

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

PART B

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Accident - Sickness - Health Insurance 0455

Initiative: RECLASSIFICATIONS

ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND	2009-10	2010-11
Personal Services	\$40,341	\$18,260
All Other	(\$40,341)	(\$18,260)
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ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND TOTAL	\$0	\$0

Administration - Human Resources 0038

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$15,041	\$6,977
All Other	(\$15,041)	(\$6,977)
GENERAL FUND TOTAL	\$0	\$0

Central Fleet Management 0703

Initiative: RECLASSIFICATIONS

CENTRAL MOTOR POOL	2009-10	2010-11
Personal Services	\$4,032	\$2,935
All Other	(\$4,032)	(\$2,935)
CENTRAL MOTOR POOL TOTAL	\$0	\$0

Information Services 0155

Initiative: RECLASSIFICATIONS

OFFICE OF INFORMATION SERVICES FUND	2009-10	2010-11
Personal Services	\$141,480	\$103,364
All Other	(\$141,480)	(\$103,364)
OFFICE OF INFORMATION SERVICES FUND TOTAL	\$0	\$0

Revenue Services - Bureau of 0002

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$23,190	\$8,726
All Other	(\$23,190)	(\$8,726)
GENERAL FUND TOTAL	\$0	\$0

State Controller - Office of the 0056

HP1183, LD 1671, item 1, 124th Maine State Legislature
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Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$16,077	\$0
All Other	(\$16,077)	\$0
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GENERAL FUND TOTAL	\$0	\$0

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	\$0	\$0
OFFICE OF INFORMATION SERVICES FUND	\$0	\$0
CENTRAL MOTOR POOL	\$0	\$0
ACCIDENT, SICKNESS AND HEALTH INSURANCE	\$0	\$0
INTERNAL SERVICE FUND	\$0	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF
Division of Market and Production Development 0833

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$3,035	\$3,066
All Other	(\$3,035)	(\$3,066)
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GENERAL FUND TOTAL	\$0	\$0

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	\$0	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

CONSERVATION, DEPARTMENT OF
Maine Conservation Corps Z030

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Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2009-10	2010-11
Personal Services	\$4,159	\$3,789
FEDERAL EXPENDITURES FUND TOTAL	\$4,159	\$3,789

CONSERVATION, DEPARTMENT OF DEPARTMENT TOTALS	2009-10	2010-11
FEDERAL EXPENDITURES FUND	\$4,159	\$3,789
DEPARTMENT TOTAL - ALL FUNDS	\$4,159	\$3,789

**EDUCATION, DEPARTMENT OF
Federal and State Program Services Z079**

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$4,727	\$4,090
All Other	(\$4,727)	(\$4,090)
GENERAL FUND TOTAL	\$0	\$0

PK-20 Curriculum, Instruction and Assessment Z081

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$0	\$158,185
GENERAL FUND TOTAL	\$0	\$158,185

Special Services Team Z080

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
All Other	\$0	(\$158,185)

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GENERAL FUND TOTAL	\$0	(\$158,185)
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	2009-10	2010-11
FEDERAL EXPENDITURES FUND		
Personal Services	\$6,102	\$6,270
All Other	(\$6,102)	(\$6,270)
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

	2009-10	2010-11
EDUCATION, DEPARTMENT OF		
DEPARTMENT TOTALS		
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Administration - Environmental Protection 0251

Initiative: RECLASSIFICATIONS

	2009-10	2010-11
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$3,901	\$7,158
All Other	\$132	\$242
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,033	\$7,400

Land and Water Quality 0248

Initiative: RECLASSIFICATIONS

	2009-10	2010-11
GENERAL FUND		
Personal Services	\$11,146	\$3,844
All Other	(\$11,146)	(\$3,844)
GENERAL FUND TOTAL	\$0	\$0

Performance Partnership Grant 0851

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 Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2009-10	2010-11
Personal Services	\$11,347	\$9,452
All Other	\$384	\$320
FEDERAL EXPENDITURES FUND TOTAL	\$11,731	\$9,772

Remediation and Waste Management 0247

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$20,776	\$14,667
All Other	\$703	\$496
OTHER SPECIAL REVENUE FUNDS TOTAL	\$21,479	\$15,163

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$11,731	\$9,772
OTHER SPECIAL REVENUE FUNDS	\$25,512	\$22,563
DEPARTMENT TOTAL - ALL FUNDS	\$37,243	\$32,335

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$1,332	\$1,691
All Other	(\$1,332)	(\$1,691)
GENERAL FUND TOTAL	\$0	\$0

Mental Retardation Services - Community 0122

Initiative: RECLASSIFICATIONS

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GENERAL FUND	2009-10	2010-11
All Other	(\$22,331)	\$0
GENERAL FUND TOTAL	(\$22,331)	\$0

Office of Advocacy - BDS 0632

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$22,331	\$0
GENERAL FUND TOTAL	\$22,331	\$0

Riverview Psychiatric Center 0105

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$2,439	\$1,186
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,439	\$1,186

**HEALTH AND HUMAN SERVICES, DEPARTMENT
 OF (FORMERLY BDS)**

DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$2,439	\$1,186
DEPARTMENT TOTAL - ALL FUNDS	\$2,439	\$1,186

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Bureau of Family Independence - Regional 0453

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$29,373	\$6,724
All Other	\$700	\$160

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OTHER SPECIAL REVENUE FUNDS TOTAL	\$30,073	\$6,884
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Bureau of Medical Services 0129

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$1,692	\$0
All Other	(\$1,692)	\$0
GENERAL FUND TOTAL	\$0	\$0

FEDERAL EXPENDITURES FUND	2009-10	2010-11
Personal Services	\$5,353	\$67
All Other	\$140	\$5
FEDERAL EXPENDITURES FUND TOTAL	\$5,493	\$72

Division of Licensing and Regulatory Services Z036

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$6,298	\$4,776
All Other	(\$6,298)	(\$4,776)
GENERAL FUND TOTAL	\$0	\$0

FEDERAL EXPENDITURES FUND	2009-10	2010-11
Personal Services	\$6,254	\$1,649
All Other	\$135	\$40
FEDERAL EXPENDITURES FUND TOTAL	\$6,389	\$1,689

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$1,926	\$4,703
All Other	\$46	\$112

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OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,972	\$4,815
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Health - Bureau of 0143

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2009-10	2010-11
Personal Services	\$7,927	\$5,927
All Other	\$190	\$142
FEDERAL EXPENDITURES FUND TOTAL	\$8,117	\$6,069

Office of Elder Services Central Office 0140

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2009-10	2010-11
Personal Services	\$6,885	\$4,048
All Other	\$165	\$42
FEDERAL EXPENDITURES FUND TOTAL	\$7,050	\$4,090

Office of Management and Budget 0142

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$5,268	\$1,264
All Other	(\$5,268)	(\$1,264)
GENERAL FUND TOTAL	\$0	\$0

OMB Division of Regional Business Operations 0196

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$19,661	\$2,472
All Other	\$470	\$59
OTHER SPECIAL REVENUE FUNDS TOTAL	\$20,131	\$2,531

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**HEALTH AND HUMAN SERVICES, DEPARTMENT
 OF (FORMERLY DHS)**

DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$27,049	\$11,920
OTHER SPECIAL REVENUE FUNDS	\$52,176	\$14,230
DEPARTMENT TOTAL - ALL FUNDS	\$79,225	\$26,150

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF
 Enforcement Operations - Inland Fisheries and Wildlife 0537**

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$32,637	\$13,290
All Other	(\$32,637)	(\$13,290)
GENERAL FUND TOTAL	\$0	\$0

Public Information and Education, Division of 0729

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$9,030	\$1,113
All Other	(\$9,030)	(\$1,113)
GENERAL FUND TOTAL	\$0	\$0

Resource Management Services - Inland Fisheries and Wildlife 0534

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$1,738	\$1,227
All Other	(\$1,738)	(\$1,227)
GENERAL FUND TOTAL	\$0	\$0

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FEDERAL EXPENDITURES FUND	2009-10	2010-11
Personal Services	\$4,057	\$2,865
All Other	\$38	\$27
FEDERAL EXPENDITURES FUND TOTAL	\$4,095	\$2,892

Whitewater Rafting - Inland Fisheries and Wildlife 0539

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$21,522	\$3,178
All Other	\$170	\$25
OTHER SPECIAL REVENUE FUNDS TOTAL	\$21,692	\$3,203

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$4,095	\$2,892
OTHER SPECIAL REVENUE FUNDS	\$21,692	\$3,203
DEPARTMENT TOTAL - ALL FUNDS	\$25,787	\$6,095

LABOR, DEPARTMENT OF

Administration - Labor 0030

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$341	\$344
All Other	(\$341)	(\$344)
GENERAL FUND TOTAL	\$0	\$0

FEDERAL EXPENDITURES FUND	2009-10	2010-11
Personal Services	\$8,224	\$5,859
All Other	\$474	\$338

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FEDERAL EXPENDITURES FUND TOTAL	\$8,698	\$6,197
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	2009-10	2010-11
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$682	\$691
All Other	\$39	\$40
OTHER SPECIAL REVENUE FUNDS TOTAL	\$721	\$731

Blind and Visually Impaired - Division for the 0126

Initiative: RECLASSIFICATIONS

	2009-10	2010-11
GENERAL FUND		
Personal Services	\$12,664	\$9,276
All Other	(\$12,664)	(\$9,276)
GENERAL FUND TOTAL	\$0	\$0

	2009-10	2010-11
FEDERAL EXPENDITURES FUND		
Personal Services	\$88,415	\$18,555
All Other	\$518	\$109
FEDERAL EXPENDITURES FUND TOTAL	\$88,933	\$18,664

Rehabilitation Services 0799

Initiative: RECLASSIFICATIONS

	2009-10	2010-11
FEDERAL EXPENDITURES FUND		
Personal Services	\$15,710	\$11,965
All Other	\$262	\$200
FEDERAL EXPENDITURES FUND TOTAL	\$15,972	\$12,165

LABOR, DEPARTMENT OF		
DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$113,603	\$37,026

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OTHER SPECIAL REVENUE FUNDS	\$721	\$731
DEPARTMENT TOTAL - ALL FUNDS	\$114,324	\$37,757

MARINE RESOURCES, DEPARTMENT OF

Bureau of Resource Management 0027

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$2,573	\$1,578
All Other	(\$2,573)	(\$1,578)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

Office of the Commissioner 0258

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$1,602	\$1,809
All Other	(\$1,602)	(\$1,809)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

**MARINE RESOURCES, DEPARTMENT OF
 DEPARTMENT TOTALS**

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

PUBLIC SAFETY, DEPARTMENT OF

Capitol Security - Bureau of 0101

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$15,885	\$2,559
All Other	(\$15,885)	(\$2,559)

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GENERAL FUND TOTAL	\$0	\$0
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Fire Marshal - Office of 0327

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$4,511	\$3,985
All Other	\$41	\$36
OTHER SPECIAL REVENUE FUNDS TOTAL	\$4,552	\$4,021

State Police 0291

Initiative: RECLASSIFICATIONS

GENERAL FUND	2009-10	2010-11
Personal Services	\$30,336	\$10,984
All Other	(\$30,336)	(\$10,984)
GENERAL FUND TOTAL	\$0	\$0

Turnpike Enforcement 0547

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$16,299	\$11,795
All Other	\$318	\$230
OTHER SPECIAL REVENUE FUNDS TOTAL	\$16,617	\$12,025

PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$21,169	\$16,046
DEPARTMENT TOTAL - ALL FUNDS	\$21,169	\$16,046

SECTION TOTALS	2009-10	2010-11
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$160,637	\$65,399
OTHER SPECIAL REVENUE FUNDS	\$123,709	\$57,959
OFFICE OF INFORMATION SERVICES FUND	\$0	\$0
CENTRAL MOTOR POOL	\$0	\$0
ACCIDENT, SICKNESS AND HEALTH INSURANCE	\$0	\$0
INTERNAL SERVICE FUND	\$0	\$0
SECTION TOTAL - ALL FUNDS		
	\$284,346	\$123,358

PART C

Sec. C-1. PL 2009, c. 213, Pt. TT, §1 is amended to read:

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 within each agency to fulfill strategic and operational objectives as expressed in a memorandum of agreement with each agency. An annual reconciliation of actual services rendered against budgeted amounts will be performed. Notwithstanding any other provision of law, the State Budget Officer shall transfer position counts and available balances where allowable 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. The State Budget Officer shall report to the Joint Standing Committee on Appropriations and Financial Affairs the transferred amounts no later than January 15, 2010.

