and chapter 215. ~~A transfer of All Other funds from the General Purpose Aid for Local Schools account to Personal Services and All Other line categories in the Support Systems General Fund account sufficient to support the Personal Services and All Other costs of one Education Specialist III position may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.~~

**Sec. C-13. 20-A MRSA §15689-A, sub-§18**, as reallocated by RR 2007, c. 2, §6, is amended to read:

**18. Coordination of services for juvenile offenders.** The commissioner may pay certain costs attributed to staff support consisting of 2 Education Specialist II positions and 2 Office Associate II positions and associated operating costs for providing coordination of education, treatment and other

services for juvenile offenders at youth development centers in Charleston and South Portland. A transfer of All Other funds from the General Purpose Aid for Local Schools account to the ~~Personal Services and All Other~~ line ~~categories~~category in the ~~Learning Systems~~Special Services Team program General Fund account within the Department of Education sufficient to support ~~2 Education Specialist II positions and 2 Office Associate II positions~~the All Other costs in this subsection may occur annually by financial order upon recommendation of the State Budget Officer and approval of the Governor.

**Sec. C-14. 20-A MRSA §15689-A, sub-§19** is enacted to read:

**19. Miscellaneous costs limitations.** The amounts of the miscellaneous costs pursuant to this section are limited to the amounts appropriated by the Legislature for these costs.

**Sec. C-15. Mill expectation.** The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2009-10 is 6.68.

**Sec. C-16. 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 2009-10 is:

	<b>2009-10 TOTAL</b>
<b>Total Operating Allocation</b>	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 without transitions percentage	\$1,361,048,007
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 97% transitions percentage	\$1,320,216,567
Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$386,167,586
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<b>Total Operating Allocation</b>	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,706,384,153
<b>Total Debt Service Allocation</b>	
Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$98,773,116
<b>Total Adjustments and Miscellaneous Costs</b>	
Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, section 15689 and 15689-A	\$74,860,695

**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 2009-10 pursuant to the  
Maine Revised Statutes, Title 20-A, chapter 606-B \$1,880,017,964

**Sec. C-17. Local and state contributions to total cost of funding public education from kindergarten to grade 12.** The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2009 and ending June 30, 2010 is:

	<b>2009-10 LOCAL</b>	<b>2009-10 STATE</b>
<b>Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12</b>		
Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20- A, section 15683	\$921,046,472	\$958,971,492

**Sec. C-18. Limit of State's obligation.** If the State's continued obligation for any individual component contained in sections 16 and 17 of this Part exceeds the level of funding provided for that component, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual component. Any unexpended balances from this Part may not lapse but must be carried forward for the same purpose.

**Sec. C-19. Authorization of payments.** Sections 16 and 17 of this Part may not be construed to require the State to provide payments that exceed the appropriation of funds for general purpose aid for local schools for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

**Sec. C-20. Carrying balance; Management Information Systems program, General Fund account.** Notwithstanding any other provision of law, any balance remaining from the \$3,500,000 appropriation in fiscal year 2007-08 to the Department of Education's Management Information Systems program, General Fund account in Public Law 2007, chapter 240, Part A, section 22 to provide statewide support for certain operational efficiencies, such as GIS routing software and consolidated payroll and accounting systems, associated with school consolidation that carried forward to fiscal year 2008-09 pursuant to Public Law 2007, chapter 539, Part NN, section 1 does not lapse but must carry forward to June 30, 2011 to be used for the same purpose.

**PART D**

**Sec. D-1. 20-A MRSA §253, sub-§6**, as amended by PL 1985, c. 785, Pt. A, §78, is further amended to read:

**6. Agricultural education consultant.** The commissioner shall appoint, subject to the Civil Service Law, an Education Specialist III or higher or agricultural education consultant to be responsible for supervision of agricultural technical education, including agribusiness and agriculture's relation to the environment.

**Sec. D-2. Rename Preschool Handicapped program.** Notwithstanding any other provision of law, the Preschool Handicapped program within the Department of Education is renamed the Child Development Services program.

## PART E

**Sec. E-1. 36 MRSA §4062, sub-§1-A, ¶A**, as repealed and replaced by PL 2005, c. 12, Pt. N, §1 and affected by §4, is amended to read:

A. For the estates of decedents dying after December 31, 2002, "federal credit" means the maximum credit against the tax on the federal taxable estate for state death taxes determined under the Code, Section 2011 as of December 31, 2002 exclusive of the reduction of the maximum credit contained in the Code, Section 2011(b)(2); the period of limitations under the Code, Section 2011(c); and the termination provision contained in the Code, Section 2011(f). ~~The federal taxable estate is to be determined using the applicable Code as of the date of the decedent's death, except that: The state death tax deduction contained in the Code, Section 2058 must be disregarded. The unified credit must be determined under the Code, Section 2010 as of December 31, 2000. The termination provision contained in the Code, Section 2210 must be disregarded.~~ Notwithstanding any other provision of this Title to the contrary, the tax determined by this chapter for estates of decedents dying after December 31, 2009 must be determined in accordance with the law applicable to decedents dying during calendar year 2009; and

(1) ~~The state death tax deduction contained in the Code, Section 2058 is to be disregarded;~~

(2) ~~The unified credit is to be determined under the Code, Section 2010 as of December 31, 2000;~~

(3) ~~For the estates of decedents dying after December 31, 2004, the federal taxable estate must be decreased by an amount equal to the value of Maine qualified terminable interest property in the estate of the decedent; and~~

(4) ~~For the estates of decedents dying after December 31, 2004, the federal taxable estate must be increased by an amount equal to the value of Maine elective property in respect of the decedent; and~~



**Sec. E-2. 36 MRSA §4062, sub-§1-B** is enacted to read:

**1-B. Federal taxable estate.** "Federal taxable estate" means the taxable estate as determined using the applicable Code as of the date of the decedent's death except as provided in subsection 1-A and:

A. The state death tax deduction contained in the Code, Section 2058 must be disregarded;

B. For estates of decedents dying after December 31, 2004, the federal taxable estate must be decreased by an amount equal to the value of Maine qualified terminable interest property in the estate of the decedent; and

C. For estates of decedents dying after December 31, 2004, the federal taxable estate must be increased by an amount equal to the value of Maine elective property in respect of the decedent.

**Sec. E-3. 36 MRSA §4062, sub-§2,** as amended by PL 2007, c. 693, §24, is further amended to read:

**2. Federal gross estate.** "Federal gross estate" means the gross estate of a decedent as determined by the assessor in accordance with the Code, except that, notwithstanding the Code, Section 2035, the value of the gross estate includes the value of all taxable gifts as defined under the Code, Section 2503(a), made by the decedent during the 3-year period ending on the date of the decedent's death, but does not include the value of taxable gifts made prior to January 1, 2008.

**Sec. E-4. 36 MRSA §4062, sub-§2-A,** as amended by PL 2005, c. 622, §15, is further amended to read:

**2-A. Maine elective property.** "Maine elective property" means all property in which the decedent at the time of death had a qualified income interest for life and with respect to which, for purposes of determining the tax imposed by this chapter on the estate of a predeceased spouse of the decedent, the federal taxable estate of that predeceased spouse was decreased pursuant to subsection ~~1-A~~**1-B**, paragraph ~~A~~, ~~subparagraph (3)~~**B**. The value of Maine elective property is the value determined by the assessor in accordance with the Code as if such property were includible in the decedent's federal gross estate pursuant to the Code, Section 2044 and, in the case of estates that do not incur a federal estate tax, as if the estate had incurred a federal estate tax.

**Sec. E-5. 36 MRSA §4071, sub-§1-A,** as enacted by PL 2007, c. 693, §29, is amended to read:

**1-A. State determination of certain estates.** For deaths occurring on or after July 1, 2008 but before ~~January 1, 2010~~July 1, 2009, the State Tax Assessor is not bound by a final federal determination under subsection 1 if the assessor determines the issue for purposes of tax under this chapter within 2 years of the date the return was filed or the date the return is due, whichever is later.

For deaths occurring on or after July 1, 2009, the State Tax Assessor is not bound by a final federal determination under subsection 1 if the assessor determines the issue for purposes of tax under this chapter.

**Sec. E-6. Application.** Those sections of this Part that amend the Maine Revised Statutes, Title 36, section 4062, subsection 1-A and section 4062, subsection 2 and subsection 2-A and that enact section 4062, subsection 1-B apply to deaths occurring on or after January 1, 2009. That section of this Part that amends section 4071, subsection 1-A applies to estates of decedents dying on or after July 1, 2009.

## PART F

**Sec. F-1. PL 2007, c. 539, Pt. L, §1** is amended to read:

**Sec. L-1. Transfers to Maine Clean Election Fund.** In addition to the transfers authorized pursuant to the Maine Revised Statutes, Title 21-A, section 1124, the State Controller shall transfer ~~\$2,425,000~~\$2,000,000 from General Fund undedicated revenue to the Maine Clean Election Fund on or before June 1, 2010 and shall transfer an additional ~~\$2,000,000~~ from General Fund undedicated revenue to the Maine Clean Election Fund on or before August 1, 2010.

**Sec. F-2. Transfers to Maine Clean Election Fund.** Notwithstanding the Maine Revised Statutes, Title 21-A, section 1124, subsection 2, paragraph B, the State Controller shall transfer \$2,000,000, currently authorized to be made on or before January 1, 2011, from the General Fund to the Maine Clean Election Fund on or before September 1, 2010 in order to ensure that adequate funds will be available to the Commission on Governmental Ethics and Election Practices.

## PART G

**Sec. G-1. 12 MRSA §6304, sub-§2,** as amended by PL 2003, c. 20, Pt. WW, §1, is further amended to read:

**2. Duplication.** Licenses that have been lost or destroyed must be reissued at a cost of ~~\$5~~\$6.

**Sec. G-2. 12 MRSA §6421, sub-§7-A,** as amended by PL 2007, c. 615, §9, is further amended to read:

**7-A. Fee.** Except as provided in subsection 8, the fee for the license is:

A. ~~Fifty-six~~Sixty-five dollars for a resident Class I license for applicants under 18 years of age;

A-1. ~~Three hundred and thirty-six~~eighty-seven dollars for a nonresident Class I license for applicants under 18 years of age;

B. ~~One hundred and thirteen~~thirty-five dollars and seventy-five cents for a resident Class I license for applicants 18 years of age or older;

B-1. ~~Six hundred and eighty-two~~Seven hundred ninety dollars and seventy-five cents for a nonresident Class I license for applicants 18 years of age or older;

C. ~~Two hundred twenty-eight~~seventy-two dollars and fifty cents for a resident Class II license;

C-1. ~~Thirteen hundred seventy-one~~Fifteen hundred eighty-seven dollars and fifty cents for a nonresident Class II license;

D. ~~Three hundred forty-one~~Four hundred seven dollars and twenty-five cents for a resident Class III license;

D-1. Two thousand ~~forty-seven~~three hundred sixty-nine dollars and twenty-five cents for a nonresident Class III license;

E. ~~Fifty-six~~Sixty-five dollars for a resident apprentice lobster and crab fishing license for applicants under 18 years of age;

E-1. Three hundred ~~thirty-six~~eighty-seven dollars for a nonresident apprentice lobster and crab fishing license for applicants under 18 years of age;

F. One hundred and ~~fourteen~~thirty-two dollars for a resident apprentice lobster and crab fishing license for applicants 18 years of age or older;

F-1. ~~Six hundred and eighty-two~~Seven hundred eighty-five dollars and ~~seventy-five~~ cents for a nonresident apprentice lobster and crab fishing license for applicants 18 years of age or older;

G. ~~Fifty-six~~Sixty-five dollars for a student lobster and crab fishing license;

H. ~~Fifty-six~~Sixty-five dollars for a noncommercial lobster and crab fishing license; and

I. Five hundred ninety dollars and twenty-five cents for a nonresident lobster and crab landing permit.

**Sec. G-3. 12 MRSA §6421, sub-§8,** as repealed and replaced by PL 2007, c. 138, §1, is amended to read:

**8. Exception.** The fee for a license for an applicant 70 years of age or older is:

A. For a Class I or an apprentice lobster and crab fishing license, ~~\$57~~\$66;

B. For a Class II lobster and crab fishing license, ~~\$114~~\$136; and

C. For a Class III lobster and crab fishing license, ~~\$170~~\$203.

**Sec. G-4. 12 MRSA §6451, sub-§1,** as amended by PL 2007, c. 615, §12, is further amended to read:

**1. Allocation of license fees.** Ten dollars of each ~~\$113.75~~\$135.75 fee, \$10 of each ~~\$114~~\$132 fee, \$20 of each ~~\$170~~\$203 fee, \$20 of each ~~\$228.50~~\$272.50 fee, \$30 of each ~~\$341.25~~\$407.25 fee, \$30 of each ~~\$336~~\$387 fee, \$60 of each ~~\$682.75~~\$785 fee, ~~\$60~~ of each \$790.75 fee, \$120 of each ~~\$1,371.50~~\$1,587.50 fee, \$180 of each ~~\$2,047.25~~\$2,369.25 fee, \$5 of each ~~\$56~~\$65 fee and \$5 of each ~~\$57~~\$66 fee for each lobster and crab fishing license must be allocated to the Lobster Fund, which must be used for the purposes of lobster biology research, of propagation of lobsters by liberating seed lobsters and female lobsters in Maine coastal waters and of establishing and supporting lobster hatcheries.

**Sec. G-5. 12 MRSA §6501, sub-§5**, as amended by PL 2003, c. 20, Pt. WW, §6, is further amended to read:

**5. Fees.** Fees for commercial fishing licenses are:

- A. ~~Forty-one~~Forty-eight dollars for resident operator;
- B. One hundred ~~elevent~~twenty-eight dollars for resident operator and all crew members; and
- C. Four hundred ~~eighteen~~eighty-one dollars for nonresident operator and all crew members.

**Sec. G-6. 12 MRSA §6505-A, sub-§4**, as amended by PL 2003, c. 20, Pt. WW, §7, is further amended to read:

**4. Fees.** Fees for elver fishing licenses are:

- A. For a person who is a resident, ~~\$91~~\$105; and
- B. For a person who is a nonresident, ~~\$384~~\$442.

Fifty dollars of each license fee collected under this subsection ~~accrue~~accrues to the Eel and Elver Management Fund established in section 6505-D.

