

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

Amend the bill by striking out everything after the title and before the summary and inserting the following:

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

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

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

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

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

PART C

Sec. C-1. 20-A MRSA §1462, sub-§2, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

2. Transfer. The municipal officers and boards contacted pursuant to subsection 1 shall make the transfer of property and assets notwithstanding any other provision in the charter of the school administrative unit or municipality. After the operational date of a regional school unit, if a transfer of property by a prior regional school unit, school administrative district or community school district has not occurred in accordance with the reorganization plan, the regional school unit board may act as the successor to the school board of the prior regional school unit, school administrative district or community school district for purposes of transferring the title to the property by deed to the regional school unit or other transferee in accordance with the terms of the reorganization plan.

Sec. C-2. 20-A MRSA §15671, sub-§7, ¶A, as amended by PL 2011, c. 380, Pt. C, §1, is further amended to read:

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

(1) For fiscal year 2005-06, the target is 84%.

(2) For fiscal year 2006-07, the target is 90%.

- (3) For fiscal year 2007-08, the target is 95%.
- (4) For fiscal year 2008-09, the target is 97%.
- (5) For fiscal year 2009-10, the target is 97%.
- (6) For fiscal year 2010-11, the target is 97%.
- (7) For fiscal year 2011-12, the target is 97%.
- (8) For fiscal year 2012-13 ~~and succeeding years~~, the target is ~~100%~~97%.
- (9) For fiscal year 2013-14 and succeeding years, the target is 100%.

Sec. C-3. 20-A MRSA §15671, sub-§7, ¶B, as amended by PL 2011, c. 477, Pt. C, §1, is further amended to read:

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

- (1) For fiscal year 2005-06, the target is 52.6%.
- (2) For fiscal year 2006-07, the target is 53.86%.
- (3) For fiscal year 2007-08, the target is 53.51%.
- (4) For fiscal year 2008-09, the target is 52.52%.
- (5) For fiscal year 2009-10, the target is 48.93%.
- (6) For fiscal year 2010-11, the target is 45.84%.
- (7) For fiscal year 2011-12, the target is ~~46.13%~~46.02%.
- (8) For fiscal year 2012-13, the target is 46.60%.

Sec. C-4. 20-A MRSA §15671, sub-§7, ¶C, as amended by PL 2011, c. 477, Pt. C, §2, is further amended to read:

C. Beginning in fiscal year 2011-12, the annual targets for the state share percentage of the total cost of funding public education from kindergarten to grade 12 including the cost of the components of essential programs and services plus the state contributions to teacher retirement, retired teachers' health insurance and retired teachers' life insurance are as follows.

(1) For fiscal year 2011-12, the target is ~~49.56%~~49.47%.

(2) For fiscal year 2012-13, the target is ~~52.50%~~50%.

(3) For fiscal year 2013-14 and succeeding years, the target is 55%.

Sec. C-5. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2011, c. 477, Pt. C, §3, is further amended to read:

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

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

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

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

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

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

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

(4-C) For the 2011 property tax year, the full-value education mill rate is the amount necessary to result in a ~~53.87%~~53.98% statewide total local share in fiscal year 2011-12.

(5) For the 2012 property tax year, the full-value education mill rate is the amount necessary to result in a ~~47.74%~~53.40% statewide total local share in fiscal year 2012-13.

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

(7) For the 2014 property tax year and subsequent tax years, the full-value education mill rate is the amount necessary to result in a 45% statewide total local share in fiscal year 2014-15 and after.