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 this Part.

PART D

Sec. D-1. Transfer; unexpended funds; Baxter Compensation Authority account. Notwithstanding any other provision of law, the State Controller shall transfer \$2,570 in unexpended funds from the Baxter Compensation Authority, Other Special Revenue Funds account within the Baxter Compensation Authority to General Fund unappropriated surplus at the close of fiscal year 200910.

PART E

Sec. E-1. 20-A MRSA §1305-A, as amended by PL 2005, c. 12, Pt. WW, §1 and c. 683, Pt. A, §21, is repealed.

Sec. E-2. 20-A MRSA §1305-B, as amended by PL 2005, c. 683, Pt. A, §22, is repealed.

Sec. E-3. 20-A MRSA §1701, sub-§11, ¶B, as amended by PL 1999, c. 710, §9, is further amended to read:

B. Unless authorized by the voters ~~or except as provided in section 1701A, subsection 5~~, the district school committee may not transfer funds between line item categories.

Sec. E-4. 20-A MRSA §1701-A, as amended by PL 2005, c. 12, Pt. WW, §2, is repealed.

Sec. E-5. 20-A MRSA §1701-B, as amended by PL 2005, c. 2, Pt. D, §14 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is repealed.

Sec. E-6. 20-A MRSA §5805, sub-§1, ¶D, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

D. The tuition rate thus determined ~~shall~~must be adjusted by the average change in public secondary education costs for the 2 years immediately before the school year for which the tuition charge is computed. This adjustment ~~shall be~~is limited to a 6% increase. Beginning in school year 20102011, this adjustment is limited to an increase no greater than in the most recent year's Consumer Price Index or other comparable index.

Sec. E-7. 20-A MRSA §5806, sub-§2, as amended by PL 2009, c. 213, 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. For school year 20092010 only, the maximum allowable tuition rate, prior to the addition of the insured value factor, must be reduced by 2%; the insured value factor must be based on this reduced rate. The insured value factor is computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. For the ~~2008-09~~2008-2009 school year only, a school administrative unit is not required to pay an insured value factor greater than 5% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student. Beginning in school year 2009-10, a school administrative unit is not required to pay an insured value factor greater than 5% of the school's tuition rate or \$500 per student, whichever is less, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student.

Sec. E-8. 20-A MRSA §6051, sub-§1, ¶E, as amended by PL 2005, c. 683, Pt. A, §24, is further amended to read:

E. A determination as to whether the school administrative unit has complied with applicable provisions of the Essential Programs and Services Funding Act; and

Sec. E-9. 20-A MRSA §6051, sub-§1, ¶F, as enacted by PL 1985, c. 797, §36, is amended to read:

F. Any other information ~~which~~that the commissioner may require.;

Sec. E-10. 20-A MRSA §6051, sub-§1, ¶G is enacted to read:

G. A determination of whether the school administrative unit has complied with transfer limitations between budget cost center lines pursuant to section 1485, subsection 4;

Sec. E-11. 20-A MRSA §6051, sub-§1, ¶H is enacted to read:

H. A determination of whether the school administrative unit has complied with budget content requirements pursuant to section 15693, subsection 1 and cost center summary budget format requirements pursuant to sections 1305C, 1485, 1701C and 2307; and

Sec. E-12. 20-A MRSA §6051, sub-§1, ¶I is enacted to read:

I. A determination of whether the school administrative unit has exceeded its authority to expend funds, as provided by the total budget summary article.

Sec. E-13. 20-A MRSA §6051, sub-§7 is enacted to read:

7. Exception. If a municipal school administrative unit meets all of the following eligibility criteria, then the municipal school administrative unit may file the annual municipal audit or audits in lieu of the annual audit required by this section:

A. The municipal school administrative unit does not operate a school or schools;

B. A school administrative unit audit is not necessary to meet federal audit requirements;

C. The municipal school administrative unit files the municipal audit or audits that include the fiscal year specified in subsection 2; and

D. The municipal school administrative unit is not a member of a school administrative district, community school district, regional school unit or alternative organizational structure.

Sec. E-14. 20-A MRSA §6051, sub-§8 is enacted to read:

8. Corrective action plan. The commissioner shall review the audits of the school administrative unit and determine if the school administrative unit should develop a corrective action plan for any audit issues specified in the annual audit. The corrective action plan must address those audit findings and management comments and recommendations that have been identified by the commissioner, and the plan must be filed within the timelines established by the commissioner. The school administrative unit shall provide assurances to the commissioner that the school administrative unit has implemented the plan and its corrective action within the timelines established by the commissioner.

If the school administrative unit has not met the conditions for submitting a corrective action plan or providing assurances that the school administrative unit has implemented the plan, the commissioner may withhold monthly subsidy payments from a school administrative unit in accordance with section 6801A.

Sec. E-15. 20-A MRSA §15005, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

3. Return required. An apportionment provided in this chapter, chapters 109, 205, 505 and 605606B, and section 13601, and Title 20, section 3457, may not be paid to a school administrative unit by the Treasurer of State until returns required by law have been filed with the commissioner.

Sec. E-16. 20-A MRSA §15671, sub-§7, ¶A, as amended by PL 2009, c. 213, 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 200506, the target is 84%.
- (2) For fiscal year 200607, the target is 90%.
- (3) For fiscal year 200708, the target is 95%.
- (4) For fiscal year 200809, the target is 97%.
- (5) For fiscal year 200910, the target is 97%.
- (6) For fiscal year 201011 and succeeding years, the target is ~~100%~~97%.
- (7) For fiscal year 201112 and succeeding years, the target is 100%.

Sec. E-17. 20-A MRSA §15671, sub-§7, ¶B, as amended by PL 2009, c. 1, Pt. C, §1 and c. 213, Pt. C, §4, is repealed and the following enacted in its place:

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%.

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(3) For fiscal year 2007-08, the target is 53.51%.

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

(5) For fiscal year 2009-10, the target is 48.93%.

(6) For fiscal year 2010-11, the target is 44.67%.

(7) For fiscal year 2011-12 and succeeding years, the target is 55%.

Sec. E-18. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2009, c. 213, Pt. C, §5,
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 3A, 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, the full-value education mill rate is the amount necessary to result in a ~~49.05%~~51.07% statewide total local share in fiscal year 2009-10.

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(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%~~55.33% statewide total local share in fiscal year 2010-11 ~~and after~~.

(4-C) For the 2011 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 2011-12 and after.

Sec. E-19. 20-A MRSA §15689, sub-§1, ¶A, as repealed and replaced by PL 2005, c. 2, Pt. D, §58 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

A. The sum of the following calculations:

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

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

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

Sec. E-20. 20-A MRSA §15689, sub-§1, ¶B, as amended by PL 2009, c. 1, Pt. C, §2 and c. 213, Pt. C, §8, is repealed and the following enacted in its place:

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

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

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

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

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

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

(6) In fiscal year 2010-11, 30% including funds provided under Title XIV of the State Fiscal Stabilization Fund of the federal American Recovery and Reinvestment Act of 2009; and

(7) In fiscal year 2011-12 and succeeding years, 30%.

Sec. E-21. 20-A MRSA §15690, sub-§2, as amended by PL 2005, c. 12, Pt. WW, §6 and affected by §18, is further amended to read:

2. Non-state-funded debt service. For a school administrative unit's indebtedness previously approved by its legislative body for non-state-funded major capital school construction projects or non-state-funded portions of major capital school construction projects ~~and minor capital projects~~, the legislative body of each school administrative unit may vote to raise and appropriate an amount up to the municipality's or district's annual payments for non-state-funded debt service.

A. An article in substantially the following form must be used when a school administrative unit is considering the appropriation for debt service allocation for non-state-funded school construction projects or non-state-funded portions of school construction projects ~~and minor capital projects~~.

(1) "Article: To see what sum the (municipality or district) will raise and appropriate for the annual payments on debt service previously approved by the legislative body for non-state-funded school construction projects, ~~or non-state-funded portions of school construction projects and minor capital projects~~ in addition to the funds appropriated as the local share of the school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12. (Recommend \$.....)"

(2) The following statement must accompany the article in subparagraph (1). "Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the (municipality's or district's) long-term debt for major capital school construction projects ~~and minor capital renovation projects~~ that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body."

Sec. E-22. PL 2009, c. 213, Pt. C, §17 is amended to read:

Sec. C-17. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20A, section 15671A for fiscal year 2009-10 is ~~6.736.99~~ and must be lowered to ~~6.376.69~~ as a result of funds provided under Title XIV of the State Fiscal Stabilization Fund of the federal American Recovery and Reinvestment Act of 2009 as part of the amount restored to school administrative units in fiscal year 2009-10.

Sec. E-23. PL 2009, c. 213, Pt. C, §19 is amended to read:

Sec. C-19. 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 calculated as follows:

	2009-10 LOCAL	2009-10 STATE
Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12		
Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$923,174,744	\$958,971,492
	<u>\$961,272,967</u>	<u>\$920,873,269</u>
Portion to be paid from Federal IDEA balance		(\$11,600,000)
<u>Adjusted state contribution - subject to statewide distributions required by law</u>		\$947,371,492
		<u>\$909,273,269</u>

Sec. E-24. Waiver; required local contribution. For fiscal year 200910 general purpose aid for local schools funding only, for those school administrative units that do not raise the increased required local contribution pursuant to the Maine Revised Statutes, Title 20A, section 15690, subsection 1 that results from increasing the mill expectation from 6.37 to 6.69, there is no proportional reduction to the state share pursuant to Title 20A, section 15690, subsection 1, paragraph C.

Sec. E-25. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20A, section 15671A for fiscal year 201011 is 7.66 and must be lowered to 7.14 as a result of funds provided under Title XIV of the State Fiscal Stabilization Fund of the federal American Recovery and Reinvestment Act of 2009 as part of the amount restored to school administrative units in fiscal year 2010-11.

Sec. E-26. 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 201011 is as follows:

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**2010-11
 TOTAL**

Total Operating Allocation

Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 without transitions percentage	\$1,376,791,408
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 97% transitions percentage	\$1,335,487,666
Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$399,145,292

Total Operating Allocation

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	\$1,734,632,958
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Total Debt Service Allocation

Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$99,049,370
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Total Adjustments and Miscellaneous Costs

Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, sections 15689 and 15689-A	\$74,207,874
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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 2010-11 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	\$1,907,890,202
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Sec. E-27. 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, 2010 and ending June 30, 2011 is calculated as follows:

	2010-11 LOCAL	2010-11 STATE
Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12		
Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683 - subject to statewide distributions required by law	\$1,055,635,712	\$852,254,490

Sec. E-28. Limit of State's obligation. If the State's continued obligation for any individual component contained in sections 26 and 27 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. E-29. Authorization of payments. Sections 26 and 27 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, 2010 and ending June 30, 2011.