**Sec. G-7. 12 MRSA §6505-B, sub-§1, ¶A**, as amended by PL 2001, c. 421, Pt. B, §30 and affected by Pt. C, §1, is further amended to read:

- A. ~~Fifty~~Fifty-eight dollars per net or trap for the use of an elver fyke net or Sheldon eel trap, except that the fee under this paragraph does not apply to an elver fyke net or Sheldon eel trap a person utilizes pursuant to section 6505-A, subsection 5.

**Sec. G-8. 12 MRSA §6505-B, sub-§3**, as amended by PL 2001, c. 421, Pt. B, §30 and affected by Pt. C, §1, is further amended to read:

**3. Dip net fee.** A person may not utilize a dip net to fish for or take elvers without paying a fee of ~~\$50~~\$58 per dip net annually.

This subsection does not apply to a dip net a person utilizes pursuant to section 6505-A, subsection 5.

**Sec. G-9. 12 MRSA §6505-B, sub-§5**, as enacted by PL 1995, c. 536, Pt. A, §8, is amended to read:

**5. Disposition of fees.** ~~All fees~~Fees collected under this section accrue to the Eel and Elver Management Fund established in section 6505-D:as follows:

- A. Fifty dollars per net or trap for the use of an elver fyke net or Sheldon eel trap; and
- B. Fifty dollars per dip net.

**Sec. G-10. 12 MRSA §6505-C, sub-§4,** as amended by PL 2003, c. 20, Pt. WW, §8, is further amended to read:

**4. Fees.** The fee for an eel harvesting license is ~~\$108~~\$125.

**Sec. G-11. 12 MRSA §6535, sub-§4,** as amended by PL 2003, c. 20, Pt. WW, §9, is further amended to read:

**4. Fee.** Fees for licenses issued under this section are:

A. For a sea urchin and scallop diving tender license, ~~\$111~~\$133; and

B. For a 30-day temporary sea urchin and scallop diving tender license, ~~\$31~~\$36.

**Sec. G-12. 12 MRSA §6536, sub-§4,** as amended by PL 2003, c. 20, Pt. WW, §10, is further amended to read:

**4. Fee.** The fee for a scallop diving tender license is ~~\$111~~\$136.

**Sec. G-13. 12 MRSA §6601, sub-§5,** as repealed and replaced by PL 2007, c. 466, Pt. A, §34, is amended to read:

**5. Fee.** Except as provided in subsection 5-A, the fee for a commercial shellfish license is ~~\$115~~\$133.

**Sec. G-14. 12 MRSA §6601, sub-§5-A,** as amended by PL 2007, c. 466, Pt. A, §35, is further amended to read:

**5-A. Exception.** The fee for a commercial shellfish license for applicants 70 years of age or older is ~~\$57.50~~\$67.

**Sec. G-15. 12 MRSA §6602, sub-§5,** as enacted by PL 2007, c. 54, §2, is amended to read:

**5. Fee.** The fee for a surf clam boat license is ~~\$230~~\$265.

**Sec. G-16. 12 MRSA §6651, sub-§1,** as amended by PL 2007, c. 692, §3, is further amended to read:

**1. Fees to be paid into fund.** ~~Sixty-five percent of all fees~~Fees from shellfish licenses, mussel hand-raking and boat licenses, shellfish transportation licenses and wholesale seafood licenses must be paid into the Shellfish Fund. ~~The Shellfish Fund may receive any other money, including any other gift, grant or other source of revenue.~~as follows:

A. Seventy-four dollars and seventy-five cents from a commercial shellfish license;

B. One hundred forty-nine dollars and fifty cents from a mussel boat license;

C. Seventy-four dollars and seventy-five cents from a mussel hand-raking license;

D. Two hundred ninety-nine dollars from a shellfish transportation license;

E. Ninety-seven dollars and fifty cents from a shellfish transportation supplemental license;

F. Two hundred fifty dollars and twenty-five cents from a wholesale seafood license; and

G. Forty-eight dollars and seventy-five cents from a wholesale seafood supplemental license.

The Shellfish Fund may receive any other money, including any other gift, grant or other source of revenue.

**Sec. G-17. 12 MRSA §6701, sub-§5,** as amended by PL 2003, c. 20, Pt. WW, §13, is further amended to read:

**5. Fee.** The fee for a scallop license is ~~\$111~~\$143.

**Sec. G-18. 12 MRSA §6702, sub-§5,** as amended by PL 2007, c. 607, Pt. A, §2, is further amended to read:

**5. Fee.** The fee for a scallop dragging license is ~~\$111~~\$143.

**Sec. G-19. 12 MRSA §6703, sub-§4,** as amended by PL 2003, c. 20, Pt. WW, §15, is further amended to read:

**4. Fee.** The fee for a noncommercial scallop license is ~~\$10~~\$18.

**Sec. G-20. 12 MRSA §6731, sub-§4,** as amended by PL 2003, c. 20, Pt. WW, §16, is further amended to read:

**4. Fee.** The fee for a mahogany quahog license is ~~\$111~~\$128. Fees collected pursuant to this section must be deposited in the General Fund.

**Sec. G-21. 12 MRSA §6745, sub-§5,** as amended by PL 2003, c. 20, Pt. WW, §17, is further amended to read:

**5. Fee.** The fee for a hand-raking mussel license is ~~\$115~~\$133.

**Sec. G-22. 12 MRSA §6746, sub-§5,** as amended by PL 2003, c. 20, Pt. WW, §18, is further amended to read:

**5. Fee.** The fee for a mussel boat license is ~~\$230~~\$265.

**Sec. G-23. 12 MRSA §6748, sub-§4,** as amended by PL 2003, c. 20, Pt. WW, §19, is further amended to read:

**4. Fee.** The fee for a handfishing sea urchin license is ~~\$111~~\$152.

**Sec. G-24. 12 MRSA §6748-A, sub-§4,** as amended by PL 2003, c. 20, Pt. WW, §20, is further amended to read:

**4. Fee.** The fee for a sea urchin dragging license is ~~\$111~~\$152.

**Sec. G-25. 12 MRSA §6748-D, sub-§4**, as amended by PL 2003, c. 20, Pt. WW, §21, is further amended to read:

**4. Fee.** The fee for a sea urchin hand-raking and trapping license is ~~\$111~~\$152.

**Sec. G-26. 12 MRSA §6751, sub-§4**, as amended by PL 1991, c. 528, Pt. T, §12 and affected by Pt. RRR and amended by c. 591, Pt. T, §12, is further amended to read:

**4. Fee.** The fee for a marine worm digger's license is ~~\$43~~\$50.

**Sec. G-27. 12 MRSA §6791, sub-§1**, as enacted by PL 1977, c. 661, §5, is amended to read:

**1. Deposit of license revenues.** ~~All revenues~~Revenues from marine worm licenses ~~shall~~must be paid into the Marine Worm Fund. ~~The fund shall be maintained by the commissioner.~~as follows:

- A. Forty-three dollars from a marine worm digger's license;
- B. Fifty-five dollars from a marine worm dealer's license; and
- C. Twenty-two dollars from a supplemental marine worm dealer's license.

The fund must be maintained by the commissioner.

**Sec. G-28. 12 MRSA §6801-A, sub-§5**, as enacted by PL 2005, c. 27, §1, is amended to read:

**5. Fee.** The fee for a sea cucumber drag license is ~~\$111~~\$128.

**Sec. G-29. 12 MRSA §6803, sub-§3**, as amended by PL 1999, c. 501, §2, is further amended to read:

**3. Fees.** The fee schedule for seaweed permits is as follows:

- A. ~~Fifty~~Fifty-eight dollars for a resident seaweed permit;
- B. Two hundred ~~thirty~~ dollars for a nonresident seaweed permit;
- C. ~~Twenty-five~~Twenty-nine dollars for a resident supplemental seaweed permit; and
- D. ~~Fifty~~Fifty-eight dollars for a nonresident supplemental seaweed permit.

**Sec. G-30. 12 MRSA §6803, sub-§4**, as corrected by RR 1999, c. 1, §17, is amended to read:

**4. Disposition of fees.** ~~All fees~~Fees collected under this section accrue to the Seaweed Management Fund established in section 6806:as follows:

- A. Fifty dollars for a resident seaweed permit;
- B. Two hundred dollars for a nonresident seaweed permit;
- C. Twenty-five dollars for a resident supplemental seaweed permit; and

D. Fifty dollars for a nonresident supplemental seaweed permit.

**Sec. G-31. 12 MRSA §6804, sub-§7**, as amended by PL 2003, c. 248, §10, is further amended to read:

**7. Fees.** Fees for the commercial northern shrimp license are as follows:

A. ~~Thirty-three~~Thirty-eight dollars for a resident license that authorizes the license holder to engage in the licensed activities under subsection 2;

B. ~~Eighty-nine~~One hundred three dollars for a resident license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2; and

C. ~~Three hundred and thirty-four~~eighty-five dollars for a nonresident license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2.

**Sec. G-32. 12 MRSA §6804, sub-§8**, as amended by PL 2003, c. 248, §10, is further amended to read:

**8. Disposition of fees.** ~~All fees~~Fees for commercial northern shrimp licenses must be deposited in the Shrimp Management Fund established in section 6805: as follows:

A. Thirty-three dollars for a resident license that authorizes the license holder to engage in the licensed activities under subsection 2;

B. Eighty-nine dollars for a resident license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2; and

C. Three hundred thirty-four dollars for a nonresident license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2.

**Sec. G-33. 12 MRSA §6808, sub-§6**, as enacted by PL 2001, c. 186, §1, is amended to read:

**6. Fees.** The fee for a commercial green crab only license is ~~\$33~~\$38 for a resident license and ~~\$66~~\$76 for a nonresident license, which authorizes the license holder to engage in the licensed activities under subsection 2.

**Sec. G-34. 12 MRSA §6808, sub-§7**, as enacted by PL 2001, c. 186, §1, is amended to read:

**7. Disposition of fees.** ~~All fees~~Fees for commercial green crab only licenses must be deposited in the Green Crab Management Fund established in section 6809:as follows:

A. Thirty-three dollars for a resident commercial green crab only license; and

B. Sixty-six dollars for a nonresident commercial green crab only license.

**Sec. G-35. 12 MRSA §6810-A, sub-§8**, as enacted by PL 2003, c. 169, §1 and affected by §3, is amended to read:

**8. Fee.** The fee for a marine harvesting demonstration license is ~~\$25~~\$26.



**Sec. G-36. 12 MRSA §6851, sub-§6**, as amended by PL 2003, c. 20, Pt. WW, §22, is further amended to read:

**6. Fees.** The fees are as follows:

A. ~~Three hundred eighty-five~~Four hundred forty-three dollars for a wholesale seafood license or a wholesale seafood license with a lobster permit, sea urchin buyer's permit, shrimp permit or sea urchin processor's permit; and

B. ~~Seventy-five~~Eighty-seven dollars for each supplemental license.

**Sec. G-37. 12 MRSA §6851-A, sub-§4**, as enacted by PL 2005, c. 508, §1, is amended to read:

**4. Fee.** The fee for a limited wholesale shellfish harvester's license is ~~\$100~~\$115.

**Sec. G-38. 12 MRSA §6852, sub-§4**, as amended by PL 2003, c. 20, Pt. WW, §23, is further amended to read:

**4. Fee.** The fee for a retail seafood license is ~~\$106~~\$122.

**Sec. G-39. 12 MRSA §6853, sub-§6**, as amended by PL 1991, c. 528, Pt. T, §16 and affected by Pt. RRR and amended by c. 591, Pt. T, §16, is further amended to read:

**6. Fee.** The fee for a marine worm dealer's license is ~~\$55~~\$64 and the fee for a supplemental license is ~~\$22~~\$26.

**Sec. G-40. 12 MRSA §6854, sub-§6**, as amended by PL 2003, c. 20, Pt. WW, §24, is further amended to read:

**6. Fees.** The fee for a lobster transportation license is ~~\$271~~\$312 and the fee for a supplemental license is ~~\$54~~\$63.

**Sec. G-41. 12 MRSA §6855, sub-§6**, as amended by PL 2003, c. 20, Pt. WW, §25, is further amended to read:

**6. Fees.** The fee for a shellfish transportation license is ~~\$460~~\$529 and the fee for a supplemental license is ~~\$150~~\$173.

**Sec. G-42. 12 MRSA §6857, sub-§5**, as amended by PL 2003, c. 20, Pt. WW, §26, is further amended to read:

**5. Fee.** The fee for a lobster meat permit is ~~\$138~~\$159.

**Sec. G-43. 12 MRSA §6863, sub-§3**, as enacted by PL 1991, c. 876, §2, is amended to read:

**3. Fee.** The annual fee for a cultchless American oyster growers license is ~~\$10~~\$12.

**Sec. G-44. 12 MRSA §6864, sub-§4**, as amended by PL 2003, c. 20, Pt. WW, §27, is further amended to read:

**4. Fee.** The fee for an elver dealer's license is ~~\$1,054~~\$1,213 and the fee for each supplemental license is ~~\$54~~\$63.

**Sec. G-45. 12 MRSA §6864, sub-§5,** as enacted by PL 1995, c. 536, Pt. A, §10 and affected by §13, is amended to read:

**5. Disposition of fees.** All fees collected under this section accrue to the Eel and Elver Management Fund established in section 6505-D, except that ~~\$217~~\$376 accrues to the General Fund for each elver dealer's license sold under this section and ~~\$43~~\$52 accrues to the General Fund for each supplemental license sold under this section.

## PART H

**Sec. H-1. 36 MRSA §4403, sub-§1,** as amended by PL 2005, c. 627, §8, is repealed and the following enacted in its place:

**1. Smokeless tobacco.** A tax is imposed on smokeless tobacco, including chewing tobacco and snuff, at the rate of:

A. On amounts of smokeless tobacco packaged for sale to the consumer in a package that contains one ounce or more of smokeless tobacco, \$2.02 per ounce and prorated; and

B. On smokeless tobacco packaged for sale to the consumer in a package that contains less than one ounce of smokeless tobacco, \$2.02 per package.

**Sec. H-2. 36 MRSA §4404, first ¶,** as amended by PL 2007, c. 438, §101, is further amended to read:

Every distributor subject to the licensing requirement of section 4402 shall file, on or before the last day of each month, a return on a form prescribed and furnished by the State Tax Assessor together with payment of the tax due under this chapter. The return must state ~~the quantity and the wholesale sales price of~~report all tobacco products held, purchased, manufactured, brought in or caused to be brought in from outside the State or shipped or transported to retailers within the State during the preceding calendar month. Every distributor shall keep a complete and accurate record at its principal place of business to substantiate all receipts and sales of tobacco products.