Sec. C-6. 20-A MRSA §15672, sub-§25-A, as enacted by PL 2007, c. 668, §35, is amended to read:

25-A. School administrative unit. "School administrative unit" means a school administrative unit as defined by section 1, subsection 26 ~~except that for those school administrative units that are members of an alternative organizational structure, the alternative organizational structure is the school administrative unit for the purposes of this chapter, paragraphs A to G.~~

Sec. C-7. 20-A MRSA §15683-A, as amended by PL 2009, c. 213, Pt. C, §7, is further amended to read:

§ 15683-A. Total debt service allocation

For each school administrative unit, that unit's total debt service allocation is that unit's debt service costs as defined in section 15672, subsection 2-A. ~~For the 2008-09 and 2009-10 funding years only, for each school administrative unit, that unit's total debt service allocation is that unit's debt service costs as defined in section 15672, subsection 2-A excluding 80% of the insured value factor pursuant to section 15672, subsection 2-A, paragraph C. For the 2010-11 funding year only, each~~Each school administrative unit's total debt service allocation must include the portion of the tuition cost applicable to the insured value factor for the base year computed under section 5806 limited to an insured value factor no greater than 5% for each eligible student.

Sec. C-8. 20-A MRSA §15689, sub-§1, ¶A, as amended by PL 2009, c. 571, Pt. E, §21, is further amended to read:

A. The sum of the following calculations:

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

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

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

Sec. C-9. 20-A MRSA §15689, sub-§1, ¶B, as repealed and replaced by PL 2009, c. 571, Pt. E, §22, is amended to read:

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

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

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

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

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

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

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

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

(8) In fiscal year 2012-13 and succeeding years, 35%.

Sec. C-10. 20-A MRSA §15689, sub-§12 is enacted to read:

12. Adjustment of subsidy for statewide contract purchases. The commissioner may expend and disburse funds on behalf of school administrative units for purchases of items available on statewide contracts. The school administrative unit's available state subsidy must be reduced based on the cost of the items purchased and upon prior agreement with the school administrative unit. If sufficient state subsidy funds are not available in the fiscal year in which the items were purchased, the reduction to the school administrative unit's available state subsidy may occur in the following fiscal year's state subsidy.

Sec. C-11. 20-A MRSA §15689-A, sub-§§21 and 22 are enacted to read:

21. Fund for the Efficient Delivery of Educational Services. The commissioner may expend and disburse funds from the Fund for the Efficient Delivery of Educational Services in accordance with the provisions of chapter 114-A.

22. MaineCare seed for school administrative units. The commissioner may deduct from a school administrative unit's state subsidy and pay on behalf of the school administrative unit allowable school-based costs that represent the school administrative unit's portion of MaineCare payments. A transfer of payment by the department to the Department of Health and Human Services must be made pursuant to a schedule agreed upon by the Department of Health and Human Services and the department and based on documentation of payments made from MaineCare funds.

Sec. C-12. 20-A MRSA §15690, sub-§1, ¶D, as enacted by PL 2009, c. 571, Pt. E, §25, is amended to read:

D. Beginning in fiscal year 2010-11, in any fiscal year in which the sum of the State's contribution toward the cost of the components of essential programs and services, exclusive of federal funds that are provided and accounted for in the cost of the components of essential programs and services, plus any federal stimulus funds applied to the State's contribution, falls below the State's target of 55% of the cost of the components of essential programs and services, the commissioner shall calculate the percentage of the State's 55% share that is funded by state appropriations and federal stimulus funds and, notwithstanding any other provision of this paragraph, a school administrative unit that raises at least the same percentage of its required local contribution to the total cost of funding public education from kindergarten to grade 12, including state-funded debt service, as the State's contribution plus federal stimulus funds toward its 55% share of the cost of the components of essential programs and services may not have the amount of its state subsidy limited or reduced under paragraph C.

This paragraph is repealed June 30, ~~2012~~2013.

Sec. C-13. PL 2011, c. 380, Pt. C, §§8 and 9, as amended by PL 2011, c. 477, Pt. C, §4, are further amended to read:

Sec. C-8. 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 2011-12 is as follows:

	2011-12 TOTAL
Total Operating Allocation	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 without transitions percentage	\$1,390,771,314
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 97% transitions percentage	\$1,349,048,174
Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$413,851,257
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Total Operating Allocation	\$1,762,899,431
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	
Total Debt Service Allocation	
Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$104,575,834
Total Adjustments and Miscellaneous Costs	
Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, sections 15689 and 15689-A	\$67,593,846
	<u>\$63,894,104</u>
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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 2011-12 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	\$1,935,069,111
	<u>\$1,931,369,369</u>
Total cost of the state contribution to teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2011-12 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423	\$172,592,848
Adjustment pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subsection 2	\$41,723,140
Total cost of funding public education from kindergarten to grade 12	\$2,149,385,099
	<u>\$2,145,685,357</u>