PART F

Sec. F-1. Lapse; unencumbered balance; BGS - Capital Construction Repair. Notwithstanding any other provision of law, the State Controller shall lapse \$175,190 from the unencumbered balance in All Other and \$24,809 in Capital Expenditures from the General Fund BGS - Capital Construction Repair Fund account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

Sec. F-2. Transfer; unexpended funds; Sale of Property account. Notwithstanding any other provision of law, the State Controller shall transfer \$55,174 in unexpended funds from the Other Special Revenue Funds, Sale of Property account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

Sec. F-3. Transfer; unexpended funds; BPI Insurance and Loss Prevention Property account. Notwithstanding any other provision of law, the State Controller shall transfer \$22,536 in unexpended funds from the Other Special Revenue Funds, BPI Insurance and Loss Prevention account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

PART G

Sec. G-1. Transfer; unexpended funds; Food Vending Services account. Notwithstanding any other provision of law, the State Controller shall transfer \$70,000 in unexpended funds from the Other Special Revenue Funds, Food Vending Services account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

Sec. G-2. Transfer; unexpended funds; Bangor Campus Office Space account. Notwithstanding any other provision of law, the State Controller shall transfer \$75,000 by June 30, 2010 and \$25,000 by June 30, 2011 in unexpended funds from the Other Special Revenue Funds, Bangor Campus Office Space account in the Department of Administrative and Financial Services to General Fund unappropriated surplus.

Sec. G-3. Transfer; unexpended funds; Monument for Women Veterans account.

Notwithstanding any other provision of law, the State Controller shall transfer \$9,500 in unexpended funds from the Other Special Revenue Funds, Monument for Women Veterans account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

Sec. G-4. Transfer; unexpended funds; Memorial for Emergency Medical Services Personnel account. Notwithstanding any other provision of law, the State Controller shall transfer \$2,000 in unexpended funds from the Other Special Revenue Funds, Memorial for Emergency Medical Services Personnel account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

PART H

Sec. H-1. Transfer; unexpended funds; Bureau of General Services - Capital Construction Reserve Fund account. Notwithstanding any other provision of law, the State Controller shall transfer \$227,359 in unexpended funds from the Bureau of General Services - Capital Construction Reserve Fund, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus at the close of fiscal year 2009-10.

Sec. H-2. Transfer; unexpended funds; Bureau of General Services - Capital Construction Reserve Fund - Maine Criminal Justice Academy account. Notwithstanding any other provision of law, the State Controller shall transfer \$746 in unexpended funds from the Bureau of General Services - Capital Construction Reserve Fund - Maine Criminal Justice Academy, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus at the close of fiscal year 2009-10.

Sec. H-3. Transfer; unexpended funds; Bureau of General Services - Capital Construction Reserve Fund - Maine Youth Center account. Notwithstanding any other provision of law, the State Controller shall transfer \$131,671 in unexpended funds from the Bureau of General Services - Capital Construction Reserve Fund - Maine Youth Center, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus at the close of fiscal year 2010-11.

Sec. H-4. Transfer; unexpended funds; Bureau of General Services - Capital Construction Reserve Fund - Charleston account. Notwithstanding any other provision of law, the State Controller shall transfer \$7,337 in unexpended funds from the Bureau of General Services - Capital Construction Reserve Fund - Charleston, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus at the close of fiscal year 2009-10.

Sec. H-5. Transfer; unexpended funds; Bureau of General Services - Capital Construction Reserve Fund - Williams Pavilion account. Notwithstanding any other provision of law, the State Controller shall transfer \$16,074 in unexpended funds from the Bureau of

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General Services - Capital Construction Reserve Fund - Williams Pavilion, Other Special Revenue Funds
account in the Department of Administrative and Financial Services to the General Fund unappropriated
surplus at the close of fiscal year 2009-10.

PART I

Sec. I-1. Transfer; unexpended funds; Maine Solid Waste Management Fund account. Notwithstanding any other provision of law, the State Controller shall transfer \$987,605 in unexpended funds from the Maine Solid Waste Management Fund, Other Special Revenue Funds account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2010-11.

Sec. I-2. Transfer; unexpended funds; A&C - Conference account. Notwithstanding any other provision of law, the State Controller shall transfer \$44,814 in unexpended funds from the A&C - Conference, Other Special Revenue Funds account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

PART J

Sec. J-1. Transfer; equity reserve fiscal year 2008-09; Retiree Health Insurance Internal Service Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$22,590,806 representing the General Fund share of excess equity reserve for retiree health insurance on June 30, 2009 from the Retiree Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund by June 30, 2010. The State Controller shall also transfer the equitable share of retiree health insurance excess equity reserve to each participating fund by June 30, 2010.

Sec. J-2. Transfer; equity reserve fiscal year 2009-10; Retiree Health Insurance Internal Service Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$23,556,012 representing the projected General Fund share of excess equity reserve for retiree health insurance on June 30, 2010 from the Retiree Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund by June 30, 2010. The State Controller shall also transfer the equitable share of retiree health insurance excess equity reserve to each participating fund by June 30, 2010.

Sec. J-3. Calculation and transfer; General Fund; retiree health insurance savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings identified in Part A in the Statewide-Retiree Health Insurance General Fund account in the Department of Administrative and Financial Services that applies against each General Fund account for departments and agencies statewide as a result of a rate reduction in retiree health insurance. 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 year 201011.

Sec. J-4. Transfer; retiree health insurance savings; Other Special Revenue Funds accounts. Notwithstanding any other provision of law, the State Controller shall transfer \$4,189,789 from Other Special Revenue Funds accounts to the unappropriated surplus of the General Fund by June 30, 2011. This fund transfer is a result of savings achieved by departments and agencies statewide from a rate reduction for retiree health insurance in fiscal year 201011.

PART K

Sec. K-1. Transfer; unexpended funds; Taxation Revenue Collection account. Notwithstanding any other provision of law, the State Controller shall transfer \$140,000 in unexpended funds from the Other Special Revenue Funds, Taxation Revenue Collection account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

PART L

Sec. L-1. Transfer; unexpended funds; Bureau of Insurance account. Notwithstanding any other provision of law, the State Controller shall transfer \$3,500,191 in unexpended funds from the Bureau of Insurance, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2010.

Sec. L-2. Transfer; unexpended funds; Insurance Assessment Fund account. Notwithstanding any other provision of law, the State Controller shall transfer \$75,107 in unexpended funds from the Insurance Assessment Fund, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2010.

Sec. L-3. Transfer; unexpended funds; Office of Securities account. Notwithstanding any other provision of law, the State Controller shall transfer \$1,600,000 in unexpended funds from the Office of Securities, Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund no later than June 30, 2010.

PART M

Sec. M-1. Transfer; Fund for a Healthy Maine; General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$3,925,515 by June 30, 2010 and \$222,282 by June 30, 2011 from the Fund for a Healthy Maine, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund. The transfer by June 30, 2010 represents unexpended funds on June 30, 2009 of \$3,403,873 and the projected increase in revenue by the Revenue Forecasting Committee of \$521,642. The transfer by June 30, 2011 represents the increase of \$222,282 in revenue projected by the Revenue Forecasting Committee for fiscal year 2010-11.

PART N

Sec. N-1. Calculation and transfer; General Fund savings; central administration. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in the Statewide Service Center account in Part A that applies against each General Fund account for executive branch departments and agencies statewide from a decrease in charges by the Department of Administrative and Financial Services, Division of Financial and Personnel Services associated with savings from a reduction in retiree health insurance rates. The State Budget Officer shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2010-11.

PART O

Sec. O-1. Deposit reimbursement. Notwithstanding the Maine Revised Statutes, Title 10, section 1495-E, subsection 2-A, if a balance of the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation's initial deposit into the Payroll Processor Recovery Fund remains unreimbursed on May 1, 2010, the superintendent must be reimbursed the initial deposit into the fund in 2 disbursements, with 1/2 of the unreimbursed balance repaid on or before June 1, 2010 and the remaining unreimbursed balance repaid on or before June 1, 2011.

PART P

Sec. P-1. Maine State Library; lapsed balances. Notwithstanding any other provision of law, \$5,810 of unencumbered balance forward from the Maine State Library, Library Special Acquisitions Fund program, General Fund account, All Other line category lapses to the General Fund no later than June 30, 2010 to achieve targeted savings for fiscal year 2009-10.

PART Q

Sec. Q-1. Maine State Cultural Affairs Council; lapsed balances. Notwithstanding any other provision of law, \$3,205 of unencumbered balance forward from the Maine State Cultural Affairs Council, New Century Program Fund, General Fund account, All Other line category lapses to the General Fund no later than June 30, 2010 to achieve targeted savings for fiscal year 2009-10.

PART R

Sec. R-1. Transfer; unexpended funds; Blaine House Renovations and Repairs Fund account. Notwithstanding any other provision of law, the State Controller shall transfer \$2,960 in fiscal year 2009-10 from the Blaine House Renovations and Repairs Fund, Other Special Revenue Funds account within the Executive Department to the unappropriated surplus of the General Fund.

PART S

Sec. S-1. Department of Agriculture, Food and Rural Resources, Pollution Control Structures - carrying account; lapsed balance; General Fund. Notwithstanding any other provision of law, \$211,904 of unencumbered balance forward in the Pollution Control Structures program, General Fund account in the All Other line category account in the Department of Agriculture, Food and Rural Resources lapses to the General Fund at the close of fiscal year 2009-10.

PART T

Sec. T-1. Calculation and transfer; General Fund; technology savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part A with respect to the Statewide Information Technology account in the Department of Administrative and Financial Services that applies against each General Fund account for departments and agencies statewide to recognize additional technology savings. 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 U

Sec. U-1. 20-A MRSA §7206, sub-§1, as amended by PL 2005, c. 662, Pt. A, §26, is further amended to read:

1. Complaint. An interested party may file with the commissioner a written complaint alleging that a school administrative unit or private school serving children with disabilities has failed to comply with this chapter. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received ~~unless a longer period is reasonable because a violation is continuing or the complaint is requesting compensatory services for a violation that occurred not more than 3 years prior to the date the complaint is received.~~

PART V

Sec. V-1. 20-A MRSA §6651, sub-§6, as amended by PL 2005, c. 683, Pt. A, §26, is repealed.

Sec. V-2. 20-A MRSA §7001, sub-§2-A, as amended by PL 2007, c. 430, §1, is further amended to read:

2-A. Free, appropriate public education. "Free, appropriate public education" means special education and related services that are provided at public expense, under public supervision and direction and without charge; meet the standards of the department; include an appropriate preschool, elementary school or secondary school education in the State; and are provided in conformity with the individualized family service plan or individualized education program. ~~Preschool children with disabilities who reach 5 years of age between July 1st and October 15th who are already receiving free, appropriate public education through the Child Development Services System and whose parents choose, in accordance~~

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~~with rules adopted by the commissioner, not to enroll those children in kindergarten until the start of the
following school year must have free, appropriate public education available to them through the Child
Development Services System for one additional school year.~~

PART W

Sec. W-1. 5 MRSA §937, sub-§1, ¶A, as amended by PL 2007, c. 1, Pt. D, §1, is further amended to read:

A. Deputy Commissioner; and.

Sec. W-2. 5 MRSA §937, sub-§1, ¶F, as amended by PL 2007, c. 1, Pt. D, §1, is repealed.

Sec. W-3. 20-A MRSA §203, sub-§1, ¶A, as amended by PL 1993, c. 684, §2 and c. 708, Pt. J, §7, is further amended to read:

A. Deputy Commissioner;.

Sec. W-4. 20-A MRSA §203, sub-§1, ¶F, as amended by PL 2001, c. 344, §3 and c. 439, Pt. H, §3, is repealed.

Sec. W-5. 20-A MRSA §203, sub-§1, ¶J, as enacted by PL 1997, c. 266, §2, is repealed.

PART X

Sec. X-1. PL 2005, c. 519, Pt. WW, §1 is amended to read:

Sec. WW-1. Maine Learning Technology Initiative computers and peripheral equipment. Notwithstanding any other provision of law, and except for computers and peripheral equipment purchased by a school district, the Department of Education shall dispose of computers and peripheral equipment purchased for the Maine Learning Technology Initiative through the Department of Administrative and Financial Services, Bureau of General Services' surplus property program. All proceeds from the sale or other disposal agreement net of selling and disposal costs must be deposited, as an adjustment to the account balance, in the ~~General Purpose Aid for Local Schools~~Learning Through Technology General Fund account within the Department of Education to be used for the continued support of the Maine Learning Technology Initiative.