**Sec. H-3. Application.** That section of this Part that amends the Maine Revised Statutes, Title 36, section 4403, subsection 1 applies to purchases made on or after July 1, 2009.

## PART I

**Sec. I-1. 12 MRSA §10202, sub-§2, ¶B,** as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §41 and affected by §422, is repealed.

**Sec. I-2. 12 MRSA §10202, sub-§9,** as amended by PL 2007, c. 240, Pt. O, §1, is repealed.

## PART J

**Sec. J-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, Office of Information Technology may enter into lease-purchase agreements in fiscal years 2009-10 and 2010-11 for the acquisition of personal computers, servers, printers and other hardware and software to support end-user and infrastructure services provided to all departments and agencies by the Office of Information Technology. The financing arrangements entered into in each fiscal year may not exceed \$10,000,000 in principal costs, and a financing arrangement may not exceed 5 years in duration. The interest rate may not exceed 8%, and total interest costs with respect to the financing arrangements entered into in each fiscal year may not exceed \$2,523,000. Payment for debt service costs must be made from the available All Other allocation in the Office of Information Technology Internal Service Fund.

## PART K

**Sec. K-1. Rename Division of Administrative Services program.** Notwithstanding any other provision of law, the Division of Administrative Services program in the Department of Marine Resources is renamed the Office of the Commissioner program.

## PART L

**Sec. L-1. 12 MRSA §5012, first ¶,** as amended by PL 1997, c. 24, Pt. QQ, §1, is further amended to read:

The commissioner is the chief executive officer of the Department of Conservation. The commissioner shall coordinate and supervise the activities and programs of the bureaus and agencies that are part of the department; undertake comprehensive planning and analysis with respect to the functions and responsibilities of the department; and develop and implement, whenever necessary, procedures and practices to promote economy, efficiency and coordination in and between the various agencies and bureaus of the department. The commissioner shall reorganize or combine the bureaus of the department or the planning, operations and other functions among the bureaus of the department as the commissioner considers necessary to improve the efficiency of department services. From time to time the commissioner shall recommend to the Governor and Legislature such changes in the laws relating to the organization, functions, services or procedures of the agencies and bureaus of the department as the commissioner considers desirable. The commissioner shall prepare a budget for the department; and shall organize and maintain ~~within the department a general services division to which the commissioner may assign personnel from the agencies and bureaus of the department~~ the office of the commissioner.

**Sec. L-2. 12 MRSA §5012, 2nd ¶,** as amended by PL 1997, c. 24, Pt. QQ, §2, is further amended to read:

The commissioner has the power to appoint ~~a director of general services~~, a deputy commissioner and bureau heads and other staff of the department, subject to the Civil Service Law, and prescribe their duties as necessary for the proper performance of the duties of the department.

**Sec. L-3. 12 MRSA §5012, 3rd ¶**, as amended by PL 1997, c. 24, Pt. QQ, §2, is further amended to read:

~~The director of general services~~, the deputy commissioner and bureau heads shall serve at the pleasure of the commissioner, except that dismissal of the Executive Director of the Maine Land Use Regulation Commission requires the consent of a majority of the members of that commission.

**Sec. L-4. 12 MRSA §5013, last ¶**, as amended by PL 1997, c. 24, Pt. QQ, §3, is further amended to read:

Every person appointed as a bureau director, or a director of ~~general services~~ ~~or of~~ planning and program services, or in another supervisory capacity in the department, must have experience and skill in the field of the functions of such position. So far as is practicable in the judgment of the commissioner, appointments to such positions must be made by promoting employees of the State serving in positions that are classified and in every instance when a person is promoted from a classified position upon termination of that person's service in such classified supervisory position, the employee shall, if the employee so requests, must be restored to the classified position from which the employee was promoted or to a position equivalent thereto in salary grade in the same state agency, without impairment of the employee's personnel status or the loss of seniority, retirement or other rights to which uninterrupted service in the classified position would have entitled the employee, provided that if the employee's service in such unclassified supervisory position has been terminated for cause, the employee's right to be so restored must be determined by the State Civil Service Appeals Board.

**Sec. L-5. Rename Administrative Services - Conservation program.** Notwithstanding any other provision of law, the Administrative Services - Conservation program in the Department of Conservation is renamed the Office of the Commissioner program.

## PART M

**Sec. M-1. 5 MRSA §3305, sub-§1, ¶M**, as repealed and replaced by PL 1995, c. 625, Pt. A, §9, is amended to read:

M. Administer a program of training and ~~financial assistance~~ certification for municipal code enforcement officers;

**Sec. M-2. 7 MRSA §3909, sub-§2**, as amended by PL 1997, c. 683, Pt. B, §1, is further amended to read:

**2. Designated employees of the department.** For purposes of prosecution under this section, the commissioner may authorize humane agents and a state veterinarian to serve civil process pursuant to the Maine Rules of Civil Procedure, Rule 80H and any other applicable rules of court. The commissioner may authorize humane agents or a state veterinarian to represent the department in District Court in the prosecution of civil violations of these laws. ~~Certification of the humane agents and a state~~

HP0274, LD 353, item 1, 124th Maine State Legislature  
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, 2010 and June 30, 2011  
veterinarian for this purpose is as provided under ~~Title 30-A, section 4453, subsection 5. Once certified,~~  
~~prosecution~~Prosecution by the humane agent or a state veterinarian may seek civil penalties as provided  
by law as well as a permanent or temporary injunction, restraining order or other equitable relief as the  
court finds appropriate.

**Sec. M-3. 30-A MRSA §4451**, as amended by PL 2007, c. 699, §§15 and 17, is further amended  
to read:

## **§ 4451. Training and certification for code enforcement officers**

**1. Certification required; exceptions.** ~~Beginning January 1, 1993, a municipality may not~~  
~~employ~~July 1, 2009, any individual to ~~perform~~performing the duties of a code enforcement officer who  
is ~~not~~must be certified by the office, except that:

- A. An individual other than an individual appointed as a plumbing inspector has 12 months after  
beginning employment with a municipality to be trained and certified as provided in this section;
- B. Whether or not any extension is available under paragraph A, the office may waive this  
requirement for up to one year if the certification requirements cannot be met without imposing a  
hardship on the municipality employing the individual; and
- C. An individual may be temporarily authorized in writing by the Department of Health and Human  
Services, Division of Health Engineering to be employed as a plumbing inspector for a period not  
to exceed 12 months.

~~A person employed by a municipality or municipalities as a code enforcement officer for at least 3 years~~  
~~prior to January 1, 1990 is deemed certified under this section and, 5 years after the effective date of this~~  
~~paragraph, is subject to the recertification requirements of subsection 6.~~

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

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

- A. Shoreland zoning under Title 38, chapter 3, subchapter ~~I~~1, article 2-B;
- B. Comprehensive planning and land use under Part 2, Subpart ~~VI-A~~6-A;
- C. Internal plumbing under chapter 185, subchapter ~~III~~3;
- D. Subsurface wastewater disposal under chapter 185, subchapter ~~III~~3; and
- E. Building standards under chapter 141; chapter 185, subchapter 1; beginning January 1, 2010, Title  
10, chapter 1103; and Title 25, chapters 313 and 331.

A code enforcement officer is authorized to enforce all applicable laws and ordinances related to the structure and practice of the municipal code enforcement office, municipal planning board and appeals board procedures, application review and permitting procedures, inspection procedures and enforcement techniques.

**3. Training and certification of code enforcement officers.** In cooperation with the Maine Community College System, the Department of Environmental Protection, the Department of Health and Human Services and the Department of Public Safety, the office shall establish a continuing education program for individuals engaged in code enforcement. This program must provide basic and advanced training in the technical and legal aspects of code enforcement necessary for certification. The office shall establish procedures to charge code enforcement officers for direct costs incurred in providing the training and issuing a certification pursuant to the requirements of this section. All fees collected by the office must be deposited in a dedicated special revenue account. Any balance remaining in the account at the end of any fiscal year must be carried forward to the next fiscal year.

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

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

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

**6. Certification; terms; revocation.** The office shall certify individuals as to their competency to successfully enforce ordinances and other land use regulations and permits granted under those ordinances and regulations and shall issue certificates attesting to the competency of those individuals to act as code enforcement officers. Certificates are valid for 5 years unless revoked by the District Court. An examination is not required for recertification of code enforcement officers. The office shall recertify a code enforcement officer if the code enforcement officer successfully completes at least 12 hours of approved training in each area of job responsibility during the 5-year certification period.

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

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

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

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

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

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

**Sec. M-4. 30-A MRSA §4453**, as amended by PL 1997, c. 683, Pt. B, §§16 and 17, is further amended to read:

**§ 4453. Certification for representation in court**

The office shall establish certification standards and a program to certify familiarity with court procedures for the following individuals:

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

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

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

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

**5. Humane agents and state veterinarians.** ~~Humane agents and state veterinarians as set forth in Title 7, section 3909, subsection 2.~~

**PART N**

**Sec. N-1. 36 MRSA §5219-R, sub-§2**, as enacted by PL 2005, c. 519, Pt. H, §1, is amended to read:

**2. Credit refundable in certain cases.** Notwithstanding subsection 1, a taxpayer that is a national historic landmark developer is allowed a refundable credit in an amount equal to the credit determined by the taxpayer under Section 47 of the Code for the taxable year. The refundable credit allowed by this subsection is in lieu of the credit that is allowed to the taxpayer by subsection 1 or that would otherwise be passed through to its partners or shareholders, if any. The credit is allowed only

for tax years that begin on or after January 1, ~~2006~~2009 but before January 1, ~~2010~~2013. The credit may not exceed \$500,000 per year, and unused credit amounts may be carried forward only through the ~~2009~~2012 tax year. In the event that more than one national historic landmark developer qualifies for the refundable credit allowed by this subsection, the maximum annual credit amount and credit carry-forward limitations established by this subsection apply to all such developers collectively, and if necessary the State Tax Assessor shall prorate the credits between those developers based on their respective share of qualified expenses incurred. For the purposes of this subsection, "national historic landmark developer" means a person that owns 2 or more structures located in the Kennebec Arsenal District National Historic Landmark.

**Sec. N-2. Retroactivity.** This Part applies retroactively to March 29, 2006.

## PART O

**Sec. O-1. 36 MRSA §578, sub-§1,** as amended by PL 2007, c. 639, §1, is further amended to read:

**1. Organized areas.** The municipal assessors or chief assessor of a primary assessing area shall adjust the State Tax Assessor's 100% valuation per acre for each forest type of their county by whatever ratio, or percentage of current just value, is applied to other property within the municipality to obtain the assessed values. Forest land in the organized areas, subject to taxation under this subchapter, must be taxed at the property tax rate applicable to other property in the municipality.

The State Tax Assessor shall determine annually the amount of acreage in each municipality that is classified and taxed in accordance with this subchapter. Each municipality is entitled to annual payments distributed in accordance with this section from money appropriated by the Legislature, to the extent so appropriated, if it submits an annual return in accordance with section 383 and if it achieves the minimum assessment ratio established in section 327. The State Tax Assessor shall pay any municipal claim found to be in satisfactory form by August 1st of the year following the submission of the annual return. The municipal reimbursement ~~appropriation~~claim is calculated on the basis of 90% of the per acre tax revenue lost as a result of this subchapter. Municipal reimbursement under this section is further limited to the amount appropriated by the Legislature and distributed on a pro rata basis by the State Tax Assessor for all timely filed claims. For purposes of this section, the tax lost is the tax that would have been assessed, but for this subchapter, on the classified forest lands if they were assessed according to the undeveloped acreage valuations used in the state valuation then in effect, or according to the current local valuation on undeveloped acreage, whichever is less, minus the tax that was actually assessed on the same lands in accordance with this subchapter, and adjusted for the aggregate municipal savings in required educational costs attributable to reduced state valuation. A municipality that fails to achieve the minimum assessment ratio established in section 327 loses 10% of the reimbursement provided by this section for each one percentage point the minimum assessment ratio falls below the ratio established in section 327.



The State Tax Assessor shall adopt rules necessary to implement the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules for the purposes of Title 5, chapter 375, subchapter 2-A.

C. The State Tax Assessor shall distribute reimbursement under this section to each municipality in proportion to the product of the reduced tree growth valuation of the municipality multiplied by the property tax burden of the municipality. For purposes of this paragraph, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Property tax burden" means the total real and personal property taxes assessed in the most recently completed municipal fiscal year, except the taxes assessed on captured value within a tax increment financing district, divided by the latest state valuation certified to the Secretary of State.

(2) "Undeveloped land" means rear acreage and unimproved nonwaterfront acreage that is not:

(a) Classified under the laws governing current use valuation set forth in chapter 105, subchapter 2-A, 10 or 10-A;

(b) A base lot; or

(c) Waste land.

(3) "Average value of undeveloped land" means the per acre undeveloped land valuations used in the state valuation then in effect, or according to the current local valuation on undeveloped land as determined for state valuation purposes, whichever is less.

(4) "Reduced tree growth valuation" means the difference between the average value of undeveloped land and the average value of tree growth land times the total number of acres classified as forest land under this subchapter.

**Sec. O-2. Application.** This Part applies to property tax years beginning on or after April 1, 2008.

## PART P

**Sec. P-1. 36 MRSA §457, sub-§2,** as amended by PL 2007, c. 693, §12, is further amended to read:

**2. Tax imposed.** A state tax is imposed on telecommunications personal property at the rate provided in this subsection times the just value of the property. Just value and ownership of the property must be determined as of the April 1st preceding the assessment. The rate of tax is:

- A. For assessments made in 2004, 26 mills;
- B. For assessments made in 2005, 25 mills;
- C. For assessments made in 2006, 24 mills;
- D. For assessments made in 2007, 23 mills;
- E. For assessments made in 2008, 22 mills;
- F. For assessments made in 2009, 21 mills; and
- G. For assessments made in 2010 and subsequent years, 2022 mills.;
- H. For assessments made in 2011, 22 mills;
- I. For assessments made in 2012, 21 mills; and
- J. For assessments made in 2013 and subsequent years, 20 mills.

**Sec. P-2. Application.** This Part applies to assessments made on or after April 1, 2010.

## PART Q

**Sec. Q-1. 34-A MRSA §3064-A** is enacted to read:

### **§ 3064-A. Transfer to private correctional institution**

**1. Transfer of prisoner.** The commissioner may transfer any prisoner sentenced to the department to a correctional institution operated by a private provider of correctional programs pursuant to a contract with the private provider.