Sec. C-9. 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, 2011 and ending June 30, 2012 is calculated as follows:

	2011-12 LOCAL	2011-12 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	\$1,042,466,969	\$892,602,142 <u>\$888,902,400</u>
State contribution to the total cost of teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2011-12 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423		\$172,592,848
State contribution to the total cost of funding public education from kindergarten to grade 12		\$1,065,194,990 <u>\$1,061,495,248</u>

Sec. C-14. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2012-13 is 7.69.

Sec. C-15. 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 2012-13 is as follows:

	2012-13 TOTAL
Total Operating Allocation	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 without transitions percentage	\$1,395,869,772
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 97% transitions percentage	\$1,353,993,679
Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$429,737,826
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Total Operating Allocation	\$1,783,731,505
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	
Total Debt Service Allocation	
Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$103,872,675
Total Adjustments and Miscellaneous Costs	
Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, sections 15689 and 15689-A	\$66,749,900
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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 2012-13 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	\$1,954,354,080
Total cost of the state contribution to teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2012-13 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423	\$174,932,892
Adjustment pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subsection 2	\$41,876,093
Total cost of funding public education from kindergarten to grade 12	\$2,171,163,065

Sec. C-16. 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, 2012 and ending June 30, 2013 is calculated as follows:

	2012-13 LOCAL	2012-13 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	\$1,043,692,866	\$910,661,214
State contribution to the total cost of teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2012-13 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423		\$174,932,892
State contribution to the total cost of funding public education from kindergarten to grade 12		\$1,085,594,106

Sec. C-17. Limit of State's obligation. If the State's continued obligation for any individual component contained in those sections of this Part that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose exceeds the level of funding provided for that component, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual component. Any unexpended balances from this Part may not lapse but must be carried forward for the same purpose.

Sec. C-18. Authorization of payments. Those sections of this Part that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose may not be construed to require the State to provide payments that exceed the appropriation of funds for general purpose aid for local schools for the fiscal year beginning July 1, 2012 and ending June 30, 2013.

PART D

Sec. D-1. 5 MRSA §931, sub-§1, ¶G, as enacted by PL 1983, c. 729, §4, is amended to read:

G. Employees working in the Governor's office, Governor's Office of Communications, Governor's Energy Office and at the Blaine Mansion;

Sec. D-2. 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. D-3. 5 MRSA §937, sub-§1, ¶F, as amended by PL 2011, c. 380, Pt. PPP, §1, is further amended to read:

F. Director, Policy and Programs;

Sec. D-4. 5 MRSA §937, sub-§1, ¶¶K, L and M are enacted to read:

K. Director, PK-20, Adult Education and Federal Programs Team;

L. Director, Special Services Team; and

M. Director, Communications.

Sec. D-5. 5 MRSA §942, sub-§1, as amended by PL 1983, c. 862, §14, is further amended to read:

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

A. Deputy Commissioner;

B. Game Warden Colonel; ~~and~~

C. Assistant to the Commissioner for Public Information; and

E. Public Relations Representative.

Sec. D-6. 5 MRSA §943, sub-§1, ¶¶J and K, as enacted by PL 1995, c. 560, Pt. G, §3, are amended to read:

J. Executive Director, Office of Operations; ~~and~~

K. Director, Bureau of Rehabilitation Services;

Sec. D-7. 5 MRSA §943, sub-§1, ¶¶L and M are enacted to read:

L. Director, Bureau of Unemployment Compensation; and

M. Director, Public Information.

Sec. D-8. 12 MRSA §10103, sub-§1-A is enacted to read:

1-A. Appointment of Public Relations Representative. The commissioner shall appoint, to serve at the commissioner's pleasure, the Public Relations Representative.