Sec. X-2. PL 2009, c. 213, Pt. C, §22 is amended to read:

Sec. C-22. Carrying balance; School Finance and Operations 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

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to fiscal year 2008-09 pursuant to Public Law 2007, chapter 539, Part NN, section 1 does not lapse but
must carry forward in the School Finance and Operations program to June 30, 2011 to be used for the
same purpose.

Sec. X-3. Resolve 2007, c. 217, §1 is amended to read:

Sec. 1. Reimbursement to School Administrative District No. 11 for retirement contributions paid in error. Resolved: That, notwithstanding any other provision of law, the Governor must include in the biennial budget bill for the 2010-2011 biennial budget funding in the amount of \$90,788 for the reimbursement to School Administrative District No. 11 for the State's share of retirement contributions paid by the school district in error ~~to be offset by a reduction in the fiscal year 2009-10 appropriation for teacher retirement.~~

Sec. X-4. Lapsed balances; Workshops account in the Department of Education. Notwithstanding any other provision of law, the State Controller shall lapse \$292,968 of the unencumbered balance forward in the Workshops Other Special Revenue Funds account in the Department of Education and transfer this balance to the General Fund as unappropriated surplus in fiscal year 2009-10.

PART Y

Sec. Y-1. 8 MRSA §1001, sub-§9, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

9. Director. "Director" means the ~~executive director of the board~~Special Investigations Lieutenant in the Maine State Police.

Sec. Y-2. 8 MRSA §1003, sub-§2, as amended by PL 2005, c. 663, §§4 and 5, is further amended to read:

2. Duties.~~The board shall hire an executive director. The board or the director, as delegated by the board,~~ shall hire staff and retain professional services that the board considers necessary to carry out its responsibilities. In addition, ~~the board or the director or staff, as delegated by the board,~~ shall:

- A. Enforce the provisions of this chapter and any rules adopted under this chapter;
- B. Hear and decide all license and registration applications under this chapter and issues affecting the granting, suspension, revocation or renewal of licenses and registrations;
- C. Review the department's reports of its investigation of the qualifications of an applicant before a license or registration is issued and investigate the circumstances surrounding any act or transaction for which board approval is required;
- D. Cause the department to investigate any alleged violations of this chapter or rules adopted under this chapter and the direct or indirect ownership or control of any licensee;

E. Refer violations of this chapter to the Attorney General to bring action in the courts and administrative tribunals of this State or the United States, in the name of the State of Maine. This paragraph does not limit the authority of district attorneys to prosecute criminal violations of the law;

F. Collect all licensing and registration fees and taxes imposed by this chapter and rules adopted pursuant to this chapter;

G. Develop a standard uniform location agreement;

H. Pursuant to subchapter 5, cause the department to investigate all complaints made to the board regarding ownership, distribution or operation of slot machines and all violations of this chapter or rules adopted under this chapter;

I. Adopt rules to prevent undesirable conduct relating to the ownership, distribution and operation of slot machines and slot machine facilities, including, but not limited to, the following:

(1) The practice of any fraud or deception upon a player of a slot machine or a licensee;

(2) The presence or location of a slot machine in or at premises that may be unsafe due to fire hazard or other public safety conditions;

(3) The infiltration of organized crime into the ownership, distribution or operation of slot machines and slot machine facilities; and

(4) The presence of disorderly persons in a location where slot machines are in use;

J. Maintain a central site system of monitoring in real time all slot machines licensed in accordance with this chapter using an on-line inquiry;

K. Maintain the ability to activate and deactivate the operation of slot machines via the central site monitoring system under authority of board staff or persons contracted by the board;

L. Ensure that the slot machine operator does not have access to any system that is capable of programming slot machines;

M. Inform commercial track operators applying for a license to operate slot machines that any slot machines licensed by the board must be compatible with the central site system of on-line monitoring used by the board;

N. Cause the central site monitoring system to disable a slot machine that does not meet registration requirements provided by this chapter or rules adopted under this chapter or as directed by the department;

O. Cause the central site monitoring system to disable a slot machine and cause the department to seize the proceeds of that slot machine if the funds from that slot machine have not been distributed, deposited or allocated in accordance with section 1036;

P. Collect all funds and taxes due to the State under sections 1018 and 1036;

Q. Certify monthly to the department a full and complete statement of all slot machine revenue, credits disbursed by licensees, administrative expenses and the allocation of slot machine income for the preceding month;

R. Submit by March 15th an annual report to the Governor and the joint standing committee of the Legislature having jurisdiction over gambling affairs on slot machine revenue, credits disbursed by slot machine operators, administrative expenses and the allocation of slot machine income for the preceding year;

S. Prepare and submit to the department a budget for the administration of this chapter; and

T. Keep accurate and complete records of its proceedings and certify the records as may be appropriate.

Sec. Y-3. 32 MRSA §88, sub-§2, ¶E, as amended by PL 2007, c. 274, §20, is further amended to read:

~~E. The board shall keep records and minutes of its activities and meetings. These records and minutes must be made easily accessible to the public and be provided expeditiously upon request. The board shall distribute to all licensed emergency medical services persons a publication listing training opportunities, meeting schedules of the board, proposed rule changes and other information judged by the board to have merit in improving emergency medical patient care in the State. The board shall create, print and distribute this publication in the most cost-efficient manner possible. Any paid advertising utilized to accomplish this purpose may not be solicited by board members or staff and must be included in such a way that endorsement of a product or service by the board can not reasonably be inferred. The board may prepare, publish and disseminate educational and other materials to improve emergency medical patient care.~~

PART Z

Sec. Z-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, on behalf of the Department of Public Safety, may enter into financing arrangements in fiscal years 2009-10 and 2010-11 for the acquisition of motor vehicles for the State Police. The financing arrangements entered into in each fiscal year may not exceed \$1,800,000 in principal costs, and a financing arrangement may not exceed 3 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 \$300,000. The annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the Department of Public Safety General Fund and Highway Fund accounts.

Sec. Z-2. Transfer; unexpended funds; Emergency Medical Services account.

Notwithstanding any other provision of law, the State Controller shall transfer \$192,949 in unexpended funds from the Emergency Medical Services, Other Special Revenue Funds account in the Department of Public Safety to General Fund unappropriated surplus at the close of fiscal year 2009-10.

Sec. Z-3. Transfer; unexpended funds; Alcohol Server Education account.

Notwithstanding any other provision of law, the State Controller shall transfer \$87,681 in unexpended funds from the Alcohol Server Education, Other Special Revenue Funds account in the Department of Public Safety to General Fund unappropriated surplus at the close of fiscal year 2009-10.

Sec. Z-4. Transfer; unexpended funds; Administration account. Notwithstanding any other provision of law, the State Controller shall transfer \$2,000 in unexpended funds from the Administration, Other Special Revenue Funds account in the Department of Public Safety to General Fund unappropriated surplus at the close of fiscal year 2009-10.

PART AA

Sec. AA-1. Department of Conservation; lapsed balances. Notwithstanding any other provision of law, \$48,891 of unencumbered balance forward from the Department of Conservation, Division of Forest Protection program, General Fund account, Capital Expenditures line category and \$1,109 in the All Other line category lapse to the General Fund no later than June 30, 2010 and \$150,000 of unencumbered balance forward from the Department of Conservation, Division of Forest Protection program, General Fund account, All Other line category lapses to the General Fund no later than June 30, 2011.

Sec. AA-2. Transfer; unexpended funds; Division of Forest Protection account. Notwithstanding any other provision of law, the State Controller shall transfer \$19,974 by the close of fiscal year 2009-10 and \$92,296 by the close of fiscal year 2010-11 from the Division of Forest Protection, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund.

Sec. AA-3. Transfer; proceeds from sale of Jet Ranger helicopter; Division of Forest Protection account. Notwithstanding the Maine Revised Statutes, Title 12, section 8003, subsection 3, paragraph M-1 or any other provision of law, the State Controller shall transfer \$400,000 from the anticipated proceeds of the sale of a Jet Ranger helicopter from the Division of Forest Protection, Other Special Revenue Funds account in the Department of Conservation to the General Fund unappropriated surplus at the close of fiscal year 2009-10. The State Controller may transfer unexpended funds from the Division of Forest Protection, Other Special Revenue Funds account in the Department of Conservation to the General Fund unappropriated surplus if the proceeds from the sale of the helicopter by state surplus is less than \$400,000.

Sec. AA-4. Transfer; unexpended funds; Geological Survey-05 PL 457 Part F account. Notwithstanding any other provision of law, the State Controller shall transfer \$29,635 from the Geological Survey-05 PL 457 Part F, Other Special Revenue Funds account in the Department of Conservation to the unappropriated surplus of the General Fund by the close of fiscal year 2009-10.

PART BB

Sec. BB-1. Transfer; unexpended funds; Fund for the Efficient Delivery of Local and Regional Services - Administration account. Notwithstanding any other provision of law, the State Controller shall transfer \$35,500 from the Fund for the Efficient Delivery of Local and Regional Services - Administration, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund by the close of fiscal year 2009-10.

PART CC

Sec. CC-1. Legislature; lapsed balances; fiscal year 200910. Notwithstanding any other provision of law, \$1,096,299 of unencumbered balance forward from the various program accounts and line categories in the legislative accounts, as specified by the Executive Director of the Legislative Council, lapses to the General Fund in fiscal year 200910. The executive director shall review the legislative accounts and identify to the State Controller and State Budget Officer by May 15, 2010 the unencumbered balance forward amounts by account and line category totaling \$1,096,299 that will lapse to the General Fund to achieve targeted savings for fiscal year 200910.

Sec. CC-2. Legislature; lapsed balances; fiscal year 201011. Notwithstanding any other provision of law, \$1,198,166 of unencumbered balance forward from the various program accounts and line categories in the legislative accounts, as specified by the Executive Director of the Legislative Council, lapses to the General Fund in fiscal year 201011. The executive director shall review the legislative accounts and identify to the State Controller and State Budget Officer by May 15, 2011 the unencumbered balance forward amounts by account and line category totaling \$1,198,166 that will lapse to the General Fund to achieve targeted savings for fiscal year 201011.

PART DD

Sec. DD-1. Transfer; unexpended funds; Bureau of Revenue Services Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$350,000 by June 30, 2010 and \$200,000 by June 30, 2011 in unexpended funds from the Bureau of Revenue Services Fund in the Department of Administrative and Financial Services to General Fund unappropriated surplus.

PART EE

Sec. EE-1. PL 2009, c. 213, Pt. LLL, §1 is repealed.

PART FF

Sec. FF-1. Sale or lease of state properties; proceeds to be deposited in General Fund. Notwithstanding any other provision of law, the Commissioner of Administrative and Financial Services may identify any proceeds in whole or in part from the sale or lease of state-owned properties by the commissioner as authorized by the Legislature, in an amount not to exceed \$500,000, to be deposited as undedicated revenue to the General Fund no later than June 30, 2011.

PART GG

Sec. GG-1. 36 MRSA §5211, sub-§14, as amended by PL 2009, c. 213, Pt. NN, §1 and affected by §5, is further 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. For purposes of calculating the sales factor, "total sales of the taxpayer" includes sales of the taxpayer and of any member of an affiliated group with which the taxpayer conducts a unitary business. The formula must exclude from both the numerator and the denominator sales of tangible personal property delivered or shipped, regardless of F.O.B. point or other conditions of the sale, to a purchaser within a state in which the taxpayer, or any member of any affiliated group with which the taxpayer conducts a unitary business, is not taxable within the meaning of subsection 2.

Sec. GG-2. Application. This Part applies to income tax years beginning on or after January 1, 2010.

PART HH

Sec. HH-1. 36 MRSA c. 914-C is enacted to read:

CHAPTER 914-C

2010 TAX RECEIVABLES REDUCTION INITIATIVES

§ 6601. 2010 Tax Receivables Reduction Initiatives established

There are established the 2010 Tax Receivables Reduction Initiatives, referred to in this chapter as "the initiatives" and consisting of 2 separate initiatives, referred to in this chapter as "the short-term initiative" and "the 5-year initiative." The initiatives are intended to encourage delinquent taxpayers to pay existing tax obligations. The goal of the initiatives is to raise revenue during fiscal year 2010-11 and to reduce existing tax receivables.