**2. Provisions.** The rights and responsibilities that apply to prisoners transferred pursuant to the Interstate Corrections Compact apply to prisoners transferred pursuant to this section and must be incorporated into the contract with the private provider under subsection 1.

**3. Effect.** A prisoner confined in a correctional institution operated by a private provider pursuant to this section is at all times subject to the jurisdiction of the department and may at any time be removed from that institution for transfer to a departmental correctional facility, for transfer to another institution in which the department may have a contractual right or other right to confine prisoners, for conditional release, for discharge or for any other purpose permitted by the laws of this State. A prisoner transferred under this section:

- A. Is subject to the term of the prisoner's original sentence as if the prisoner were serving the sentence within the confines of a departmental correctional facility;
- B. Becomes eligible for deductions from the term of imprisonment as provided in Title 17-A, section 1253;
- C. Becomes eligible for furlough, work or other release programs and supervised community confinement as authorized by sections 3035 and 3036-A; and
- D. Becomes eligible for release and discharge as provided in Title 17-A, section 1254.

The fact of confinement pursuant to this section does not deprive any prisoner of any legal rights that the prisoner would have had if the prisoner were confined in an appropriate departmental correctional facility, including access to the courts of this State.

- 4. **Powers.** The commissioner may take any actions needed to implement this section.

## PART R

**Sec. R-1. Calculation and transfer; General Fund salary savings.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in the Statewide Salary Adjustment account in Part A that applies against each General Fund account in the Executive Branch Departments and Independent Agencies - Statewide program from not granting a 4% salary increase effective January 1, 2009 to unclassified employees whose salaries are subject to the Governor's adjustment or approval. The State Budget Officer shall transfer the savings by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2009-10 and 2010-11.

## PART S

**Sec. S-1. 30-A MRSA §5681, sub-§5,** as amended by PL 2007, c. 240, Pt. S, §§1 and 2, is further amended to read:

**5. Transfers to funds.** On the last day of each month, the Treasurer of State shall transfer to the Local Government Fund a percentage, as provided in this subsection, of the receipts from the taxes imposed under Title 36, Parts 3 and 8, and Title 36, section 2552, subsection 1, paragraphs A to F, and credited to the General Fund without any reduction, 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. Any amounts transferred to the Local Government Fund in excess of the annual growth ceiling must be transferred to the Disproportionate Tax Burden Fund. Notwithstanding this subsection, for fiscal years 2009-10 and 2010-11, any amounts transferred to the Local Government Fund in excess of the annual growth ceiling reduced by \$16,000,000 must be transferred to the Disproportionate Tax Burden Fund. The percentage transferred to the Local Government Fund on the last day of each month is:

- A. For months beginning before July 1, 2009, 5.1%; ~~and~~
- B. For months beginning on or after July 1, 2009 and before July 1, 2011, 5.2%-4.6%; and
- C. For months beginning on or after July 1, 2011, 5.1%.

**Sec. S-2. Application.** That section of this Act that amends the Maine Revised Statutes, Title 30-A, section 5681, subsection 5 applies to transfers beginning on or after July 1, 2009.

## PART T

**Sec. T-1. Transfer of funds; food, heating and utility expenses; Department of Corrections.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provisions of law, the Department of Corrections, upon recommendation of the State Budget Officer and approval of the Governor, is authorized to transfer, by financial order, All Other funding between accounts within the same fund for the purposes of paying food, heating and utility expenses in fiscal years 2009-10 and 2010-11.

**Sec. T-2. Transfer of funds; overtime expenses.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the Department of Corrections, upon approval of the Governor, is authorized to transfer, by financial order, Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purposes of paying overtime expenses.

**Sec. T-3. Transfers and adjustments to position count.** The Commissioner of Corrections shall review the current organizational structure to improve organizational efficiency and cost-effectiveness. Notwithstanding any other provision of law, the State Budget Officer shall transfer position counts and available balances by financial order upon approval of the Governor in order to achieve the purposes of this section.

## PART U

**Sec. U-1. 36 MRSA §6652, sub-§1,** as repealed and replaced by PL 2007, c. 438, §114, is amended to read:

**1. Generally.** A person against whom taxes have been assessed pursuant to Part 2, except for chapters 111 and 112, with respect to eligible property and who has paid those taxes is entitled to reimbursement of a portion of those taxes from the State as provided in this chapter. The reimbursement under this chapter is the percentage of the taxes assessed and paid with respect to eligible property specified in subsection 4, except that for claims filed for the application ~~period~~periods that beginsbegin on August 1, 2006, August 1, 2009 and August 1, 2010 the reimbursement is limited to 90% of the taxes assessed and paid with respect to eligible property. For purposes of this chapter, a tax applied as a credit against a tax assessed pursuant to chapter 111 or 112 is a tax assessed pursuant to chapter 111 or 112. A taxpayer that included eligible property in its investment credit base under section 5219-E or 5219-M and claimed the credit provided in one or more of those sections on its income tax return may not be

reimbursed under this chapter for taxes assessed on that same eligible property in a year in which one or more of those credits are taken. A successor in interest of a person against whom taxes have been assessed with respect to eligible property is entitled to reimbursement pursuant to this section, whether the tax was paid by the person assessed or by the successor, as long as a transfer of the property in question to the successor has occurred and the successor is the owner of the property as of August 1st of the year in which a claim for reimbursement may be filed pursuant to section 6654. For purposes of this subsection, "successor in interest" includes the initial successor and any subsequent successor. When an eligible successor in interest exists, the successor is the only person to whom reimbursement under this chapter may be made with respect to the transferred property. For an item of eligible property that is first subject to assessment under Part 2 on or after April 1, 2008, and for any item of eligible property for which reimbursement is paid under subsection 4, paragraph B, the reimbursement otherwise payable under this section with respect to that item of eligible property must be reduced by an amount equal to the amount, if any, by which the reimbursement otherwise payable under this section plus payments received by the taxpayer under a tax increment financing arrangement pursuant to Title 30-A, chapter 206, subchapter 1 with respect to that item of eligible property exceeds 100% of the property taxes assessed with respect to that item of eligible property.

## PART V

**Sec. V-1. 34-A MRSA §1803, sub-§1, ¶C,** as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

C. Establish boarding rates for the unified correctional system, except boarding rates for federal inmates.

(1) For fiscal years 2010-11 and 2011-12, the boarding rates charged to the department for the housing of 190 state prisoners in county jails may not be greater on a daily basis than the county jails' marginal costs as approved by the board.

## PART W

**Sec. W-1. 36 MRSA §5228, sub-§1, ¶D** is enacted to read:

D. "Unusual event" means, with respect to that portion of the tax year applicable to the required installment, receipt by an individual taxpayer of taxable income that is not subject to Maine income tax withholding when the amount exceeds the taxable income not subject to Maine income tax withholding received by the taxpayer during the same period of the previous tax year by at least \$500,000.

**Sec. W-2. 36 MRSA §5228, sub-§2,** as amended by PL 2007, c. 438, §106, is repealed.

**Sec. W-3. 36 MRSA §5228, sub-§2-A** is enacted to read:

**2-A. Requirement to pay estimated tax.** Every person subject to taxation under this Part shall make payment of estimated tax as required by this Part. The requirement to make estimated tax payments is waived if:

- A. The person's tax liability pursuant to this Part, exclusive of a withholder's liability for taxes withheld, reduced by allowable credits for the taxable year, is less than \$1,000 for the taxable year; or
- B. The person had less than \$1,000 tax liability under this Part for the preceding taxable year. This paragraph does not apply with respect to an unusual event.

**Sec. W-4. 36 MRSA §5228, sub-§3,** as amended by PL 2007, c. 438, §§107 and 108, is further amended to read:

**3. Amount of estimated tax to be paid.** Every person required to make payment of estimated tax is liable for an estimated tax that is no less than the smaller of the following; large corporations as defined in the Code, Section 6655(g), are subject only to paragraph B, except as provided in subsection 5, paragraph C, and individual taxpayers encountering an unusual event are subject only to paragraph B with respect to the unusual event, except as provided in subsection 5, paragraph D:

- A. An amount equal to the person's tax liability under this Part for the preceding taxable year, if that preceding year was a taxable year of 12 months; or
- B. An amount equal to 90% of the person's tax liability under this Part for the current taxable year determined without taking into account the current year's investment tax credit set forth in section 5219-E, except that for farmers and persons who fish commercially, this amount is 66 2/3% of the person's tax liability under this Part for the current taxable year.

**Sec. W-5. 36 MRSA §5228, sub-§5, ¶B,** as amended by PL 1991, c. 9, Pt. DD, §2 and affected by §4, is further amended to read:

- B. The taxpayer is a farmer or fisherman in which case a single installment is required; or

**Sec. W-6. 36 MRSA §5228, sub-§5, ¶C,** as amended by PL 1999, c. 414, §51, is further amended to read:

- C. If the taxpayer is a large corporation as defined in the Code, Section 6655(g), then the corporation may elect to determine its first required installment for any taxable year pursuant to subsection 3, paragraph A. If the corporation so elects, its 2nd required installment for the taxable year must equal the total amount of estimated tax for the first 2 installments for the taxable year pursuant to subsection 3, paragraph B, less the amount of the first installment for the taxable year allowed pursuant to subsection 3, paragraph A.; or

**Sec. W-7. 36 MRSA §5228, sub-§5, ¶D** is enacted to read:

- D. The taxpayer encounters an unusual event. For purposes of the installment due with respect to that portion of the tax year during which an unusual event occurs, the taxpayer must make an estimated tax payment pursuant to subsection 3, paragraph B equal to the amount of estimated tax

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with respect to the taxable income that results in the unusual event, plus the amount of estimated  
tax required by this section to be paid with respect to the installment on taxable income exclusive  
of that resulting in the unusual event.

**Sec. W-8. Application.** This Part applies to tax years beginning on or after January 1, 2009.

## PART X

**Sec. X-1. 28-A MRSA §82, sub-§8,** as enacted by PL 1997, c. 373, §28, is repealed.

**Sec. X-2. 28-A MRSA §82, sub-§8-A** is enacted to read:

**8-A. Post laws and rules.** Post on its publicly accessible website this Title, other laws concerning liquor and all rules adopted under this Title. The bureau shall notify all licensees of changes in the law and rules via a publicly accessible website posting within 90 days of adjournment of each regular session of the Legislature. The bureau shall update the posting on its publicly accessible website to reflect new laws and rules; and

## PART Y

**Sec. Y-1. Retirement incentive.** The Commissioner of Administrative and Financial Services is authorized to offer a retirement incentive program to employees who are eligible to retire and who have reached their normal retirement age on or before July 1, 2009. Employees choosing to participate in this retirement incentive program must make application for participation in the manner specified by the commissioner between July 1, 2009 and August 15, 2009, with retirements effective August 31, 2009.

**Sec. Y-2. Calculation and transfer of funds; General Fund; retirement incentive program.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the State Budget Officer shall calculate the amount of savings in the Statewide Retirement Incentive account in Part A that applies against each General Fund account for departments and agencies statewide that have occurred as a result of the retirement incentive program authorized in section 1. The State Budget Officer shall transfer the savings by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2009-10 and 2010-11.

**Sec. Y-3. Disposition of authorized positions vacated by retiring employees.** Positions vacated by employees choosing to participate in the retirement incentive program authorized in section 1 must remain vacant from August 1, 2009 to June 30, 2011. Upon approval of the State Budget Officer, a vacated position may be filled to meet operational needs as long as a different position that achieves comparable savings within the same fund is identified.

## PART Z

**Sec. Z-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, 2011 special voluntary employee incentive programs for

state employees, including a 50% workweek option, 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. Z-2. Continuation of health insurance.** Notwithstanding the Maine Revised Statutes, Title 5, section 285, subsection 7 and section 903, the State shall continue to pay health and dental insurance benefits for state employees who apply prior to July 1, 2011 to participate in a voluntary employee incentive program under section 1 based upon the scheduled workweek in effect prior to the employee's participation in the voluntary employee incentive program.

**Sec. Z-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, 2011 to participate in a voluntary employee incentive program under section 1 are based upon the scheduled hours of the employee prior to the employee's participation in the voluntary employee incentive program.

**Sec. Z-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 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, 2011.

**Sec. Z-5. Lapsed balances.** Notwithstanding any other provision of law, \$350,000 in fiscal year 2009-10 and \$350,000 in fiscal year 2010-11 of savings identified from the voluntary employee incentive programs in this Part lapse to the General Fund.

## PART AA

**Sec. AA-1. Calculation and transfer; attrition savings.** The attrition rate for the 2010-2011 biennium is increased from 1.6% to 5.0%. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings identified in the Statewide Attrition account within the Department of Administrative and Financial Services in Part A that applies against each General Fund account for all 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 2009-10 and 2010-11.

## PART BB

**Sec. BB-1. 5 MRSA §1582, sub-§4,** as enacted by PL 2005, c. 12, Pt. T, §1, is 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 from vacant positions 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.

## PART CC

**Sec. CC-1. 22 MRSA §1714-B,** as amended by PL 2005, c. 519, Pt. PP, §1, is further amended to read:

### **§ 1714-B. Critical access hospital reimbursement**

For state fiscal years beginning on or after July 1, 2005 and until December 31, 2008, the department shall reimburse critical access hospitals that are licensed at 117% of MaineCare allowable costs for both inpatient and outpatient services provided to patients covered by the MaineCare program. Beginning January 1, 2009 and each fiscal year beginning on or after January 1, 2009, the department shall reimburse critical access hospitals that are licensed at 101% of MaineCare allowable costs for both inpatient and outpatient services provided to patients covered by the MaineCare program. Of the total allocated from hospital tax revenues under Title 36, chapter 375, \$1,000,000 in state and federal funds must be distributed annually among critical access hospitals for staff enhancement payments.

**Sec. CC-2. Retroactivity.** This Part applies retroactively to January 1, 2009.

## PART DD

**Sec. DD-1. Transfer from unappropriated surplus at close of fiscal year 2009-10 to the Department of Health and Human Services, Medical Care - Payments to Providers program, General Fund.** Notwithstanding any other provision of law, at the close of fiscal year 2009-10, the State Controller shall transfer up to \$87,091,988 from the unappropriated surplus of the General Fund to the Department of Health and Human Services, Medical Care - Payments

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to Providers program, General Fund account after all required deductions of appropriations, budgeted  
financial commitments and adjustments considered necessary by the State Controller have been made and  
as the first priority after the transfers required pursuant to the Maine Revised Statutes, Title 5, sections  
1507 and 1511 and before the transfer required pursuant to Title 5, section 1536.