Sec. D-9. 20-A MRSA §203, sub-§1, ¶A, as amended by PL 2009, c. 571, Pt. W, §1, is further amended to read:

A. Deputy Commissioner; ~~and~~

Sec. D-10. 20-A MRSA §203, sub-§1, ¶F, as amended by PL 2011, c. 380, Pt. PPP, §2, is further amended to read:

F. Director, Policy and Programs; and

Sec. D-11. 20-A MRSA §203, sub-§1, ¶K is enacted to read:

K. Director, Communications.

Sec. D-12. 26 MRSA §1401-B, sub-§1, ¶B, as amended by PL 2007, c. 1, Pt. D, §4, is further amended to read:

B. The commissioner shall appoint to serve at the commissioner's pleasure:

- (2) Assistant to the Commissioner for Public Affairs;
- (3) Deputy Commissioner;
- (4) Director, Bureau of Labor Standards;
- (5) Beginning April 15, 1996, Executive Director, Bureau of Employment Services;
- (6) Executive Director, Office of Operations; and
- (7) Director, Bureau of Rehabilitation Services;
- (8) Director, Bureau of Unemployment Compensation; and
- (9) Director, Public Information.

PART E

Sec. E-1. 20-A MRSA §2307, first ¶, as amended by PL 2007, c. 668, §28 and affected by §55, is further amended to read:

Notwithstanding any other law, municipal school budgets developed after January 1, 2008 must follow the same school budget requirements as regional school units pursuant to chapter 103-A, except as described in subsections 1 and 2. A municipal school unit is deemed to be a regional school unit solely for the purpose of developing a budget pursuant to chapter 103-A. A municipality has the same authority to commit property taxes as provided in section 1487.

PART F

Sec. F-1. 20-A MRSA §15689, sub-§12 is enacted to read:

12. Bus refurbishing program. Beginning in fiscal year 2012-13 and in each subsequent year, the commissioner may increase the state share of the total allocation to a qualifying school administrative unit for the approved refurbishing of a bus.

A. Approval of bus refurbishing must be based on eligibility requirements established by the commissioner, including, but not limited to, the age, mileage and expected useful life of the bus.

B. Adjustment to the state share of the total allocation under this subsection must occur in the fiscal year following the school administrative unit's expenditure and be based on the total amount approved by the commissioner, or the actual expenditure by a school administrative unit if less, for bus refurbishing, multiplied by the school administrative unit's state share percentage except that if a school administrative unit's state share percentage is less than 30% the multiplication factor is 30% and if a school administrative unit's state share percentage is greater than 70% the multiplication factor is 70%.

PART G

Sec. G-1. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, for fiscal years 2011-12 and 2012-13, the Commissioner of Education is authorized to identify savings within existing General Fund programs of the Department of Education and transfer up to \$150,000 in available balances by financial order upon the recommendation of the State Budget Officer and approval of the Governor from existing General Fund program accounts to the State Charter School Commission program in order to provide start-up funding for the oversight of public charter schools.

PART H

Sec. H-1. Department of Education; General Purpose Aid for Local Schools; lapsed balances. Notwithstanding any other provision of law, \$10,009,774 of unencumbered balance forward from the Department of Education, General Purpose Aid for Local Schools program, General Fund carrying account, All Other line category lapses to the General Fund no later than June 30, 2012.

PART I

Sec. I-1. 2 MRSA §6, sub-§2, as amended by PL 2007, c. 539, Pt. N, §1 and affected by c. 695, Pt. A, §47, is further amended to read:

2. Range 90. The salaries of the following state officials and employees are within salary range 90:

Superintendent of Financial Institutions;

Superintendent of Consumer Credit Protection;

State Tax Assessor;

Associate Commissioner for Tax Policy, Department of Administrative and Financial Services;

Superintendent of Insurance;
Executive Director of the Maine Consumer Choice Health Plan;
Deputy Commissioner, Department of Administrative and Financial Services;
Associate Commissioner for Adult Services, Department of Corrections;
Associate Commissioner for Juvenile Services, Department of Corrections;
Public Advocate;
Deputy Commissioner, Department of Health and Human Services;
Chief Information Officer;
Associate Commissioner for Legislative and Program Services, Department of Corrections; and
Chief of the State Police.