§ 6602. Administration

The State Tax Assessor shall administer the initiatives. The short-term initiative applies to tax liabilities that are assessed as of December 31, 2009 and interest and penalties subsequently assessed on such tax liabilities. The 5-year initiative applies to tax liabilities that were assessed as of June 30, 2005 and interest and penalties subsequently assessed on such tax liabilities. A taxpayer may participate in the initiatives without regard to whether the amount due is subject to a pending administrative or

judicial proceeding. Participation in the initiatives is conditioned upon the taxpayer's agreement to forgo or withdraw a protest or an administrative or judicial proceeding with regard to liabilities paid under the initiatives and not to claim a refund of money paid under the initiatives. These initiatives are available to a taxpayer if the taxpayer:

1. Application. Properly completes and files a 2010 tax initiatives application as described in section 6605 and as required by the assessor;

2. Tax, interest and penalty paid. Pays all tax, interest and penalty for the respective initiative as described in section 6606 by the end of the initiatives period under section 6604;

3. No criminal action pending. Is not currently charged with, and has not been accepted by the Attorney General for criminal prosecution arising from, a violation of the state tax law as provided in this Title or Title 17-A or is not applying for relief on a debt that is the result of a criminal conviction; and

4. No collection by warrant or civil action. Is not applying for relief with respect to a tax liability for which the State has secured a warrant or civil judgment in its favor in Superior Court.

§ 6603. Undisclosed liabilities

This chapter does not prohibit the State Tax Assessor from instituting civil or criminal proceedings against any taxpayer with respect to any amount of tax that is not paid with the 2010 tax initiatives application described in section 6605 or on any other return filed with the assessor.

§ 6604. Initiatives period

A 2010 tax initiatives application described in section 6605 may be filed from September 1, 2010 to November 30, 2010.

§ 6605. Initiatives application

The State Tax Assessor shall prepare and make available the 2010 tax initiatives application. The application and associated guidelines prepared by the assessor, which govern participation in the initiatives, are exempt from the Maine Administrative Procedure Act. Each application requires the approval of the assessor and must include the amount of tax, interest and penalty to be paid, as determined pursuant to section 6606, the initiative being applied for and the periods to which the liability applies. The assessor may deny any application not consistent with this chapter.

§ 6606. Waiver of penalties or interest

1. Short-term initiative. A taxpayer who participates in the short-term initiative and whose application is approved by the State Tax Assessor is entitled to a waiver by the assessor of 95% of the penalties otherwise due.

2. Five-year initiative. A taxpayer who participates in the 5-year initiative and whose application is approved by the assessor is entitled to a waiver by the assessor of 95% of the penalties and interest otherwise due.

§ 6607. Collection action not stayed

An enforced collection action, including, but not limited to, a wage levy, bank levy or refund setoff, is not stayed until a taxpayer's tax initiatives application under section 6605 has been accepted by the State Tax Assessor and the taxpayer has paid all the tax, interest and penalties due pursuant to section 6602, subsection 2.

PART II

Sec. II-1. 36 MRSA §691, sub-§1, ¶A, as amended by PL 2007, c. 437, §8, is further amended to read:

A. "Eligible business equipment" means qualified property that, in the absence of this subchapter, would first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" includes, without limitation, repair parts, replacement parts, replacement equipment, additions, accessions and accessories to other qualified business property that first became subject to assessment under this Part before April 1, 2008 if the part, addition, equipment, accession or accessory would, in the absence of this subchapter, first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" also includes inventory parts.

"Eligible business equipment" does not include:

- (1) Office furniture, including, without limitation, tables, chairs, desks, bookcases, filing cabinets and modular office partitions;
- (2) Lamps and lighting fixtures used primarily for the purpose of providing general purpose office or worker lighting;
- (3) Property owned or used by an excluded person;
- (4) Telecommunications personal property subject to the tax imposed by section 457;
- (5) Gambling machines or devices, including any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity as that term is defined in Title 8, section 1001, subsection 15, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. "Gambling machines or devices" includes, without limitation:
 - (a) Associated equipment as defined in Title 8, section 1001, subsection 2;

An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011

(b) Computer equipment used directly and primarily in the operation of a slot machine as defined in Title 8, section 1001, subsection 39;

(c) An electronic video machine as defined in Title 17, section 330, subsection 1A;

(d) Equipment used in the playing phases of lottery schemes; and

(e) Repair and replacement parts of a gambling machine or device;

(6) Property located at a retail sales facility and used primarily in a retail sales activity unless the property is owned by a business that operates a retail sales facility in the State exceeding 100,000 square feet of interior customer selling space that is used primarily for retail sales and whose Maine-based operations derive less than 30% of their total annual revenue on a calendar year basis from sales that are made at a retail sales facility located in the State. For purposes of this subparagraph, the following terms have the following meanings:

(a) "Primarily" means more than 50% of the time;

(b) "Retail sales activity" means an activity associated with the selection and purchase of goods or services or the rental of tangible personal property. "Retail sales activity" does not include production as defined in section 1752, subsection 9B; and

(c) "Retail sales facility" means a structure used to serve customers who are physically present at the facility for the purpose of selecting and purchasing goods or services at retail or for renting tangible personal property. "Retail sales facility" does not include a separate structure that is used as a warehouse or call center facility; or

(7) Property that is not entitled to an exemption by reason of the additional limitations imposed by subsection 2; or

(8) Personal property that would otherwise be entitled to exemption under this subchapter used primarily to support a telecommunications antenna used by a telecommunications business subject to the tax imposed by section 457.

Sec. II-2. 36 MRS §6652, sub-§1-B, ¶B, as amended by PL 2003, c. 625, §1 and affected by §3 and amended by c. 687, Pt. A, §10 and affected by Pt. B, §11, is further amended to read:

B. Lamps and lighting fixtures; and

Sec. II-3. 36 MRSA §6652, sub-§1-B, ¶C, as repealed and replaced by PL 2005, c. 218, §61 and affected by §63, is amended to read:

C. Gambling machines or devices, including any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity as that term is defined in Title 8, section 1001, subsection 15, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. "Gambling machines or devices" includes, without limitation:

- (1) Associated equipment as defined in Title 8, section 1001, subsection 2;
- (2) Computer equipment used directly and primarily in the operation of a slot machine as defined in Title 8, section 1001, subsection 39;
- (3) An electronic video machine as defined in Title 17, section 330, subsection 1A;
- (4) Equipment used in the playing phases of lottery schemes; and
- (5) Repair and replacement parts of a gambling machine or device; or

Sec. II-4. 36 MRSA §6652, sub-§1-B, ¶D is enacted to read:

D. Personal property that would otherwise be entitled to reimbursement under this chapter used primarily to support a telecommunications antenna used by a telecommunications business subject to the tax imposed by section 457.

Sec. II-5. Application. That section of this Part that amends the Maine Revised Statutes, Title 36, section 691, subsection 1, paragraph A applies to property tax years beginning on or after April 1, 2010. That section of this Part that amends Title 36, section 6652, subsection 1B applies to application periods beginning on or after August 1, 2010.

PART JJ

Sec. JJ-1. 30-A MRSA §5681, sub-§5-C, as enacted by PL 2009, c. 213, Pt. S, §6 and affected by §16, is amended to read:

5-C. Transfers to General Fund. For the months beginning on or after July 1, 2009, ~~\$18,758,840~~\$30,758,840 in fiscal year 200910 and ~~\$25,260,943~~\$40,260,943 in fiscal year 201011 from the total transfers pursuant to subsection 5 must be transferred to General Fund undedicated revenue. The amounts transferred to General Fund undedicated revenue each fiscal year pursuant to this subsection must be deducted from the distributions required by subsections 4A and 4B based on the percentage share

HP1183, LD 1671, item 1, 124th Maine State Legislature
An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government,
General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper
Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011
of the transfers to the Local Government Fund pursuant to subsection 5. The reductions in this subsection
must be allocated to each month proportionately based on the budgeted monthly transfers to the Local
Government Fund as determined at the beginning of the fiscal year.

Sec. JJ-2. Transfers to General Fund for fiscal year 200910. Notwithstanding the requirement in the Maine Revised Statutes, Title 30A, section 5681, subsection 5C that amounts be transferred to General Fund undedicated revenue on a proportionate basis, for fiscal year 200910, the transfer of the amount as increased pursuant to this Part must be transferred on a proportional basis based on the number of months remaining in fiscal year 200910 following the effective date of this Part.

PART KK

Sec. KK-1. 36 MRSA §6207, sub-§2-A, as enacted by PL 2007, c. 700, Pt. A, §2, is amended to read:

2-A. Income eligibility. ~~For application periods beginning on or after August 1, 2008, a~~ single-member household with a household income in excess of ~~\$60,000~~\$36,900 and a household with 2 or more members with a household income in excess of ~~\$80,000~~\$49,200 are not eligible for a benefit.

Sec. KK-2. 36 MRSA §6209, sub-§4, as amended by PL 2009, c. 434, §81, is further amended to read:

4. Income eligibility adjustment. Beginning March 1, ~~2009~~2011, the State Tax Assessor shall annually multiply the household income eligibility adjustment factor by the maximum income eligibility amounts specified in section 6207, subsection 2A, as previously adjusted. The result must be rounded to the nearest \$50 and applies to the application period beginning the next August 1st.

Sec. KK-3. Application. That section of this Part that amends the Maine Revised Statutes, Title 36, section 6207, subsection 2A applies to application periods beginning on or after August 1, 2010.

Sec. KK-4. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 36, section 6207, subsection 2A takes effect August 1, 2010.

PART LL

Sec. LL-1. 5 MRSA §13080-S, sub-§3, as enacted by PL 1995, c. 644, §2, is amended to read:

3. Deposit and payment of revenue. On or before ~~June 30th~~July 15th of each year, if the approval of the assessor has been issued pursuant to subsection 2, the Commissioner of Administrative and Financial Services shall deposit an amount equal to 50% of the employment tax increment for the preceding year into a contingent account established, maintained and administered by the Commissioner of Administrative and Financial Services. On or before July 31st of each year, the Commissioner of Administrative and Financial Services shall pay that amount to the fund.

Sec. LL-2. 36 MRSA §6758, sub-§3, as amended by PL 2009, c. 361, §34 and c. 461, §28, is repealed and the following enacted in its place:

3. Deposit and payment of revenue. On or before July 15th of each year, the assessor shall certify to the State Controller the total retained employment tax increment revenues for the preceding calendar year for approved employment tax increment financing programs to be transferred to the state employment tax increment contingent account established, maintained and administered by the State Controller from General Fund undedicated revenue within the withholding tax category. On or before July 31st of each year, the assessor shall pay to each approved qualified business an amount equal to the retained employment tax increment revenues of that qualified business for the preceding calendar year.

PART MM

Sec. MM-1. 36 MRSA §685, sub-§4, as enacted by PL 1997, c. 643, Pt. HHH, §3 and affected by §10, is amended to read:

4. Estimated and final payments by the State. Reimbursement to municipalities must be made in the following manner.

A. The bureau shall estimate the amount of reimbursement required under this section for each municipality and certify ~~80%~~75% of the estimated amount to the Treasurer of State by August 1st, annually. The Treasurer of State shall pay by August 15th, annually, the amount certified to each municipality entitled to reimbursement.