**Sec. DD-2. Use of transfers.** Transfers made in accordance with section 1 of this Part must be expended for hospital settlements.

**Sec. DD-3. Transfer considered adjustment to appropriations.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, amounts transferred pursuant to this Part are considered adjustments to appropriations in fiscal year 2010-11 only. These funds may be allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor.

## PART EE

**Sec. EE-1. PL 2007, c. 240, Pt. GG, §3,** as enacted by PL 2007, c. 539, Pt. UU, §3, is repealed.

**Sec. GG-3. Office of MaineCare Services; position eliminations.** The Commissioner of Health and Human Services shall identify a minimum of 100 Legislative Count positions in the Office of MaineCare Services, including any positions eliminated pursuant to section 1, which must be eliminated no later than June 19, 2010 upon the transition to the fiscal agent model. By December 15, 2008, the commissioner shall provide the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs a report detailing the positions to be eliminated.

**Sec. EE-2. Retroactivity.** This Part applies retroactively to December 15, 2008.

## PART FF

**Sec. FF-1. Calculation and transfer; increased Federal Medical Assistance Percentage; Department of Health and Human Services.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part A of this Act that applies against each appropriate MaineCare General Fund seed account within the Department of Health and Human Services from projected additional All Other savings from the anticipated temporary increase in the State's Federal Medical Assistance Percentage and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations and allocations in fiscal year 2009-10.

**Sec. FF-2. Additional Federal Medical Assistance Percentage funding; authorized expenditures.** Notwithstanding any other provision of law, in the event that the temporary increase in the State's Federal Medical Assistance Percentage exceeds \$98,800,000, the excess

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amount must be transferred by financial order to the Department of Health and Human Services -  
Departmentwide General Fund account upon the approval of the Governor to be used for one-time  
initiatives.

## PART GG

**Sec. GG-1.5 MRSA §285, sub-§7**, as amended by PL 2001, c. 439, Pt. XX, §5 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

**7. Payment by State.** Except as otherwise provided in this subsection, the State, through the commission, shall pay ~~100% of only~~ the employee's share of the individual premium for the standard plan identified and offered by the commission and available to the employee as authorized by the commission, ~~except for~~ as follows: If the employee's annual salary is less than \$50,000, the State shall pay 100% of the premium; if the employee's annual salary is \$50,000 or more and less than \$90,000, the State shall pay 95% of the premium; and if the employee's annual salary is \$90,000 or more, the State shall pay 90% of the premium. For Legislators, for whom the State shall pay 50% of the health plan premium for dependent coverage. For any person appointed to a position after November 1, 1981 who is employed less than full time, the State shall pay a share of the employee's share reduced pro rata to reflect the reduced number of work hours. The State may not pay any portion of the health plan premium for a blind person eligible for the group health plan under subsection 1, paragraph H or for a licensed foster parent eligible for the group health plan under subsection 1, paragraph I.

For persons who were first employed before July 1, 1991, the State shall pay 100% of only the retiree's share of the premiums for the standard plan identified and offered by the commission and available to the retiree, as authorized by the commission for persons who were previously eligible for this health plan pursuant to subsection 1, paragraph A and who have subsequently become eligible pursuant to subsection 1, paragraph G.

For persons who were first employed by the State after July 1, 1991, the State shall pay a pro rata share portion of only the retiree's share of the premiums for the standard plan identified and offered by the commission and available to the retiree, as authorized by the commission for persons who were previously eligible for this health plan pursuant to subsection 1, paragraph A and who have subsequently become eligible pursuant to subsection 1, paragraph G based on the total number of years of participation in the group health plan prior to retirement as follows:

Years of Participation	State Portion
10 or more years	100% group health plan premium
9 but less than 10 years	90% group health plan premium
8 but less than 9 years	80% group health plan premium
7 but less than 8 years	70% group health plan premium
6 but less than 7 years	60% group health plan premium
5 but less than 6 years	50% group health plan premium
Less than 5 years	No contribution

Pursuant to Title 20-A, section 12722, subsection 5, this subsection applies to participants in the defined contribution plan offered by the Maine Community College System Board of Trustees under Title 20-A, section 12722.

**Sec. GG-2. Calculation and transfer; General Fund; health insurance savings.**

Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in the Statewide Health Insurance account, Department of Administrative and Financial Services, in Part A that applies against each General Fund account for departments and agencies statewide from savings in health insurance in accordance with section 1 of this Part. The State Budget Officer shall transfer the savings by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2009-10 and 2010-11.

**PART HH**

**Sec. HH-1. PL 2007, c. 539, Pt. PPPP, §7** is amended to read:

**Sec. PPPP-7. Report.** No later than November 5, ~~2008~~2009, the commission shall submit a report that includes its findings and recommendations, including any suggested legislation, for presentation to the Joint Standing Committee on Appropriations and Financial Affairs.

**Sec. HH-2. Retroactivity.** This Part applies retroactively to November 5, 2008.

**PART II**

**Sec. II-1. Transfer from General Fund undedicated revenue for fiscal years 2009-10 and 2010-11; payroll and position management system.** Notwithstanding any other provision of law, the State Controller may transfer from excess General Fund revenue up to \$750,000 each year of undedicated revenue above the budgeted state cost allocation program revenue estimate for fiscal year 2009-10 and fiscal year 2010-11 to the Office of Information Technology Internal Service Fund, on or before June 30th of each of those fiscal years, as partial funding toward the development and implementation of a payroll and position management system that is compliant with current federal Internal Revenue Service reporting requirements and accounting standards.

**PART JJ**

**Sec. JJ-1. Transfer of overpayments accumulated in the Retiree Health Insurance Internal Service Fund.** Notwithstanding any other provision of law, the State Controller shall transfer \$2,200,000 representing the General Fund share of overpayments for retiree health insurance made by the Maine Community College System over a period of several years that have been assessed by the retiree health insurance program to the unappropriated surplus of the General Fund by June 30, 2010. The State Controller shall determine the balance due to the Maine Community College System and reimburse those funds to the system no later than June 30, 2010.

## PART KK

**Sec. KK-1. 20-A MRS §9**, as enacted by PL 1995, c. 395, Pt. J, §1 and amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

### **§ 9. Education Coordinating Committee**

The Education Coordinating Committee, referred to in this section as the "committee," is established to promote efficiency, cooperative effort and strategic planning ~~between~~among the Department of Education, the State Board of Education, the University of Maine System, the Maine Community College System and the Maine Maritime Academy. The committee consists of the Commissioner of Education, the Chair of the State Board of Education, the Chancellor of the University of Maine System, the Chair of the Board of Trustees of the University of Maine System, the President of the Maine Community College System, the Chair of the Board of Trustees of the Maine Community College System, the President of the Maine Maritime Academy and the Chair of the Board of Trustees of the Maine Maritime Academy.

The committee shall meet at least twice each year. The commissioner shall convene the first meeting of the committee by October 15, 1995. The committee shall elect a chair from among its members to serve for a term to be determined by the committee. The committee shall report on its deliberations and any recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters by February 15th each year.

Notwithstanding the deadline established in this section, on or before January 1, 2010 and every year thereafter, the committee shall include in its report under this section information on:

**1. College enrollment.** Progress toward increasing the percentage of secondary students and adults who enroll in the University of Maine System, Maine Community College System or Maine Maritime Academy;

**2. Remediation.** Reduction in the need for college developmental instruction or remediation at the University of Maine System, Maine Community College System and Maine Maritime Academy;

**3. Retention and graduation.** Improvement in retention and graduation rates at the University of Maine System, Maine Community College System and Maine Maritime Academy; and

**4. Transformation.** Efforts to transform the University of Maine System, Maine Community College System and Maine Maritime Academy into flexible, borderless and multidimensional communities of higher education using new technologies, internships and other innovative learning opportunities to prepare and support young and older adult students for success in the global economy.

**Sec. KK-2. 20-A MRS §10902, sub-§2**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**2. Principles.** To support the principles that each higher ~~education~~education institution in the State, public and private:

A. ~~Shall have~~Has control over its educational program and related activities, within its board of control;

B. ~~That its~~Has a faculty ~~shall enjoy~~that enjoys the freedom traditionally accorded to the faculty of higher educationaleducation institutions in teaching, research and expression of opinions; ~~and~~

C. ~~That the~~Has a faculty ~~shall be~~that is consulted in the formulation of academic policies pertaining to it; and

D. Continuously review and transform when needed its mission, organizational structures and collaboration with other higher education institutions to offer efficiency and cost-effectiveness in the use of funds and innovative learning opportunities to prepare and support young and older adult students for success in the global economy.

**Sec. KK-3. 20-A MRSA §10902-A**, as amended by PL 1985, c. 779, §49, is further amended to read:

### **§ 10902-A. Report by trustees**

The trustees, or their board representative, shall appear annually, in January, before the ~~Joint Standing Committee on Education~~joint standing committee of the Legislature having jurisdiction over education matters to report on efforts by the University of Maine System to comply with the state public policy on higher education established by section 10902. That report ~~shall~~must include, but need not be limited to, the following:

**1. Planning.** ~~Efforts~~Information concerning the efforts of the trustees to assureensure a cohesive system of planning for a delivery of higher educationaleducation opportunities; ~~and~~

**2. Accounting.** An accounting of the prior year's funding.; and

**3. Transformation.** Information concerning the efforts of the trustees to transform the University of Maine System mission, organizational structures and collaboration with other higher education institutions to offer efficiency and cost-effectiveness in the use of funds and innovative learning opportunities to prepare and support young and older adult students for success in the global economy.

**Sec. KK-4. 20-A MRSA §12704, sub-§2-A** is enacted to read:

**2-A. Transformation.** Continuously reviewing and transforming when needed its mission, organizational structures and collaboration with other higher education institutions to offer efficiency and cost-effectiveness in the use of funds and innovative learning opportunities to prepare and support young and older adult students for success in the global economy;

**Sec. KK-5. 20-A MRSA §12718, sub-§4-A** is enacted to read:

**4-A. Transformation.** A description of the efforts of the board of trustees to transform the system mission, organizational structures and collaboration with other higher education institutions to offer efficiency and cost-effectiveness in the use of funds and innovative learning opportunities to prepare and support young and older adult students for success in the global economy;

**Sec. KK-6. Financial and human resources services review.** The Commissioner of Administrative and Financial Services shall work with the Chancellor of the University of Maine System, the President of the Maine Community College System and the President of the Maine Maritime Academy to review their institutions' current organizational structures and provision of personnel, payroll, accounting, contracting, purchasing and any other financial management and human resources services, benefits and related functions to recommend improvements in organizational efficiency and cost-effectiveness. The Commissioner of Administrative and Financial Services shall no later than December 1, 2009 identify savings from the improvements identified in the review and provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of recommended improvements from the review, including any necessary implementing legislation, no later than January 15, 2010.

All personnel of the University of Maine System, Maine Community College System and Maine Maritime Academy shall assist the Commissioner of Administrative and Financial Services by providing information requested by the commissioner or the commissioner's designees for the review required by this section.

**Sec. KK-7. Higher education institution administrative consolidation.** To the extent not prohibited by law, the University of Maine System, Maine Community College System and Maine Maritime Academy shall implement recommendations developed under this Part. Implementation may involve changes in organizational structures or service delivery within one of these higher education institutions, between any 2 of these higher education institutions, among these 3 higher education institutions or between any number of these higher education institutions and State Government. Implementation may occur through memoranda of understanding, contracts or reassignment or elimination of finance and human resources personnel within or among these higher education institutions as needed to support implementation of the recommendations. Any savings from implementation of the recommendations must be reinvested in the higher education institutions. The Education Coordinating Committee established pursuant to the Maine Revised Statutes, Title 20-A, section 9 shall include in its annual report to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters information regarding progress toward implementing recommendations under this Part. The Trustees of the University of Maine System shall include in their annual report pursuant to Title 20-A, section 10902-A information regarding progress toward implementing recommendations under this Part. The Board of Trustees of the Maine Community College System shall include in its annual report pursuant to Title 20-A, section 12718 information regarding progress toward implementing recommendations under this Part.

## PART LL

**Sec. LL-1. 36 MRSA §6207, sub-§1, ¶A-1,** as amended by PL 2005, c. 2, Pt. E, §4 and affected by §§7 and 8, is further amended to read:

A-1. Fifty percent of that portion of the benefit base that exceeds 4% but does not exceed 8% of income plus 100% of that portion of the benefit base that exceeds 8% of income to a maximum payment of \$2,000.; and

**Sec. LL-2. 36 MRSA §6207, sub-§1, ¶B** is enacted to read:

B. For application periods beginning on August 1, 2009 and on August 1, 2010, the benefit is limited to 90% of the amount determined under paragraph A-1.

## PART MM

**Sec. MM-1. Commissioner of Conservation; park fees.** The Commissioner of Conservation shall undertake a review of fees charged by the Department of Conservation, Bureau of Parks and Lands and, pursuant to the Maine Revised Statutes, Title 12, section 1819, shall implement, in a manner determined most appropriate by the commissioner, increases in such fees to generate additional undedicated revenue to the General Fund of \$475,500 in fiscal year 2009-10 and \$475,500 in fiscal year 2010-11.

## PART NN

**Sec. NN-1. 36 MRSA §5211, sub-§14,** as enacted by P&SL 1969, c. 154, §F, is amended to read:

**14. Sales factor formula.** The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this State during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period. The formula must exclude from both the numerator and the denominator sales of tangible personal property delivered or shipped to a purchaser that is not a taxpayer taxable in another state.

**Sec. NN-2. 36 MRSA §5211, sub-§15, ¶B,** as enacted by P&SL 1969, c. 154, §F, is amended to read:

B. The property is shipped from an office, store, warehouse, factory or other place of storage in this State and the purchaser is the United States Government ~~or the taxpayer is not taxable in the state of the purchaser.~~

**Sec. NN-3. 36 MRSA §5211, sub-§16-A, ¶A,** as enacted by PL 2007, c. 240, Pt. V, §9 and affected by §15, is amended to read:

A. Except as otherwise provided by this subsection, receipts from the performance of services must be attributed to the state where the services are received. If the state where the services are received is not readily determinable, the services are deemed to be received at the home of the customer or, in the case of a business, the office of the customer from which the services were ordered in the



regular course of the customer's trade or business. If the ordering location cannot be determined, the services are deemed to be received at the home or office of the customer to which the services are billed. In instances in which the purchaser of the service is the Federal Government ~~or the receipts are otherwise attributable to a state in which the taxpayer is not taxable~~, the receipts are attributable to this State if a greater proportion of the income-producing activity is performed in this State than in any other state based on costs of performance.