Sec. I-2. 2 MRSA §6, sub-§3, as amended by PL 2011, c. 380, Pt. WWW, §1, is further amended to read:

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

Director, Bureau of General Services;
Director, Bureau of Alcoholic Beverages and Lottery Operations;
State Budget Officer;
State Controller;
Director of the Bureau of Forestry;
Director, State Planning Office;
Director, Energy Resources Office;
Director of Human Resources;
Director, Bureau of Parks and Lands; and
~~Director of Econometric Research; and~~
Director of the Governor's Office of Communications.

Sec. I-3. 5 MRSA §282, 2nd ¶, as amended by PL 1985, c. 785, Pt. B, §14, is further amended to read:

The commissioner may employ such other deputies, division heads, assistants and employees as may be necessary, subject to the Civil Service Law. In addition, the commissioner may employ a Director of Compliance to carry out departmental responsibilities related to: Labor relations and labor contract compliance; human rights and affirmative action compliance; and; audit guidelines and other 3rd-party compliance requirements. The Director of Compliance ~~shall serve~~serves at the pleasure of the commissioner. In addition, the commissioner may employ an Associate Commissioner for Tax Policy

to supervise and direct the tax policy analysis, guidance and communications activities of the Office of Tax Policy within the Bureau of Revenue Services. The Associate Commissioner for Tax Policy serves at the pleasure of the commissioner.

Sec. I-4. 5 MRSA §931, sub-§1, ¶L-2, as amended by PL 2005, c. 218, §2, is repealed.

Sec. I-5. 5 MRSA §947-B, sub-§1, as amended by PL 2007, c. 240, Pt. HH, §2, is further amended to read:

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

B. Director, Bureau of Human Resources;

D. Director, Bureau of Alcoholic Beverages and Lottery Operations;

E. Director, Bureau of General Services;

F. Deputy Commissioner, Department of Administrative and Financial Services;

G. State Controller;

H. State Tax Assessor;

I. State Budget Officer;

J. Chief Information Officer; and

K. Associate Commissioner, Administrative Services; and

L. Associate Commissioner for Tax Policy within the Bureau of Revenue Services.

Sec. I-6. 5 MRSA §1710-E, as amended by PL 2001, c. 2, §1, is further amended to read:

§ 1710-E. Revenue Forecasting Committee; established; membership

There is established the Revenue Forecasting Committee, referred to in this chapter as the "committee," for the purpose of providing the Governor, the Legislature and the State Budget Officer with analyses, findings and recommendations relating to the projection of revenues for the General Fund and the Highway Fund based on economic assumptions recommended by the Consensus Economic Forecasting Commission. The committee includes the State Budget Officer, the ~~State Tax Assessor~~ Associate Commissioner for Tax Policy, the State Economist, an economist on the faculty of the University of Maine System selected by the chancellor, the Director of the Office of Fiscal and Program Review and another member of the Legislature's nonpartisan staff familiar with revenue estimating issues appointed by the Legislative Council. One of the 6 members must be selected by a majority vote of the committee members to serve as the chair of the committee.

Sec. I-7. 36 MRSA §112, sub-§2, as repealed and replaced by PL 1999, c. 127, Pt. A, §48, is amended to read:

2. Organization. The assessor may employ deputies, assistants and employees as necessary, subject to the Civil Service Law unless otherwise provided, and distribute the duties given to the assessor or to the bureau among those persons or divisions in that bureau the assessor considers necessary for economy and efficiency in administration. An officer within each division of the bureau must be designated by the assessor as director of that division. ~~Notwithstanding any other laws, the Director of Econometric Research serves at the pleasure of the assessor.~~ The assessor, for enforcement and administrative purposes, may divide the State into a reasonable number of districts in which branch offices may be maintained.