B. A municipality claiming reimbursement under this section shall submit a claim to the bureau by November 1st of the year in which the exemption applies or within 30 days of commitment of taxes, whichever occurs later. The bureau shall review the claims and determine the total amount to be paid. The bureau shall certify and the Treasurer of State shall pay by ~~December~~July 15th of the year following the year in which the exemption applies the difference between the estimated payment issued and the amount that the bureau finally determines for ~~that tax~~the year in which the exemption applies. ~~Municipal claims that are timely filed after November 1st must be paid as soon as reasonably possible after the December 15th payment date.~~ If the total amount of reimbursement to which a municipality is entitled is less than the amount received under paragraph A, the municipality shall repay the excess to the State by December 30th of ~~thet~~that year, or the amount may be offset against the amount of state-municipal revenue sharing due the municipality under Title 30-A, section 5681.

Sec. MM-2. Application. That section of this Part that amends the Maine Revised Statutes, Title 36, section 685, subsection 4 applies to reimbursements for property tax years beginning on or after April 1, 2010.

PART NN

Sec. NN-1. 5 MRSA §285, sub-§1, ¶F-8 is enacted to read:

F-8. Any employee of the Finance Authority of Maine;

PART OO

Sec. OO-1. Compensation and Benefit Plan; lapsed balances; Administrative and Financial Services, General Fund. Notwithstanding any other provision of law, \$13,500,000 of unencumbered balance forward in the Personal Services line category in the Compensation and Benefit Plan, General Fund account in the Department of Administrative and Financial Services lapses to the General Fund at the close of fiscal year 2009-10.

PART PP

Sec. PP-1. PL 2009, c. 414, Pt. D, §5 is amended to read:

Sec. D-5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Public Utilities Commission, the University of Maine System, the Maine Maritime Academy, and the Maine Community College System and the Department of Administrative and Financial Services.

Sec. PP-2. PL 2009, c. 414, Pt. D, §6 is amended to read:

Sec. D-6. Allocations from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

PUBLIC UTILITIES COMMISSION

Public Utilities Commission

Provides funds for weatherization and energy efficiency programs for low and middle income households and small businesses. If the energy efficiency programs of the commission are transferred to another entity established by the Legislature, the commission shall transfer all unexpended funds to that entity. \$12,000,000

UNIVERSITY OF MAINE SYSTEM

University of Maine System

Provides funds for energy and infrastructure upgrades at all campuses of the University of Maine System. \$9,500,000

MAINE COMMUNITY COLLEGE SYSTEM

Maine Community College System

Provides funds for energy and infrastructure upgrades at all campuses of the Maine Community College System. \$5,000,000

MAINE MARITIME ACADEMY

Maine Maritime Academy

Provides funds for energy and infrastructure upgrades at the Maine Maritime Academy. \$1,000,000

~~DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES~~

UNIVERSITY OF MAINE SYSTEM

Maine Marine Wind Energy Demonstration Site Fund

Provides funds for research, development and product innovation associated with developing one or more ocean wind energy demonstration sites. \$6,000,000

PART QQ

Sec. QQ-1. Transfer; unexpended funds; Criminal History Record Check Fund account. Notwithstanding any other provision of law, the State Controller shall transfer \$140,000 in unexpended funds from the Criminal History Record Check Fund, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2010.

PART RR

Sec. RR-1. Calculation and transfer; General Fund savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in the Statewide - General Fund Savings account in the Department of Administrative and Financial Services in Part A

HP1183, LD 1671, item 1, 124th Maine State Legislature
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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
through reductions in funding against each General Fund account for all executive branch departments
and agencies to maintain 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
years 2009-10 and 2010-11.

PART SS

Sec. SS-1. Transfer; workers' compensation savings; Other Special Revenue Funds accounts. Notwithstanding any other provision of law, the State Controller shall transfer \$929,280 by June 30, 2010 and \$723,114 by June 30, 2011 from Other Special Revenue Funds accounts to the unappropriated surplus of the General Fund. These fund transfers represent savings from a return of excess equity for fiscal year 2009-10 and savings from a reduction in workers' compensation rates for departments and agencies statewide for fiscal year 2010-11.

PART TT

Sec. TT-1. Transfer of funds; Other Special Revenue Funds accounts; department and agencies statewide. Notwithstanding any other provision of law, the State Controller shall transfer \$4,652,635 in savings achieved from shutdown days and other statewide reductions from the Other Special Revenue Funds accounts for departments and agencies statewide to the unappropriated surplus of the General Fund at the close of fiscal year 2010-11.

PART UU

Sec. UU-1. 18-A MRSA §2-203, as enacted by PL 1979, c. 540, §1, is amended to read:

§ 2-203. Right of election personal to surviving spouse

The right of election of the surviving spouse may be exercised only during his~~the surviving spouse's~~
lifetime by him~~the surviving spouse.~~ In the case of a protected person, the right of election may be
exercised only by order of the court in which protective proceedings as to his~~the protected person's~~
property are pending,~~after finding that exercise is necessary to provide adequate support for the protected~~
person during his probable life expectancy. If the court determines that the surviving spouse needs
the elective share to provide adequate support during the surviving spouse's probable life expectancy,
notwithstanding any current or future eligibility for public assistance, the court shall exercise the right of
election on behalf of the surviving spouse to achieve the maximum amount of support available.

Sec. UU-2. 22 MRSA §14, sub-§2-I, ¶F, as amended by PL 2009, c. 150, §3, is further amended to read:

F. As used in this subsection, unless the context otherwise indicates, the term "estate" means:

- (1) All real and personal property and other assets included in the recipient's estate, as defined in Title 18-A, section 1-201; and

(2) Any other real and personal property and other assets in which the recipient had any legal interest at the time of death, to the extent of that interest, including assets conveyed to a survivor, heir or assign of the deceased recipient through tenancy in common, joint tenancy, survivorship, life estate, living trust, joint tenancy in personal property or other arrangement ~~but not including joint tenancy in real property.~~

PART VV

Sec. VV-1. 22 MRSA §1714-B, as amended by PL 2009, c. 213, Pt. CC, §1, is further amended to read:

§ 1714-B. Critical access hospital reimbursement

For state fiscal years beginning on or after July 1, 2005 through June 30, 2009, the department shall reimburse licensed critical access hospitals at 117% of MaineCare allowable costs for both inpatient and outpatient services provided to patients covered by the MaineCare program. For the state fiscal years ~~year~~ beginning on or after July 1, 2009, for each critical access hospital fiscal year up to but not including the hospital fiscal year beginning on or after April 1, 2011, the department shall reimburse licensed critical access hospitals at 109% of MaineCare allowable costs for both inpatient and outpatient services provided to patients covered by the MaineCare program through March 31, 2010 and 101% for April 1, 2010 through June 30, 2010. For state fiscal years beginning on or after July 1, 2010, for each critical access hospital fiscal year up to but not including the hospital fiscal year beginning on or after April 1, 2011, the department shall reimburse licensed critical access hospitals 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. This section is repealed April 1, 2012.

PART WW

Sec. WW-1. 22 MRSA §3762, sub-§8, ¶E, as enacted by PL 2009, c. 291, §6, is repealed.

PART XX

Sec. XX-1. 22 MRSA §3769, sub-§3 is enacted to read:

3. Balances of funds not to lapse. Any balances of funds appropriated for TANF or ASPIRE-TANF may not lapse but must be carried forward from year to year to be expended for the same purposes.

PART YY

Sec. YY-1. 22 MRSA §4311, sub-§1, as amended by PL 1993, c. 410, Pt. AAA, §7 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

1. Departmental reimbursement. When a municipality incurs net general assistance costs in any fiscal year in excess of .0003 of that municipality's most recent state valuation relative to the state fiscal year for which reimbursement is being issued, as determined by the State Tax Assessor in the statement filed as provided in Title 36, section 381, the Department of Health and Human Services shall reimburse the municipality for ~~90%~~50% of the amount in excess of these expenditures when the department finds that the municipality has been in compliance with all requirements of this chapter. ~~If a municipality elects to determine need without consideration of funds distributed from any municipally-controlled trust fund that must otherwise be considered for purposes of this chapter, the department shall reimburse the municipality for 66 2/3% of the amount in excess of such expenditures when the department finds that the municipality has otherwise been in compliance with all requirements of this chapter.~~

Sec. YY-2. 22 MRSA §4311, sub-§2, as amended by PL 1991, c. 9, Pt. U, §9, is repealed.

Sec. YY-3. 22 MRSA §4311, sub-§2-A is enacted to read:

2-A. Submission of reports. Municipalities shall submit quarterly or semiannual reports on forms provided by the department.

PART ZZ

Sec. ZZ-1. Rename Mental Retardation Services - Community program. Notwithstanding any other provision of law, the Mental Retardation Services - Community program within the Department of Health and Human Services is renamed the Developmental Services - Community program.

Sec. ZZ-2. Rename Medicaid Services - Mental Retardation program. Notwithstanding any other provision of law, the Medicaid Services - Mental Retardation program within the Department of Health and Human Services is renamed the Medicaid Services - Developmental Services program.

Sec. ZZ-3. Rename Mental Retardation Waiver - MaineCare program. Notwithstanding any other provision of law, the Mental Retardation Waiver - MaineCare program within the Department of Health and Human Services is renamed the Developmental Services Waiver - MaineCare program.

Sec. ZZ-4. Rename Mental Retardation Waiver - Supports program. Notwithstanding any other provision of law, the Mental Retardation Waiver - Supports program within the Department of Health and Human Services is renamed the Developmental Services Waiver - Supports program.

PART AAA

Sec. AAA-1. 36 MRSA §2892, as amended by PL 2007, c. 545, §6, is further amended by adding at the end a new paragraph to read:

HP1183, LD 1671, item 1, 124th Maine State Legislature
An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government,
General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper
Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011
For state fiscal years beginning on or after July 1, 2010, the hospital's taxable year is the hospital's
fiscal year that ended during calendar year 2008.

PART BBB

Sec. BBB-1. Transfer from unappropriated surplus; Office of Integrated Access and Support - Central Office, Other Special Revenue Funds account; indirect cost allocation settlements. Notwithstanding any other provision of law, the State Controller shall transfer \$3,804,827 by June 30, 2010 from the unappropriated surplus of the General Fund to the Office of Integrated Access and Support - Central Office, Other Special Revenue Funds account within the Department of Health and Human Services for indirect cost allocation settlements.

Sec. BBB-2. Transfer from unappropriated surplus; Family Independence - Regional, Other Special Revenue Funds account; indirect cost allocation settlements. Notwithstanding any other provision of law, the State Controller shall transfer \$1,569,406 by June 30, 2010 from the unappropriated surplus of the General Fund to the Family Independence - Regional, Other Special Revenue Funds account within the Department of Health and Human Services for indirect cost allocation settlements.

Sec. BBB-3. Transfer from unappropriated surplus; Administrative Hearings, Other Special Revenue Funds account; indirect cost allocation settlements. Notwithstanding any other provision of law, the State Controller shall transfer \$439,694 by June 30, 2010 from the unappropriated surplus of the General Fund to the Administrative Hearings, Other Special Revenue Funds account within the Department of Health and Human Services for indirect cost allocation settlements.

PART CCC

Sec. CCC-1. Transfer from Other Special Revenue Funds to unappropriated surplus of the General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$93,475,000 on June 30, 2010 from Other Special Revenue Funds to the unappropriated surplus of the General Fund. On July 1, 2010, the State Controller shall transfer \$93,475,000 from the General Fund unappropriated surplus to Other Special Revenue Funds as repayment. This transfer is considered an interfund advance.

PART DDD

Sec. DDD-1. Working group established to achieve savings in natural resources departments. By March 15, 2011, a working group shall report to the Joint Standing Committee on Appropriations and Financial Affairs a plan, including any necessary implementing legislation, to achieve savings of \$1,250,000 during fiscal year 201011 in the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources.

Sec. DDD-2. Membership. The working group members are: the Commissioner of Administrative and Financial Services or the commissioner's designee, who serves as chair; the Director of the State Planning Office within the Executive Department or the director's designee; the Director of the Bureau of General Services within the Department of Administrative and Financial Services or the director's designee; the Chief Information Officer of the Office of Information Technology within the Department of Administrative and Financial Services or the chief information officer's designee; and a policy advisor in the Office of the Governor selected by the Governor. The Executive Department, State Planning Office and the Department of Administrative and Financial Services, Division of Financial and Personnel Services shall provide staff assistance to the working group.