**Sec. NN-4. 36 MRSA §5211, sub-§16-A, ¶B**, as enacted by PL 2007, c. 240, Pt. V, §9 and affected by §15, is amended to read:

B. Gross receipts from the license, sale or other disposition of patents, copyrights, trademarks or similar items of intangible personal property must be attributed to this State if the intangible property is used in this State by the licensee ~~or if the taxpayer's commercial domicile is in this State and the taxpayer is not taxable in the state in which the property is used by the licensee~~. If the intangible personal property is used by the licensee in more than one state, the income must be apportioned to this State according to the portion of use in this State. In instances in which the purchaser or licensee of the intangible personal property is the Federal Government ~~or the receipts are otherwise attributable to a state in which the taxpayer is not taxable~~, the receipts are attributable to this State if a greater proportion of the income-producing activity is performed in this State than in any other state based on costs of performance.

**Sec. NN-5. Application.** This Part applies to tax years beginning on or after January 1, 2009.

## PART OO

**Sec. OO-1. 12 MRSA §11109, sub-§3**, as amended by PL 2007, c. 168, §§2 and 3 and affected by §8 and amended by c. 203, §§7 to 9, is further amended to read:

**3. Hunting licenses; combination licenses; fees.** Hunting licenses, combination licenses and fees are as follows.

A. A resident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$7, except that, beginning January 1, 2010, the fee for such a license is \$9.50 and beginning January 1, 2011, the fee for such a license is \$10.50.

B. A resident hunting license, for a person 16 years of age or older, is \$21, except that, beginning January 1, 2010, the fee for such a license is \$23.50 and beginning January 1, 2011, the fee for such a license is \$24.50.

C. A resident small game hunting license, for a person 16 years of age or older, which permits hunting for all legal species except deer, bear, turkey, moose, raccoon and bobcat, is \$14, except that, beginning January 1, 2010, the fee for such a license is \$16.50 and beginning January 1, 2011, the fee for such a license is \$17.50.

D. A resident combination hunting and fishing license is \$38, except that, beginning January 1, 2010, the fee for such a license is \$40.50 and beginning January 1, 2011, the fee for such a license is \$41.50.

E. A resident combination archery hunting and fishing license is \$38, except that, beginning January 1, 2010, the fee for such a license is \$40.50 and beginning January 1, 2011, the fee for such a license is \$41.50.

E-1. A resident apprenticeship hunter license, which includes a bear hunting permit and a wild turkey hunting permit under sections 11151 and 11155 respectively, is \$21, except that, beginning January 1, 2010, the fee for such a license is \$23.50 and beginning January 1, 2011, the fee for such a license is \$24.50.

F. A nonresident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$27, except that, beginning January 1, 2010, the fee for such a license is \$29.50 and beginning January 1, 2011, the fee for such a license is \$30.50.

G. A nonresident small game hunting license, which permits hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat, is \$67, except that, beginning January 1, 2010, the fee for such a license is \$69.50 and beginning January 1, 2011, the fee for such a license is \$70.50.

H. A nonresident 3-day small game hunting license, valid for 3 consecutive hunting days, which permits hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat for the 72-hour period specified on the license, is \$42, except that, beginning January 1, 2010, the fee for such a license is \$44.50 and beginning January 1, 2011, the fee for such a license is \$45.50.

I. A nonresident big game hunting license, which permits hunting of all legal species subject to the permit requirements in chapter 915, subchapter 3, is \$102, except that, beginning January 1, 2010, the fee for such a license is \$104.50 and beginning January 1, 2011, the fee for such a license is \$105.50.

J. A nonresident combination hunting and fishing license is \$137, except that, beginning January 1, 2010, the fee for such a license is \$139.50 and beginning January 1, 2011, the fee for such a license is \$140.50.

K. An alien small game hunting license, which permits hunting of all species except deer, bear, turkey, moose, raccoon and bobcat, is \$72, except that, beginning January 1, 2010, the fee for such a license is \$74.50 and beginning January 1, 2011, the fee for such a license is \$75.50.

L. An alien big game hunting license, which permits hunting of all legal species subject to the permit requirements in chapter 915, subchapter 3, is \$127, except that, beginning January 1, 2010, the fee for such a license is \$129.50 and beginning January 1, 2011, the fee for such a license is \$130.50.

M. An alien combination hunting and fishing license is \$178, except that, beginning January 1, 2010, the fee for such a license is \$180.50 and beginning January 1, 2011, the fee for such a license is \$181.50.

N. A license to use leashed dogs to track wounded animals, which permits a person to use one or more leashed dogs to track a lawfully wounded deer, moose or bear, is \$27, except that, beginning January 1, 2010, the fee for such a license is \$29.50 and beginning January 1, 2011, the fee for such a license is \$30.50.

O. A nonresident small game apprenticeship hunter license, which permits the hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat, is \$67, except that, beginning January 1, 2010, the fee for such a license is \$69.50 and beginning January 1, 2011, the fee for such a license is \$70.50.

P. A nonresident big game apprenticeship hunter license, which permits the hunting of all legal species and includes a bear hunting permit and a wild turkey hunting permit under sections 11151 and 11155 respectively, is \$102, except that, beginning January 1, 2010, the fee for such a license is \$104.50 and beginning January 1, 2011, the fee for such a license is \$105.50.

**Sec. OO-2. 12 MRSA §11109, sub-§5,** as amended by PL 2005, c. 397, Pt. E, §7, is further amended to read:

**5. Muzzle-loading permits and fees.** Muzzle-loading hunting permits and fees are as follows:

A. A resident muzzle-loading hunting permit is \$13, except that, beginning January 1, 2010, the fee for such a license is \$15.50 and beginning January 1, 2011, the fee for such a license is \$16.50;

B. A nonresident muzzle-loading hunting permit is \$62, except that, beginning January 1, 2010, the fee for such a license is \$64.50 and beginning January 1, 2011, the fee for such a license is \$65.50;  
and

C. An alien muzzle-loading hunting permit is \$72, except that, beginning January 1, 2010, the fee for such a license is \$74.50 and beginning January 1, 2011, the fee for such a license is \$75.50.

**Sec. OO-3. 12 MRSA §11109, sub-§7,** as amended by PL 2005, c. 12, Pt. III, §5, is further amended to read:

**7. Archery hunting licenses; combination licenses; fees.** Archery hunting licenses, combination licenses and fees are as follows:

A. A resident archery license is \$21, except that, beginning January 1, 2010, the fee for such a license is \$23.50 and beginning January 1, 2011, the fee for such a license is \$24.50;

B. A resident combination archery hunting and fishing license is \$38, except that, beginning January 1, 2010, the fee for such a license is \$40.50 and beginning January 1, 2011, the fee for such a license is \$41.50;

C. A nonresident archery license is \$62, except that, beginning January 1, 2010, the fee for such a license is \$64.50 and beginning January 1, 2011, the fee for such a license is \$65.50; and

D. An alien archery license is \$72, except that, beginning January 1, 2010, the fee for such a license is \$74.50 and beginning January 1, 2011, the fee for such a license is \$75.50.

**Sec. OO-4. 12 MRSA §11109, sub-§9**, as enacted by PL 2005, c. 419, §5 and affected by §12, is amended to read:

**9. Crossbow licenses and fees.** Crossbow hunting licenses and fees are as follows:

A. A resident crossbow hunting license is \$25, except that, beginning January 1, 2010, the fee for such a license is \$27.50 and beginning January 1, 2011, the fee for such a license is \$28.50;

B. A nonresident crossbow hunting license is \$48, except that, beginning January 1, 2010, the fee for such a license is \$50.50 and beginning January 1, 2011, the fee for such a license is \$51.50; and

C. An alien crossbow hunting license is \$72, except that, beginning January 1, 2010, the fee for such a license is \$74.50 and beginning January 1, 2011, the fee for such a license is \$75.50.

**Sec. OO-5. 12 MRSA §11109-A, sub-§5**, as enacted by PL 2005, c. 477, §4, is amended to read:

**5. Fee.** The fee for a super pack license is \$200 for residents, except that, beginning January 1, 2010, the fee for such a license is \$202.50 and beginning January 1, 2011, the fee for such a license is \$203.50, and \$175~~the fee for a super pack license for a person holding 2 or more lifetime licenses is \$175,~~ except that, beginning January 1, 2010, the fee for such a license is \$177.50 and beginning January 1, 2011, the fee for such a license is \$178.50.

**Sec. OO-6. 12 MRSA §11151, sub-§3**, as amended by PL 2005, c. 12, Pt. III, §7, is further amended to read:

**3. Issuance; permit fee.** The commissioner, through the commissioner's authorized agent, shall issue a bear hunting permit to an eligible person. The annual fee for each permit issued is \$27 for residents and, except that, beginning January 1, 2010, the fee for such a permit is \$29.50 and beginning January 1, 2011, the fee for such a permit is \$30.50. The annual fee for a permit is \$67 for nonresidents, except that, beginning January 1, 2010, the fee for such a permit is \$69.50 and beginning January 1, 2011, the fee for such a permit is \$70.50.

**Sec. OO-7. 12 MRSA §11153, sub-§1**, as amended by PL 2005, c. 12, Pt. III, §8, is further amended to read:

**1. Special season deer hunting permits; authority to issue for special season.**

The commissioner may implement a permit system to regulate hunter participation in a special season established by the commissioner pursuant to section 11402, subsection 4, paragraph B and the number, sex and age of deer harvested. If permits are issued, the fee for a deer permit other than an antlerless deer permit is \$32, except that, beginning January 1, 2010, the fee for such a permit is \$34.50 and beginning January 1, 2011, the fee for such a permit is \$35.50; and the fee for an antlerless deer permit is \$12, except that, beginning January 1, 2010, the fee for such a permit is \$14.50 and beginning January 1, 2011, the fee for such a permit is \$15.50.

**Sec. OO-8. 12 MRSA §11154, sub-§3**, as amended by PL 2005, c. 12, Pt. III, §9, is further amended to read:

**3. Moose hunting permit fee.** The fee for a moose hunting permit is \$52 for a resident and, except that, beginning January 1, 2010, the fee for such a permit is \$54.50 and beginning January 1, 2011, the fee for such a permit is \$55.50. The fee for a moose hunting permit is \$477 for a nonresident or alien, except that, beginning January 1, 2010, the fee for such a permit is \$479.50 and beginning January 1, 2011, the fee for such a permit is \$480.50.

**Sec. OO-9. 12 MRSA §11155, sub-§1-B,** as enacted by PL 2005, c. 12, Pt. III, §11, is amended to read:

**1-B. Issuance; permit fee.** The commissioner, through the commissioner's authorized agent, shall issue a wild turkey hunting permit to an eligible person. The annual fee for a wild turkey hunting permit is \$20 for residents and, except that, beginning January 1, 2010, the fee for such a permit is \$22.50 and beginning January 1, 2011, the fee for such a permit is \$23.50. The annual fee for a wild turkey hunting permit is \$47 for nonresidents and aliens, except that, beginning January 1, 2010, the fee for such a permit is \$49.50 and beginning January 1, 2011, the fee for such a permit is \$50.50.

**Sec. OO-10. 12 MRSA §11157, sub-§3,** as amended by PL 2005, c. 12, Pt. III, §16, is further amended to read:

**3. Fee.** The fee for a migratory waterfowl hunting permit, 25¢ of which must be retained by the agent, is \$7.50, 25¢ of which must be retained by the agent, except that, beginning January 1, 2010, the fee for such a permit is \$10.00 and beginning January 1, 2011, the fee for such a permit is \$11.00.

**Sec. OO-11. 12 MRSA §11160, sub-§3,** as amended by PL 2005, c. 12, Pt. III, §18, is further amended to read:

**3. Issuance.** The commissioner shall issue a permit to hunt coyotes at night to eligible persons at a fee of \$4, except that, beginning January 1, 2010, the fee for such a license is \$6.50 and beginning January 1, 2011, the fee for such a license is \$7.50.

**Sec. OO-12. 12 MRSA §12201, sub-§6,** as amended by PL 2005, c. 12, Pt. III, §23, is further amended to read:

**6. Trapping fees.** The fees for trapping licenses are as follows:

A. A resident junior trapping license, for a person 10 years of age or older and under 16 years of age, is \$9, except that, beginning January 1, 2010, the fee for such a license is \$11.50 and beginning January 1, 2011, the fee for such a license is \$12.50;

B. A resident trapping license, for a person 16 years of age or older, is \$35, except that, beginning January 1, 2010, the fee for such a license is \$37.50 and beginning January 1, 2011, the fee for such a license is \$38.50; and

C. A nonresident trapping license is \$310, except that, beginning January 1, 2010, the fee for such a license is \$312.50 and beginning January 1, 2011, the fee for such a license is \$313.50.

**Sec. OO-13. 12 MRSA §12501, sub-§6,** as amended by PL 2005, c. 12, Pt. III, §24, is further amended to read:

**6. Schedule of fees.** The fees for fishing licenses are as follows.

A. A resident fishing license is \$21, except that, beginning January 1, 2010, the fee for such a license is \$23.50 and beginning January 1, 2011, the fee for such a license is \$24.50.

B. A resident combination hunting and fishing license is \$38, except that, beginning January 1, 2010, the fee for such a license is \$40.50 and beginning January 1, 2011, the fee for such a license is \$41.50.

C. A resident combination archery hunting and fishing license is \$38, except that, beginning January 1, 2010, the fee for such a license is \$40.50 and beginning January 1, 2011, the fee for such a license is \$41.50.

D. A nonresident junior fishing license, for persons 12 years of age or older and under 16 years of age, is \$9, except that, beginning January 1, 2010, the fee for such a license is \$11.50 and beginning January 1, 2011, the fee for such a license is \$12.50.

E. A 3-day fishing license for a resident or nonresident, valid for the 72-hour period specified on the license, is \$23, except that, beginning January 1, 2010, the fee for such a license is \$25.50 and beginning January 1, 2011, the fee for such a license is \$26.50.

F. A nonresident 7-day fishing license, valid for 7 days from date indicated on license, is \$36, except that, beginning January 1, 2010, the fee for such a license is \$38.50 and beginning January 1, 2011, the fee for such a license is \$39.50.