The Office of Tax Policy, referred to in this paragraph as "the office," is established within the bureau. The head of the office is the Associate Commissioner for Tax Policy, who reports directly to, and serves at the pleasure of, the Commissioner of Administrative and Financial Services and who must have an advanced degree in economics, statistics, accounting, business, law or public policy. The office is responsible for: providing economic and legal policy analysis on tax issues; oversight of tax legislation review; providing revenue forecasting analysis to the Revenue Forecasting Committee under Title 5, section 1710-E; the preparation of tax expenditure reports; the establishment of policy criteria reflected in bureau rules and advisory rulings; and related public relations.

Sec. I-8. 36 MRSA §112, sub-§7, as amended by PL 1997, c. 526, §7, is further amended to read:

7. Evaluation of tax systems. The assessor and the Office of Tax Policy shall investigate and examine the systems and methods of taxation of other states and make careful and constant inquiry into the practical operation and effect of the laws of this State, in comparison with the laws of other states, with the view of ascertaining wherein the tax laws of this State are defective, inefficient, inoperative or inequitable.

Sec. I-9. 36 MRSA §191, sub-§2, ¶F, as amended by PL 2003, c. 673, Pt. DD, §2 and c. 689, Pt. B, §6 and c. 705, §3, is further amended to read:

F. The transmission of information among employees of the Bureau of Revenue Services for the purposes of enforcing and administering the tax laws of this State and the delivery by a register of deeds to the State Tax Assessor or delivery by the State Tax Assessor to the appropriate municipal assessor or to the Maine Land Use Regulation Commission or the Department of Health and Human Services of "declarations of value" in accordance with section 4641-D. The State Tax Assessor may require entities requesting information pursuant to this paragraph other than municipal assessors to provide resources sufficient to cover the cost of providing the forms;

Sec. I-10. Appointment. The Commissioner of Administrative and Financial Services shall appoint the person holding the position of Director of Econometric Research on December 9, 2011 to the Associate Commissioner for Tax Policy position effective December 10, 2011.

Sec. I-11. Retroactivity. This Part applies retroactively to December 10, 2011.

PART J

Sec. J-1. PL 2011, c. 428, §8 is amended to read:

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, STATE BOARD OF

State Board of Corrections Investment Fund ~~Z075~~Z087

Initiative: Provides funds to support the cost of an anticipated increase in the number of incarcerations related to synthetic cannabinoids.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$3,132
GENERAL FUND TOTAL	\$0	\$3,132

CORRECTIONS, STATE BOARD OF DEPARTMENT TOTALS	2011-12	2012-13
GENERAL FUND	\$0	\$3,132
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$3,132

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Provides funds for an anticipated increase in the cost of court-appointed counsel as a result of adding synthetic cannabinoids to the list of schedule Z drugs.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$3,110
GENERAL FUND TOTAL	\$0	\$3,110

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON DEPARTMENT TOTALS	2011-12	2012-13
GENERAL FUND	\$0	\$3,110
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$3,110

SECTION TOTALS	2011-12	2012-13
GENERAL FUND	\$0	\$6,242
	<hr/>	
SECTION TOTAL - ALL FUNDS	\$0	\$6,242

Sec. J-2. PL 2011, c. 448, §3 is amended to read:

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

CORRECTIONS, STATE BOARD OF

State Board of Corrections Investment Fund Z075Z087

Initiative: Provides funds to the State Board of Corrections for the costs associated with establishing a new Class E offense.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$3,132
	<hr/>	
GENERAL FUND TOTAL	\$0	\$3,132

Sec. J-3. PL 2011, c. 455, §3 is amended to read:

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

CORRECTIONS, STATE BOARD OF

State Board of Corrections Investment Fund Z075Z087

Initiative: Provides funds for the State Board of Corrections for an anticipated increase in county jail costs.