Sec. DDD-3. Duties. In developing the plan to achieve the savings required under section 1, the working group shall:

1. Seek to implement the 8 recommendations of the 2008 report of the natural resources agency task force appointed by the Governor to implement Public Law 2007, chapter 539, Part YY, section 2. These recommendations include: marketing Maine's natural resources; reviewing business processes involved in natural resources agency ministerial licenses to create a system that serves all clients; consolidating management of state boat launch facilities; colocating natural resources agency staff in regional offices; aligning natural resources agency districts; establishing a single entity to manage public lands and public access consistent with management goals; prioritizing natural resources programs and services to focus on critical needs; and reviewing natural resources advisory boards and committees regarding effectiveness;

2. Consult with the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation, the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources. The commissioners shall provide all information and assistance requested by the working group;

3. Coordinate and streamline functions, services and activities;

4. Eliminate duplication of services and administrative activities; and

5. Otherwise create efficiencies and cost savings in the provision of services.

Sec. DDD-4. Contingency adjustment. In the event that the working group described in section 2 fails to identify the savings required on or before March 15, 2011, the State Budget Officer shall calculate the proportionate share of \$1,250,000 in savings identified in the Statewide Natural Resources account within the Department of Administrative and Financial Services of each of the natural resources departments listed in section 1 based on each department's respective authorized General Fund appropriations. Notwithstanding any other provision of law, the State Budget Officer shall transfer by financial order the amount of each department's respective share of \$1,250,000, upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 201011.

PART EEE

Sec. EEE-1. Commissioner to achieve savings in Department of Economic and Community Development. By March 15, 2011, the Commissioner of Economic and Community Development and a policy advisor in the Governor's office selected by the Governor shall report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and business, research and economic development matters a plan, including any necessary implementing legislation, to achieve savings of \$250,000 during fiscal year 2010-11 in the Department of Economic and Community Development, referred to in this Part as "the department." The department and the Department of Administrative and Financial Services, Division of Financial and Personnel Services shall provide staff assistance to the commissioner and policy advisor.

In developing the plan to achieve savings required by this section, the commissioner and policy advisor shall:

1. Consider the recommendations of the Working Group to Increase the Efficiency and Effectiveness of the State Economic Development Delivery System established by Executive Order 11 FY 08/09;

2. Seek a reorganization of the department that will ensure that business assistance services are delivered at the regional level in full partnership with the private sector and that the Quality of Place and Mobilize Maine initiatives are fully integrated within this regional approach;

3. Realign the responsibilities of the department and the State's 6 regional economic development districts;

4. Emphasize oversight at the state level, including:

A. Training and certification of regional program assistants;

B. Retention of specific program expertise, long-term planning capacity and policy development for both small and large businesses at the department;

C. Cross-training department personnel to support regional service delivery; and

D. Creation of a single economic development strategy and corresponding comprehensive budget based on consultation with the regional economic development districts and the private sector;

5. Establish regional economic development districts as "one-stop shops" for business attraction and retention, including:

A. Providing training and technical expertise;

B. Ensuring federal standards are met;

C. Entering into contracts and a protocol process with the department to outline service delivery responsibilities for field staff; and

D. Providing the training and certification developed by the department to staff and officials of regional and local chambers of commerce and other local and regional economic development organizations to ensure competency in all state business incentives and assistance programs;

6. Consult with and review existing business groups in determining the best model to ensure that the regional service delivery effort succeeds; and

7. Otherwise create efficiencies and cost savings in the provision of services.

Sec. EEE-2. Contingency adjustment. If the Commissioner of Economic and Community Development and the policy advisor in the Governor's office selected by the Governor fail to identify the savings required under section 1 on or before March 15, 2011, the State Budget Officer shall identify \$250,000 in savings in the Department of Economic and Community Development. Notwithstanding any other provision of law, the State Budget Officer shall transfer the amount by financial order upon approval of the Governor. This transfer is considered an adjustment to appropriations in fiscal year 2010-11.

PART FFF

Sec. FFF-1. Calculation and transfer; General Fund savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings that results from the State's receipt of federal stimulus funding in legislation enacted by Congress and signed by the President of the United States subsequent to December 7, 2009 that is in addition to funds provided to the State as a result of the American Recovery and Reinvestment Act of 2009. 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 year 2010-11.

PART GGG

Sec. GGG-1. PL 2009, c. 213, Pt. SSS, §3 is amended to read:

Sec. SSS-3. State Government closure. Notwithstanding any other provision of law and excepting those operations determined to be exempt by the nature of the services provided as established by the Commissioner of Administrative and Financial Services, all executive branch state departments, agencies and offices must be closed for ~~10~~11 days in fiscal year 2009-10 and ~~10~~12 days in fiscal year 2010-11 as determined by the Governor and referred to as "State Government closure days." There may be no more than one day of closure per month and no more than one day of closure falling within any single employee payroll cycle.

Any employee who is not required to work on State Government closure days must take the days off without pay. Employee leave with pay or unpaid leave pursuant to a voluntary employee incentive program is not allowed for those days designated as State Government closure days. The provisions of this section do not apply to an employee who is required to work because an operation is determined to be exempt pursuant to this section.

PART HHH

Sec. HHH-1. Unified payment card work group established. The Treasurer of State shall convene a work group to review disbursement options related to a unified payment card for state expenditures in order to determine if increased cardholder convenience and further state budget savings can be achieved.

Sec. HHH-2. Participants. In convening the work group under section 1, the Treasurer of State shall include representatives from the Department of Administrative and Financial Services, Office of the State Controller, Bureau of Revenue Services and Office of Information Technology; the Department of Labor; the Department of Health and Human Services; the Department of Corrections; the Department of Education; and the Department of Professional and Financial Regulation. The Treasurer of State shall serve as chair of the work group and may accept resources as approved and provided by work group participants.

Sec. HHH-3. Duties. The work group under section 1 shall:

1. Review current payment card offerings;
2. Explore opportunities to expand payment card offerings;
3. Determine any cost savings and expenses associated with a unified payment card; and
4. Recommend actions and timelines, if appropriate.

Sec. HHH-4. Report. The work group under section 1 shall submit its report, including any recommended implementing legislation, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 15, 2011.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill does the following.

PART A

This Part makes supplemental appropriations and allocations of funds for fiscal years ending June 30, 2010 and June 30, 2011.

PART B

This Part makes supplemental appropriations and allocations of funds for approved reclassifications and range changes.

PART C

This Part amends Public Law 2009, chapter 213, Part TT, section 1 to recognize that a consolidated account will be established within each agency to account for technology-related expenditures.

PART D

This Part transfers certain unexpended funds from the Baxter Compensation Authority account to General Fund unappropriated surplus at the end of fiscal year 200910.

PART E

This Part does the following.

1. It repeals statutory sections on budget requirements for school administrative districts and community school districts that are no longer necessary.
2. It adjusts the inflation factor for tuition rate calculations to be consistent with more current inflationary factors.
3. It specifies a lower tuition rate calculation for school year 2009-2010 to reflect the reduction in state aid to public school administrative units.
4. It provides clarification in audit requirements to reflect current statutory requirements for the accounting of public funds in school administrative units.
5. It corrects a cross-reference.
6. It specifies the appropriate percentages necessary for the fiscal year 2010-11 funding level.
7. It removes minor capital project debt from the list of types of debt for which the legislative body of each school administrative unit may vote to raise and appropriate funds and removes minor capital debt from the warrant article and explanation required for non-state-funded debt service approval.
8. It specifies a mill expectation of 6.69 for fiscal year 2009-10; the total cost of funding public education from kindergarten to grade 12, consisting of total operating allocation and the state and local share of those costs; and a waiver from the requirement that school administrative units must raise the additional mill rate expectation to reach 6.69 mills or face a reduction in the state contribution.
9. It specifies a mill expectation of 7.66 for fiscal year 2010-11 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 state share percentage. It also authorizes the lowering of the mill expectation from 7.66 to 7.14 with funds provided under Title XIV of the State Fiscal Stabilization Fund of the federal American Recovery and Reinvestment Act of 2009 as part of the amount restored to school administrative units in fiscal year 2010-11.

PART F

This Part lapses certain unencumbered balances and transfers certain unexpended funds within accounts of the Department of Administrative and Financial Services, Bureau of General Services to General Fund unappropriated surplus at the end of fiscal year 2009-10.

PART G

This Part transfers certain unexpended funds within accounts of the Department of Administrative and Financial Services to General Fund unappropriated surplus at the end of fiscal years 2009-10 and 2010-11.

PART H

This Part transfers certain unexpended funds within various Capital Construction Reserve Fund accounts of the Department of Administrative and Financial Services to the General Fund unappropriated surplus at the ends of fiscal years 2009-10 and 2010-11.

PART I

This Part transfers certain unexpended funds within various Other Special Revenue Funds accounts of the Department of Administrative and Financial Services to General Fund unappropriated surplus at the ends of fiscal years 2009-10 and 2010-11.

PART J

This Part transfers excess equity reserves for retiree health insurance for fiscal years 2008-09 and 2009-10 to the unappropriated surplus of the General Fund by the close of fiscal year 200910. This Part also transfers amounts related to savings in the General Fund and Other Special Revenue Funds accounts arising from rate reductions for retiree health insurance in fiscal year 201011.

PART K

This Part transfers certain unexpended funds from the Other Special Revenue Funds, Taxation Revenue Collection account in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2009-10.

PART L

This Part transfers certain unexpended funds within various Other Special Revenue Funds accounts of the Department of Professional and Financial Regulation to General Fund unappropriated surplus at the end of fiscal year 2009-10.

PART M

This Part transfers unexpended balances in the Fund for a Healthy Maine, Other Special Revenue Funds account in the Department of Administrative and Financial Services at the end of fiscal year 2008-09 as well as the increase in revenue in fiscal year 2009-10 and 2010-11 projected by the Revenue Forecasting Committee in December 2009 to the unappropriated surplus of the General Fund.

PART N

This Part requires the State Budget Officer to calculate the amount of savings in the Statewide Service Center account in Part A that applies against each General Fund account for executive branch departments and agencies statewide from a decrease in charges by the Department of Administrative and Financial Services, Division of Financial and Personnel Services associated with savings from a reduction in retiree health insurance rates. The State Budget Officer shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2010-11.

PART O

This Part provides for the expedited repayment to the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation of the unpaid balance of the initial deposit made to the Payroll Processor Recovery Fund, which is maintained by the Finance Authority of Maine.

PART P

This Part provides that an unencumbered balance forward of the Maine State Library, Library Special Acquisitions Fund program lapses to the General Fund in fiscal year 2009-10.

PART Q

This Part provides that a certain unencumbered balance forward in the Maine State Cultural Affairs Council, New Century Program Fund lapses to the General Fund in fiscal year 2009-10.

PART R

This Part directs that certain unexpended funds in the Blaine House Renovations and Repairs Fund, Other Special Revenue Funds account within the Executive Department be transferred to the General Fund in fiscal year 2009-10.

PART S

This Part provides that a certain unencumbered balance forward in the Pollution Control Structures program, General Fund account in the Department of Agriculture, Food and Rural Resources lapses to the General Fund in fiscal year 2009-10.

PART T

This Part requires the State Budget Officer to calculate projected additional General Fund savings in Part A from the Statewide Information Technology account within the Department of Administrative and Financial Services for departments and agencies statewide. It authorizes the State Budget Officer to transfer funds, which are considered adjustments to appropriations in fiscal years 2009-10 and 2010-11.

PART U

This Part removes the option of providing more than one year for an interested party to allege a violation of compliance with statutory requirements regarding the education of children with disabilities and file a complaint. This amendment is proposed as part of the Department of Education's effort to align the state requirement with the federal requirement.

PART V

This Part does the following.