G. A nonresident 15-day fishing license, valid for 15 days from date indicated on license, is \$40, except that, beginning January 1, 2010, the fee for such a license is \$42.50 and beginning January 1, 2011, the fee for such a license is \$43.50.

H. A nonresident season fishing license for persons 16 years of age or older is \$52, except that, beginning January 1, 2010, the fee for such a license is \$54.50 and beginning January 1, 2011, the fee for such a license is \$55.50.

I. An alien season fishing license for persons 16 years of age or older is \$72, except that, beginning January 1, 2010, the fee for such a license is \$74.50 and beginning January 1, 2011, the fee for such a license is \$75.50.

J. A one-day fishing license for a resident or nonresident, valid for the 24-hour period indicated on license, is \$11, except that, beginning January 1, 2010, the fee for such a license is \$13.50 and beginning January 1, 2011, the fee for such a license is \$14.50.

**PART PP**

**Sec. PP-1. 30-A MRS §2202, sub-§2** is enacted to read:

**2. Municipal service administration.** "Municipal service administration" means the centralized provision of personnel, payroll, accounting, contracting, purchasing and any other financial management and human resources services and related functions.

**Sec. PP-2. 30-A MRSA §2202, sub-§3** is enacted to read:

**3. Municipality.** "Municipality" means a municipality as defined in section 2001, subsection 8 or a plantation.

**Sec. PP-3. 30-A MRSA §2202, sub-§4** is enacted to read:

**4. Regional school unit.** "Regional school unit" means a school unit formed under Title 20-A, chapter 103-A.

**Sec. PP-4. 30-A MRSA §2208** is enacted to read:

**§ 2208. Municipal cost savings**

**1. Agreements authorized.** Any municipality may enter into an agreement with a regional school unit under this chapter for the purpose of achieving cost savings through municipal service administration.

**2. Commission establishment.** On their own initiative, or on the written petition of a number of voters equal to at least 20% of the number of votes cast in the municipality at the last gubernatorial election, the municipal officers may establish a commission of municipal residents to review the benefits of entering into an agreement as described in subsection 1. The municipal officers may request that the officers of any other municipality or regional school unit appoint a number of its residents to the commission.

**3. Property tax reduction fund authorized.** A municipality participating in an agreement for municipal service administration authorized by this section may establish a property tax reduction fund, referred to in this section as "the fund," as a dedicated, special revenue account. If the fund is established:

A. The municipality's financial officer shall place into the fund money from cost savings to the municipality as a result of entering into an agreement under subsection 1 and funds granted under chapter 231;

B. The fund must be held separate and apart from all other money, funds and accounts;

C. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund; and

D. Money in the fund does not lapse but is carried forward for the purposes of this section.

Each year, the municipal officers may apply money in the fund to the reduction of the property tax assessment mill rate or to a municipal property tax assistance program adopted under Title 36, chapter 907-A.

**Sec. PP-5. 30-A MRSA §5681, sub-§3,** as amended by PL 2005, c. 266, §1, is further amended to read:

**3. Revenue-sharing funds.** To strengthen the state-municipal fiscal relationship pursuant to the findings and objectives of subsection 1, there is established the Local Government Fund. To provide additional support for municipalities experiencing a higher-than-average property tax burden, there is established the Disproportionate Tax Burden Fund. ~~To assist~~support those municipalities that ~~collaborate with other municipalities, counties or state agencies to obtain savings in the cost of delivering local and regional governmental services~~enter into agreements under section 2208 there is established the Fund for the Efficient Delivery of Local and Regional Administration Services, which is administered pursuant to chapter 231.

**Sec. PP-6. 30-A MRSA §5681, sub-§5-B,** as amended by PL 2007, c. 240, Pt. NNN, §1, is repealed and the following enacted in its place:

**5-B. Fund for the Efficient Delivery of Local and Regional Administration Services.** For the months beginning on or after July 1, 2004 and before the distributions required by subsections 4-A and 4-B, 2% of all receipts transferred each month pursuant to subsection 5 must be deposited in the Fund for the Efficient Delivery of Local and Regional Administration Services, as established in subsection 3, and distributed to those municipalities that enter into an agreement for municipal service administration under section 2208 and apply and are successfully reviewed under chapter 231. Any amounts transferred to the Fund for the Efficient Delivery of Local and Regional Administration Services in excess of \$500,000 in fiscal year 2009-10 and \$1,000,000 in fiscal year 2010-11 must be transferred to General Fund undedicated revenue.

**Sec. PP-7. 30-A MRSA §6201,** as enacted by PL 2005, c. 266, §2, is amended to read:

## **§ 6201. Definitions**

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

**1. Commissioner.** "Commissioner" means the Commissioner of Administrative and Financial Services.

**2. Cooperative services grant.** "Cooperative services grant" means a grant award from the fund pursuant to section 6208 ~~to cover eligible costs of a qualifying project.~~

**3. Department.** "Department" means the Department of Administrative and Financial Services.

**4. Eligible applicant.** "Eligible applicant" means a municipality, ~~county or regional government subdivision~~as defined in section 2202, subsection 3.



**5. Eligible costs.** ~~"Eligible costs" means the actual and direct expenses incurred in implementing a cooperative services grant or a planning grant awarded under section 6208, including expenses incurred in connection with the following activities for cooperative services grants and planning grants:~~

~~A. Eligible costs for a planning grant include the expense of:~~

~~(1) Studies to examine alternative methods of achieving collaboration, including those adopted by other municipalities;~~

~~(2) Cost-benefit studies; and~~

~~(3) Facilitation of community meetings and public outreach and education.~~

~~B. Eligible costs for a cooperative services grant includes the expense of:~~

~~(1) Execution and implementation of an interlocal agreement under chapter 115, a tax base sharing arrangement or another regional government mechanism for achieving collaboration;~~

~~(2) Joint strategic planning or comprehensive or capital investment planning;~~

~~(3) Public outreach and education;~~

~~(4) Collaboration or consolidation of offices or services;~~

~~(5) Professional services, such as those provided by attorneys, consultants, facilitators and architects; and~~

~~(6) Administrative services and costs, such as photocopying, printing, telephone service and travel costs.~~

~~Administrative and other costs of ongoing operations that would otherwise be budgeted by a municipality, county or regional government subdivision are not eligible costs.~~

**6. Fund.** "Fund" means the Fund for the Efficient Delivery of Local and Regional Administration Services established by section 5681, subsection 3.

**7. Planning grant.** ~~"Planning grant" means a grant award from the fund pursuant to section 6208 to cover eligible costs of developing a qualifying project for a cooperative services grant.~~

**8. Qualifying project.** ~~"Qualifying project" means a project designed to achieve significant and sustainable savings in the cost of delivering local and regional governmental services that reduces the demand for property tax revenues through collaborative approaches to service delivery, enhanced regional delivery systems, consolidated administrative services, broad-based purchasing alliances and interlocal agreements.~~

**9. Regional government subdivision.** ~~"Regional government subdivision" means:~~

~~A. A regional planning commission or regional council of governments established under chapter 119; or~~

~~B. A legal entity created by interlocal agreement pursuant to chapter 115.~~

**10. Regional school unit.** "Regional school unit" means a school unit formed under Title 20-A, chapter 103-A.

**Sec. PP-8. 30-A MRSA §6204,** as amended by PL 2007, c. 662, §4, is further amended to read:

### **§ 6204. Uses of fund**

Except as otherwise provided by this section and section 5681, subsection 3, the fund is available solely for cooperative services grants for qualifying projects. The department may use the fund to cover its costs of administration, ~~including contracting for services to administer the grants.~~

Grant funds may not be used for reimbursement of costs or expenses incurred prior to an award from the fund. ~~A maximum of 10% of the value of grant funds available during any year may be awarded for planning grants.~~

**Sec. PP-9. 30-A MRSA §6205,** as enacted by PL 2005, c. 266, §2, is amended to read:

### **§ 6205. Eligibility; intergovernmental cooperation**

In accordance with the request for ~~proposals~~applications issued by the department under section 6209, an eligible applicant may apply for a ~~planning grant~~ or a cooperative services grant from the fund. In order to be eligible for a ~~planning grant~~ or a cooperative services grant, an eligible applicant must demonstrate in its application that the project for which it seeks a grant will be undertaken in cooperation with one or more municipalities, counties or regional government subdivisions it has entered into an agreement for municipal service administration as defined in section 2202, subsection 2; that the parties are among the entities described in section 2208, subsection 1; and other related factors in accordance with a request for applications issued by the department under section 6209.

~~An eligible applicant may contract with nongovernmental organizations and individuals for the purpose of carrying out projects supported by the fund.~~

~~In applying for a cooperative services grant, an eligible applicant must specify the type of qualifying project for which assistance is sought and how the project will reduce demand for property tax revenues.~~

**Sec. PP-10. 30-A MRSA §6206,** as amended by PL 2007, c. 662, §5, is repealed.

**Sec. PP-11. 30-A MRSA §6207, sub-§1,** as enacted by PL 2005, c. 266, §2, is repealed.

**Sec. PP-12. 30-A MRSA §6207, sub-§2,** as enacted by PL 2005, c. 266, §2, is amended to read:

**2. Cooperative services grants.** In evaluating ~~and ranking~~ each application for a cooperative services grant, the review panel established under section 6208 shall consider ~~the aggregate reduction in the demand for property tax revenue in the geographical region covered by the municipalities, counties and regional government subdivisions cooperating in the qualifying project, the chance of success of the project and the ability to replicate the efficiency achieved by the project in other regions;~~ whether the application contains an agreement for municipal service administration as defined in section 2202, subsection 2 and the parties are among the entities described in section 2208, subsection 1, whether the application projects realistic cost savings, whether the agreement contains sufficient and timely implementation provisions and other related factors in accordance with a request for ~~proposals~~applications issued by the department under section 6209.

**Sec. PP-13. 30-A MRSA §6208, sub-§1, ¶D,** as enacted by PL 2005, c. 266, §2, is amended to read:

D. One representative of a ~~county or regional government subdivisions~~school unit recommended by a statewide organization representing ~~counties or regional service providers~~school units, appointed by the Governor;

**Sec. PP-14. 30-A MRSA §6208, sub-§2,** as enacted by PL 2005, c. 266, §2, is amended to read:

**2. Review panel duties.** The review panel established in subsection 1 shall:

A. Determine whether each eligible applicant for a cooperative services grant ~~or planning grant~~ meets the eligibility criteria under section 6205 and provide written notice to that applicant of its eligibility determination; and

B. In accordance with the request for ~~proposals~~applications issued under section 6209, review ~~and rank proposals~~applications from applicants eligible for cooperative services grants ~~and planning grants~~ under section 6205 against the funding criteria defined in section 6207 and award cooperative services grants ~~or planning grants to proposals~~for applications that best meet the funding criteria in section 6207 subject to availability of funding. Grants must be distributed to successful applicants based on the formula set forth in section 5681, subsection 4-A.

Prior to issuing the request for ~~proposals~~applications as provided in section 6209, the department shall consult with the review panel, which may suggest criteria for consideration by the department.

**Sec. PP-15. 30-A MRSA §6209,** as enacted by PL 2005, c. 266, §2, is repealed and the following enacted in its place:

**§ 6209. Request for applications**

No later than November 1st of each year, the department shall issue a request for applications in accordance with the Bureau of General Services Rules, Chapter 110 that includes the schedules and deadline for submission of applications for the purposes of section 5681, subsection 5-B and action on applications for grants under this chapter; procedures for reviewing those applications; and procedures and information requirements related to application submissions. The department shall provide reasonable notice to all eligible applicants about the availability of the fund and the solicitation of grant applications.

**Sec. PP-16. 30-A MRSA §6210, sub-§2,** as enacted by PL 2005, c. 266, §2, is amended to read:

**2. Describe barriers or incentives.** Describe any barriers to or incentives for ~~regionalization~~formation of agreements for municipal service administration as defined in section 2202, subsection 2 identified by the department through its administration of the fund;

**Sec. PP-17. 30-A MRSA §6210, sub-§4,** as enacted by PL 2005, c. 266, §2, is amended to read:

**4. Describe effect.** Describe the effect of the grants awarded, ~~including the success of regional efforts and the amount of documented and anticipated property tax savings.~~

**Sec. PP-18. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 30-A, chapter 231, in the chapter headnote, the words "fund for the efficient delivery of local and regional services" are amended to read "fund for the efficient delivery of local and regional administration services" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

## PART QQ

**Sec. QQ-1. General Fund savings; judicial branch.** Notwithstanding any other provision of law, the State Court Administrator shall adjust the Personal Services and All Other line categories to achieve the amount of projected savings in Part A in the judicial branch related to maintaining costs within available resources and shall transfer the amounts by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2009-10 and fiscal year 2010-11.

## PART RR

**Sec. RR-1. Issuance of securities; Maine Governmental Facilities Authority.** Pursuant to the Maine Revised Statutes, Title 4, section 1610-A, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$1,666,450 for the purpose of paying the cost of multiple repair projects at correctional facilities.

## PART SS

**Sec. SS-1. Transfer from General Fund undedicated revenue; Callahan Mine Site Restoration, Department of Transportation.** Notwithstanding any other provision of law, the State Controller shall transfer \$500,000 by July 15, 2009 from General Fund unappropriated surplus to the Callahan Mine Site Restoration Other Special Revenue Funds program within the Department of Transportation.

## PART TT

**Sec. TT-1. Consolidation of statewide information technology functions, systems and funding to improve efficiency and cost-effectiveness.** The Chief Information Officer shall review the current organizational structure, systems and operations of information technology units to improve organizational efficiency and cost-effectiveness. The Chief Information Officer is authorized to manage and operate all information technology systems in the executive branch and to approve all information technology expenditures from a consolidated account. Notwithstanding any other provision of law, the State Budget Officer shall transfer position counts and available balances by financial order upon approval of the Governor to the Department of Administrative and Financial Services, Office of Information Technology for the provision of those services. These transfers are considered adjustments to authorized position count, appropriations and allocations in fiscal years 2009-10 and 2010-11.

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

## PART UU

**Sec. UU-1. Calculation and transfer; General Fund; central services savings.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part A in the Statewide Central Services account, Department of Administrative and Financial Services that applies against each General Fund account for departments and agencies statewide as a result of improvements in contracting with vendors and the use of procurement cards. The State Budget Officer shall transfer the savings by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2009-10 and 2010-11.

## PART VV

**Sec. VV-1. Tax expenditures.** In accordance with the Maine Revised Statutes, Title 5, section 1666, funding is continued for each individual tax expenditure, as defined in Title 5, section 1666, reported in the budget document submitted by the Governor on January 9, 2009.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

## **SUMMARY**

### **PART C**

This Part does the following.

It specifies a mill expectation of 6.68 for fiscal year 2009-10 and the total cost of funding public education from kindergarten to grade 12, consisting of total debt service allocation, total adjustments and miscellaneous costs, and the state share percentage.

It authorizes the Commissioner of Education to waive the requirement for school administrative units to provide transportation for public preschool students.

It authorizes the Commissioner of Education to waive for the 2009-2010 school year the requirement that a school administrative unit must pay an insured value factor to a private school for tuitioned students.

It authorizes the Commissioner of Education to exercise flexibility for regional adjustments based on labor markets, to expend and disburse funds for the innovative schools project and to expend and disburse funds for learning through technology, data management and support services for essential programs and services, transportation administration and coordination of services for juvenile offenders.

### **PART D**

This Part amends the law regarding the duties of the Commissioner of Education to require the commissioner to appoint an Education Specialist III for the supervision of agricultural education, instead of an Education Specialist II as is required in current law. It also renames the Preschool Handicapped program in the Department of Education the Child Development Services program.

### **PART E**

This Part does the following.

It makes an adjustment to ensure that the Maine estate tax under current law will continue to be imposed for deaths occurring after calendar year 2009 with the intent of maintaining the State's estate tax revenues at current levels.

It amends the law to provide that the State Tax Assessor is not bound by a final federal determination if the assessor determines an issue for purposes of the estate.

It also amends the definition of "federal gross estate" to include gifts made by a decedent 3 years prior to death, but not include gifts made prior to January 1, 2008. Transfers made as part of a bona fide sale for full and adequate consideration are not included in the definition.

### **PART F**

This Part does the following.

It reduces the amount that must be transferred to the Maine Clean Election Fund on or before June 1, 2010 from \$2,425,000 to \$2,000,000 and it eliminates the \$2,000,000 transfer on or before August 1, 2010 from General Fund undedicated revenue to the Maine Clean Election Fund.

It changes the date by which the State Controller must transfer revenues to the Maine Clean Election Fund in fiscal year 2010-11 from on or before January 1, 2011 to on or before September 1, 2010.

#### **PART G**

This Part increases license fees levied by the Department of Marine Resources.

#### **PART H**

This Part converts the excise tax on smokeless tobacco products from a tax equaling 78% of the wholesale price to a tax based on weight at the rate of \$2.02 per ounce, but no less than \$2.02. The change is effective for purchases made on or after July 1, 2009.

#### **PART I**

This Part eliminates the Fiscal Stability Program, which required each biennial budget to include, beginning with the 2010-2011 biennial budget, an additional General Fund appropriation of 18% in excess of the requested biennial budget for the Department of Inland Fisheries and Wildlife.

#### **PART J**

This Part authorizes the Department of Administrative and Financial Services, Office of Information Technology to enter into lease-purchasing agreements in fiscal years 2009-10 and 2010-11 for the acquisition of personal computers, servers, printers and other hardware and software to support end-user and infrastructure services and discloses the terms of the lease-purchasing agreements.

#### **PART K**

This Part renames the Division of Administrative Services program in the Department of Marine Resources the Office of the Commissioner program.

#### **PART L**

This Part removes reference to the Director of General Services position and adds references to the office of the commissioner in the Department of Conservation. It renames the Administrative Services - Conservation program in the Department of Conservation the Office of the Commissioner program.

#### **PART M**

This Part does the following.

It removes the requirement that a municipality must hire a certified code enforcement officer and places the certification requirement on the individual.

It institutes a fee for individuals seeking code enforcement office training and certification from the Executive Department, State Planning Office and removes General Fund support of such training.

It clarifies that the State Planning Office's rules for training and certification of code enforcement officers under the Maine Revised Statutes, Title 30-A, section 4451 are routine technical rules and

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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, 2010 and June 30, 2011  
removes the requirement that the office establish certification standards for humane agents and state  
veterinarians.

#### **PART N**

This Part delays the tax credit for rehabilitation of historic properties with respect to the Kennebec Arsenal District National Historic Landmark from tax years beginning on or after January 1, 2006 but before January 1, 2010 to tax years that begin on or after January 1, 2009 but before January 1, 2013. Unused credit amounts in any one tax year may be carried forward only through tax year 2012.

#### **PART O**

This Part limits reimbursements to municipalities under the Maine Tree Growth Tax Law to the amount appropriated by the Legislature and distributed on a pro rata basis.

#### **PART P**

This Part increases the rate of tax to be imposed on telecommunications personal property for fiscal years 2009-10 to 2011-12.

#### **PART Q**

This Part authorizes the Department of Corrections to transfer prisoners sentenced to the department to correctional institutions operated by private providers.

#### **PART R**

This Part requires the State Budget Officer to calculate the savings from not granting a 4% salary increase effective January 1, 2009 to unclassified employees whose salaries are subject to the Governor's adjustment or approval. It authorizes the transfer of the savings by financial order; these transfers are considered adjustments to appropriations in fiscal years 2009-10 and 2010-11.

#### **PART S**

This Part amends the laws governing state-municipal revenue sharing to reduce funding to the Local Government Fund, Revenue Sharing I, by reducing the percentage of revenues transferred from taxes from 5.2% to 4.6% for fiscal years 2009-10 and 2010-11. This Part also reduces the transfer point to the Disproportionate Tax Burden Fund by \$16,000,000 for each of those years.

#### **PART T**

This Part does the following.

It authorizes the State Budget Officer, upon recommendation of the Department of Corrections, to transfer All Other funds by financial order between accounts within the same fund for the purpose of paying food, heating and utility expenses during the 2010-2011 biennium.

It authorizes the State Budget Officer, upon recommendation of the Department of Corrections, to transfer by financial order Personal Services, All Other and Capital Expenditures funding between accounts within the same fund for the purposes of paying departmental overtime expenses.



It requires the Commissioner of Corrections to review the current organizational structure to improve organizational efficiency and cost-effectiveness and it authorizes the State Budget Officer to transfer positions and available balances by financial order.

#### **PART U**

This Part limits the allowable benefit under the Business Equipment Tax Reimbursement, or "BETR," program to 90% of eligible property taxes paid for application periods beginning August 1, 2009 and August 1, 2010.

#### **PART V**

This Part limits, for fiscal years 2010-11 and 2011-12, the boarding rates charged to the Department of Corrections for the housing of 190 state prisoners to the county jails' marginal costs.

#### **PART W**

This Part disallows the use of the election to pay estimated tax based on the prior year's tax liability with regard to unusual event income, which is defined as the receipt of at least \$500,000 income over the prior tax year's income. The change applies to tax years beginning on or after January 1, 2009.

#### **PART X**

This Part requires the Department of Public Safety to notify licensees of changes in the liquor rules and regulations through postings on the department's publicly accessible website.

#### **PART Y**

This Part authorizes the Commissioner of Administrative and Financial Services to implement a new employee retirement incentive program designed to encourage employees who are otherwise eligible to retire to do so. It requires the State Budget Officer to calculate the savings and transfer the amounts by financial order upon approval of the Governor. It requires that the vacated positions remain vacant from August 1, 2009 to June 30, 2011.

#### **PART Z**

This Part continues the voluntary employee incentive program during the 2010-2011 biennium and recognizes the resulting savings. It provides for the lapsing of \$350,000 in savings to the General Fund in both fiscal years 2009-10 and 2010-11.

#### **PART AA**

This Part recognizes projected additional Personal Services savings in the Statewide Attrition account within the Department of Administrative and Financial Services for General Fund departments and agencies statewide from an increase in the attrition rate from 1.6% to 5.0 % for the 2010-2011 biennium. It authorizes the State Budget Officer to transfer funds and adjust the appropriations to the affected departments and agencies.

#### **PART BB**

This Part allows the transfer of accrued Personal Services savings between and within department accounts in the General Fund and Highway Fund to be used to offset Personal Services shortfalls that occur as a direct result of Personal Services appropriation or allocation reductions for projected vacancies.

#### **PART CC**

This Part reduces the reimbursement for critical access hospitals from 117% of MaineCare allowable costs to 101% of MaineCare allowable costs.

#### **PART DD**

This Part authorizes the transfer of up to \$87,091,988 from the unappropriated surplus of the General Fund to the Medical Care - Payments to Providers program, General Fund account at the end of fiscal year 2009-10 to be used for hospital settlements in fiscal year 2010-11.

#### **PART EE**

This Part repeals the provision that required the Department of Health and Human Services, Office of MaineCare Services to reduce Legislative Count positions by a minimum of 100 positions by June 19, 2010 and to report to the Legislature on those eliminations. The proposed reorganization of the Office of MaineCare Services reflected in Part A of this bill will result in the elimination of 55 positions.

#### **PART FF**

This Part authorizes the State Budget Officer to transfer funds and adjust the appropriations of the Department of Health and Human Services General Fund MaineCare seed accounts as a result of additional federal resources from a temporary increase in the Federal Medical Assistance Percentage. It also requires that any Federal Medical Assistance Percentage funding received above \$98,800,000 be transferred to the Department of Health and Human Services - Departmentwide General Fund account to be used for one-time initiatives.

#### **PART GG**

This Part changes the portion of the employee health insurance premium that is paid by the State for employees earning over \$50,000 annually. The state share will decline from 100% to 95% for employees earning between \$50,000 and \$90,000 yearly and to 90% for employees earning \$90,000 or more each year. It requires the State Budget Officer to transfer the resulting savings to the General Fund by financial order upon approval of the Governor.

#### **PART HH**

This Part retroactively changes the reporting date for the recommendations of the Commission To Review Short-term and Long-term Costs in the Maine Public Employees Retirement System from November 5, 2008 to November 5, 2009.

#### **PART II**

This Part authorizes the transfer of up to \$750,000 from excess General Fund revenue above the budgeted state cost allocation program revenue estimate in each of fiscal years 2009-10 and 2010-11 to

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Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011  
the Office of Information Technology Internal Service Fund as partial funding for the development and  
implementation of an improved payroll and position management system.

#### **PART JJ**

This Part transfers the General Fund share of overpayments for retiree health insurance by the Maine Community College System to the unappropriated surplus of the General Fund. It also requires the State Controller to determine the balance due to the Maine Community College System and to reimburse those funds to the system by June 30, 2010.

#### **PART KK**

This Part does the following.

It requires the Commissioner of Administrative and Financial Services to review and recommend improvements in current University of Maine System, Maine Community College System and Maine Maritime Academy organizational structures and provision of personnel, payroll, accounting, contracting, purchasing and any other financial management and human resources services, benefits and related functions. The commissioner shall also identify savings from the improvements recommended.

The University of Maine System, Maine Community College System and Maine Maritime Academy shall implement recommendations developed by the Commissioner of Administrative and Financial Services. Implementation may involve changes in organizational structures or service delivery within or among any of the higher education institutions. Any savings from implementation of the recommendations must be reinvested in the higher education institutions.

It also requires the Education Coordinating Committee in its annual report to detail efforts to achieve flexible higher education communities using new technologies and other innovative learning opportunities. The Trustees of the University of Maine System and the Board of Trustees of the Maine Community College System are to report on their efforts to meet this goal and to implement recommendations for administrative improvement.

#### **PART LL**

This Part limits the allowable benefit under the Maine Residents Property Tax Program for all nonelderly households to 90% of the amount to which those households would otherwise be eligible for application periods beginning on August 1, 2009 and on August 1, 2010.

#### **PART MM**

This Part directs the Commissioner of Conservation to review the fees currently charged by the Department of Conservation, Bureau of Parks and Lands and to design and implement fee increases that will result in additional undedicated revenue to the General Fund of \$475,500 in each fiscal year of the biennium.

#### **PART NN**

This Part removes from the apportionment of income calculation the sales of tangible personal property by businesses operating in more than one state if the sales are delivered to a state where the

taxpayer is not taxable. Sales other than those of tangible personal property are also removed from Maine sales in the apportionment calculation if the sales are delivered from Maine to a state where the taxpayer is not taxable.

### **PART OO**

This Part increases the fees for certain hunting, fishing and trapping licenses by \$2.50 beginning in calendar year 2010 and by an additional \$1 beginning in calendar year 2011. This increase does not affect any lifetime license fees.

### **PART PP**

This Part does the following.

It establishes municipal service administration as a specific purpose of cooperative agreements among municipalities and regional school units. The Part authorizes the municipal establishment of a property tax reduction fund made up of cost savings derived from implementing a municipal service administration agreement. Municipal service administration is the centralized provision of personnel, payroll, accounting, contracting, purchasing and any other financial management and human resources services and related functions.

It continues the diversion of broad-based tax revenues into a fund for efficient delivery of municipal services, but brings the focus to delivery of administration services.

It promotes the effective and efficient use of funds provided to municipalities from broad-based taxes and discourages use of these tax revenues in support of excess administration costs by encouraging municipalities to submit applications for grants for agreements for municipal service administration.

### **PART QQ**

This Part requires the State Court Administrator to achieve the projected savings identified in Part A of this bill for fiscal years 2009-10 and 2010-11. Personal Services and All Other line categories will be adjusted accordingly by financial order.

### **PART RR**

This Part allows the Department of Corrections to finance repair projects that are essential for the operation of correctional facilities.

### **PART SS**

This Part authorizes the transfer of \$500,000 from General Fund unappropriated surplus to the Callahan Mine Site Restoration Other Special Revenue Funds program within the Department of Transportation for litigation support and legal initiatives related to the restoration of the site.

### **PART TT**

This Part does the following.

It requires the Chief Information Officer to review the current structure for the delivery of information technology across the executive branch with the objective of further improving organizational efficiency and cost-effectiveness and authorizes the Chief Information Officer to manage and operate all executive branch information technology systems from a consolidated account.

The State Budget Officer is authorized to transfer position counts and savings arising from the implementation of organizational improvements by financial order, upon approval of the Governor, to the Department of Administrative and Financial Services, Office of Information Technology consolidated account for the provision of those services. These transfers are considered adjustments to authorized position count, appropriations and allocations in fiscal years 2009-10 and 2010-11.

#### **PART UU**

This Part requires the State Budget Officer to calculate the savings as a result of improvements in contracting with vendors and the use of procurement cards. The State Budget Officer shall transfer the savings by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2009-10 and 2010-11.

#### **PART VV**

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