1. It repeals the provision of law on subsidizable costs of operating child care programs in private secondary schools that references the Essential Programs and Services Funding Act.
2. It removes the option allowing children who reach 5 years of age between July 1st and October 15th, instead of the current September 1st and October 15th, to continue with the Child Development Services System as part of the Department of Education's effort to align the state requirement with the federal requirement.

PART W

This Part does the following.

1. It amends the Maine Revised Statutes, Title 5 to remove the Director, Planning and Management Information position from the list of major policy-influencing positions within the Department of Education. This unclassified position will be reclassified in Part A to a Public Service Executive II position, a classified position within the department. This reclassification will reflect the level of responsibility and function of similar classifications within the department.

2. It amends Title 20-A to remove the Director, Planning and Management Information from the list of the Commissioner of Education's appointments within the department. The bill also removes the position of Director of Special Projects and External Affairs within the department. This position was deleted from the list of major policy-influencing positions in Title 5 by Public Law 2007, chapter 1, Part D, section 1. It should have been removed from Title 20-A at the same time. This Part corrects that error.

PART X

This Part does the following.

1. It amends Public Law 2005, chapter 519, Part WW, section 1 to change where the net proceeds of selling used computers and peripheral equipment must be deposited from the General Purpose Aid for Local Schools account to the Learning Through Technology General Fund account.

2. It amends Public Law 2009, chapter 213, Part C, section 22 to allow any balance remaining from a \$3,500,000 appropriation in fiscal year 2007-08 to carry forward in the School Finance and Operations program, where the funding now resides. The Department of Education reorganized its accounting structure in the 2010-2011 biennial budget. Funding in the Management Information Systems program was moved to the School Finance and Operations program.

3. It amends Resolve 2007, chapter 217, section 1 and removes the required offset of the \$90,788 appropriation for the reimbursement from the Teacher Retirement account.

4. It lapses \$292,968 of the unencumbered balance forward from the Workshops Other Special Revenue Funds account. Funds are allowed to carry only once and were inadvertently carried forward. This balance must be transferred to the General Fund as unappropriated surplus in fiscal year 2009-10.

PART Y

This Part amends the law to move oversight of the Gambling Control Board laws to the State Police as the result of an initiative to eliminate the executive director of the Gambling Control Board. This Part also removes the requirement that the Emergency Medical Services' Board print and distribute certain information to improve emergency medical patient care in the State, as this information will be made available electronically.

PART Z

This Part authorizes the Department of Administrative and Financial Services to enter into certificate of participation financing for the acquisition of State Police motor vehicles. It also provides for the transfer of certain unexpended funds in various accounts of the Department of Public Safety to the General Fund unappropriated surplus in fiscal year 2009-10.

PART AA

This Part lapses certain unencumbered balances forward in the Department of Conservation to the General Fund unappropriated surplus at the close of fiscal years 2009-10 and 2010-11 and transfers certain unexpended funds in various Other Special Revenue Funds accounts in the Department of Conservation to the unappropriated surplus of the General Fund at the close of fiscal years 2009-10 and 2010-11. This Part further authorizes the State Controller to transfer proceeds from the sale of a helicopter by the Department of Conservation in fiscal year 2009-10 to the unappropriated surplus of the General Fund.

PART BB

This Part transfers unexpended funds from Fund for the Efficient Delivery of Local and Regional Services - Administration, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund by the close of fiscal year 2009-10.

PART CC

This Part provides that a total of \$1,096,299 from legislative accounts within the Legislature lapses to the General Fund in fiscal year 2009-10 and a total of \$1,198,166 from legislative accounts within the Legislature lapses to the General Fund in fiscal year 2010-11. As a result of the downward adjustments to General Fund revenue for the current fiscal year, these adjustments will achieve savings of \$1,096,299 in fiscal year 2009-10 and \$1,198,166 in fiscal year 2010-11 for the legislative branch.

PART DD

This Part provides for the transfer of certain unexpended funds from the Bureau of Revenue Services Fund in the Department of Administrative and Financial Services to General Fund unappropriated surplus in fiscal years 2009-10 and 2010-11.

PART EE

This Part repeals Public Law 2009, chapter 213, Part LLL, section 1, which provided for the calculation and transfer of savings from the elimination of positions in the Department of Corrections. The savings and headcount elimination are now reflected in Part A of this bill. The Department of Corrections has determined the savings by account and the positions to be eliminated in Part A; therefore, the calculation and fund transfer by financial order in Public Law 2009, chapter 213, Part LLL, section 1 is no longer required.

PART FF

This Part authorizes the Commissioner of Administrative and Financial Services to identify up to \$500,000 in proceeds resulting from the sale or lease of state-owned properties to be deposited as undedicated revenue to the General Fund.

PART GG

This Part adopts the so-called "Finnigan approach" process for purposes of calculating the sales apportionment factor for C corporations. The Finnigan approach treats all members of the taxpayer's unitary affiliated group, whether they have nexus with Maine or not, as one entity. As a result, sales from

HP1183, LD 1671, item 1, 124th Maine State Legislature
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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
the nonnexus affiliates within the unitary business of the taxpayer to Maine customers are included in
both the numerator and the denominator as if the nonnexus entity had nexus with Maine.

PART HH

This Part creates the 2010 Tax Receivables Reduction Initiatives to raise revenue and reduce outstanding tax receivables. There are 2 separate initiatives: a short-term initiative that applies to tax liabilities that are assessed as of December 31, 2009; and a 5-year initiative that applies to tax liabilities that were assessed as of June 30, 2005. A taxpayer who participates in the short-term initiative is eligible for a waiver of 95% of the penalties due upon payment of the tax and interest. A taxpayer who participates in the 5-year initiative is eligible for a waiver of 95% of the interest and penalties otherwise due upon payment of the tax.

PART II

This Part excludes personal property used primarily to support an antenna used by a telecommunications business from the business equipment tax exemption program for property tax years beginning on or after April 1, 2010 and from the Business Equipment Tax Reimbursement program for application periods beginning on or after August 1, 2010 for property taxes paid in calendar year 2009 and subsequent calendar years.

PART JJ

This Part requires an additional transfer from the Local Government Fund to the General Fund of \$12,000,000 in fiscal year 200910 and \$15,000,000 in fiscal year 201011. The increased amount for fiscal year 200910 must be transferred on a proportional basis based on the number of months remaining in the fiscal year.

PART KK

This Part amends the Maine Residents Property Tax Program by modifying the income limitations to restrict eligibility for the program to single-member households with incomes of \$36,900 or less and households with 2 or more members with incomes of \$49,200 or less. This Part also changes the year the annual income eligibility adjustment for inflation begins to 2011 to reflect the change in income limitations.

PART LL

This Part changes the date of the employment tax increment financing deposit from on or before June 30th to July 15th of each year and delays the deposit of the Loring Development Authority payment from June 30th to July 15th beginning in fiscal year 2009-10. This Part also corrects a conflict that resulted when 2 conflicting laws were enacted in the First Regular Session of the 124th Legislature.

PART MM

This Part adjusts the estimated reimbursement payment to municipalities under the homestead property tax exemption program to 75% and delays the due date for the final payment to the following fiscal year.

PART NN

This Part amends the statutes to provide that employees of the Finance Authority of Maine are eligible for participation in the state employee group health plan.

PART OO

This Part lapses \$13,500,000 of unencumbered balance forward in the Personal Services line category in the Compensation and Benefit Plan, General Fund account in the Department of Administrative and Financial Services to the General Fund at the close of fiscal year 2009-10.

PART PP

This Part corrects the allocations from the General Fund bond issue authorized in Public Law 2009, chapter 414, Part D, section 6 by changing the Department of Administrative and Financial Services to the University of Maine System to account for funds allocated for the Maine Marine Wind Energy Demonstration Site Fund.

PART QQ

This Part transfers certain unexpended funds from the Criminal History Record Check Fund, Other Special Revenue Funds account in the Department of Education to the unappropriated surplus of the General Fund no later than June 30, 2010.

PART RR

This Part provides for the calculation and transfer of savings from a reduction in the funding of departments and agencies statewide to maintain costs within available resources. These transfers are considered adjustments to appropriations in fiscal years 2009-10 and 2010-11.

PART SS

This Part transfers certain balances from Other Special Revenue Funds accounts to the unappropriated surplus of the General Fund in fiscal years 2009-10 and 2010-11. These fund transfers represent savings from a return of excess equity for fiscal year 2009-10 and savings from a reduction in workers' compensation rates for departments and agencies statewide for fiscal year 2010-11.

PART TT

This Part transfers savings resulting from shutdown days and other statewide reductions authorized in Public Law 2009, chapter 213 from Other Special Revenue Funds accounts for departments and agencies statewide to the unappropriated surplus of the General Fund at the close of fiscal year 2010-11.

PART UU

This Part amends the statute so that it will not permit the denial of a spouse's rights to elective share merely because the surviving spouse is being supported by public benefits. This Part also amends the definition of "estate" for the purposes of recovery by the Department of Health and Human Services of MaineCare expenditures to include joint tenancy in real property.

PART VV

This Part reduces the reimbursement for critical access hospitals from 109% of MaineCare allowable costs to 101% of MaineCare allowable costs.

PART WW

This Part repeals the provision of law that requires the Department of Health and Human Services to establish maximum rates for child care that are at least equal to the 75th percentile of local market rates for various categories of child care and higher rates for children with special needs beginning in fiscal year 2011-12.

PART XX

This Part requires that any balances of funds appropriated for TANF or ASPIRE-TANF may not lapse but must be carried forward from year to year to be expended for the same purposes.

PART YY

This Part changes the provision in the general assistance program that reimburses a municipality for 90% of the amount of general assistance costs in excess of .0003 of the municipality's most recent state valuation to a reimbursement of 50% of the amount. It also changes the reporting provisions to require all municipalities to report on a quarterly or semiannual basis.

PART ZZ

This Part renames several programs within the Department of Health and Human Services.

PART AAA

This Part updates the base year for the hospital tax.

PART BBB

This Part requires the State Controller to transfer a total of \$5,813,927 in fiscal year 2009-10 from the unappropriated surplus of the General Fund to Other Special Revenue Funds accounts within the Department of Health and Human Services for indirect cost allocation settlements.

PART CCC

This Part authorizes a one-day borrowing, or interfund advance, of \$93,475,000 by the General Fund from Other Special Revenue Funds.

PART DDD

This Part creates a working group to achieve \$1,250,000 in savings in fiscal year 201011 in the Department of Agriculture, Food and Rural Resources, the Department of Inland Fisheries and Wildlife, the Department of Conservation and the Department of Marine Resources. The working group is to report to the Joint Standing Committee on Appropriations and Financial Affairs a plan to achieve these savings by March 15, 2011. If the working group fails to identify the savings required, the State Budget

Officer is required to calculate each natural resources department's proportionate share of the \$1,250,000 and transfer by financial order the amount of each department's respective share upon approval of the Governor.

PART EEE

This Part directs the Department of Economic and Community Development to achieve \$250,000 in savings in fiscal year 2010-11. The Commissioner of Economic and Community Development and a policy advisor in the Governor's office are directed to report a plan to achieve these savings to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and business, research and economic development matters by March 15, 2011. If the department fails to identify the savings required, the State Budget Officer will transfer from the department \$250,000 by financial order upon approval of the Governor.

PART FFF

This Part requires the State Budget Officer to calculate the amount of General Fund savings resulting from the State's receipt of additional federal economic stimulus funding enacted after December 7, 2009. Such funding is in addition to funds provided to the State under the American Recovery and Reinvestment Act of 2009. The State Budget Officer is to transfer the savings by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2010-11.

PART GGG

This Part amends Public Law 2009, chapter 213, Part SSS, section 3 by increasing the number of State Government closure days from 10 to 11 days for fiscal year 2009-10 and from 10 to 12 days for fiscal year 2010-11.

PART HHH

This Part directs the Treasurer of State to convene a work group to investigate opportunities to align the use of electronic payment cards across State Government to realize increased efficiency and effectiveness of operations.