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$3,132
	<hr/>	
GENERAL FUND TOTAL	\$0	\$3,132

PART K

Sec. K-1. 5 MRSA §1667-B, sub-§§3 and 4, as enacted by PL 2005, c. 12, Pt. T, §7, are amended to read:

3. Legislative review. ~~Allotment~~Excluding the State - Municipal Revenue Sharing program, Other Special Revenue Funds account, the Disproportionate Tax Burden Fund program, Other Special Revenue Funds account in the Office of the Treasurer of State and accounts when allotting funds to pay death benefits pursuant to Title 25, chapter 195-A, allotment of the funds under subsection 1 is subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs;

4. 30-day wait. ~~Allotment~~Excluding the State - Municipal Revenue Sharing program, Other Special Revenue Funds account, the Disproportionate Tax Burden Fund program, Other Special Revenue Funds account in the Office of the Treasurer of State and accounts when allotting funds to pay death benefits pursuant to Title 25, chapter 195-A, allotment of the funds under subsection 1 does not take effect until 30 days after the approval by the Governor; and

PART L

Sec. L-1. 5 MRSA §1710-F, sub-§2, as amended by PL 2009, c. 461, §1, is further amended to read:

2. Biennial revenue projections. The committee shall submit recommendations for state revenue projections for the next 2 fiscal biennia and analyze revenue projections for the current fiscal biennium, which must be approved by a majority of the committee members. No later than December 1st of each even-numbered year, the committee shall submit to the Governor, the Legislative Council, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the State Budget Officer a report that presents the analyses, findings and recommendations for General Fund and Highway Fund revenue projections for the next 2 fiscal biennia. In its report the committee shall fully describe the methodology employed in reaching its recommendations. Revenue projections for other funds of the State may be included in the report at the discretion of the committee. ~~Revenue projections for the General Fund may not include revenue that accrues pursuant to Title 30-A, section 5250-I, subsection 14 and is deposited into the Pine Tree Development Zone Reserve Fund pursuant to Title 30-A, section 5250-J, subsection 4-B that would not have accrued to the State but for the availability of Pine Tree Development Zone benefits as stated in Title 30-A, section 5250-I, subsection 17, paragraph A.~~

Sec. L-2. 30-A MRSA §5250-J, sub-§4-B, as enacted by PL 2009, c. 461, §20, is repealed.

Sec. L-3. 36 MRSA §2016, sub-§6, as amended by PL 2009, c. 461, §25, is further amended to read:

6. Payment of claims. The State Tax Assessor shall determine the benefit for each claimant under this section and ~~certify to the State Controller the amount to be transferred from the Pine Tree Development Zone Reserve Fund, established pursuant to Title 30-A, section 5250-J, subsection 4-B, to the Pine Tree Development Zone reimbursement reserve account established, maintained and administered by the State Controller from General Fund undedicated revenue within the sales tax~~

category. The assessor shall pay the certified amounts to each approved applicant qualifying for the benefit under this section within 30 days after receipt of a properly completed claim. Interest is not allowed on any payment made to a claimant pursuant to this section.

PART M

Sec. M-1. 22 MRSA §1511, sub-§13 is enacted to read:

13. Attrition adjustment. For state fiscal years beginning on or after July 1, 2012, the State Budget Officer is authorized to adjust allocations to address shortfalls that occur as a direct result of Personal Services allocation reductions for projected vacancies. Accrued savings generated from vacant positions within a Fund for a Healthy Maine account's allocation for Personal Services or available balances in the Fund for a Healthy Maine program within the Department of Administrative and Financial Services may be transferred by financial order to offset Personal Services shortfalls in other Fund for a Healthy Maine accounts except that these transfers are subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

PART N

Sec. N-1. PL 2009, c. 571, Pt. KKK, §1 is amended to read:

Sec. KKK-1. Debt service. For the 2012-2013 biennial budget, the baseline appropriation for the Debt Service - UMS program within the University of Maine System is increased by ~~\$850,000~~\$767,950 per year for debt service costs to support a 10-year revenue bond to bring facilities at the University of Maine into compliance and remove asbestos and mercury contamination, with the first year of debt service starting in fiscal year ~~2011-12~~2012-13.

PART O

Sec. O-1. 5 MRSA §1532, sub-§8 is enacted to read:

8. Emergency management assistance compact transfers. The State Controller may transfer up to \$1,000,000 from the stabilization fund to the Military Training and Operations program within the Department of Defense, Veterans and Emergency Management based on amounts certified by the Commissioner of Defense, Veterans and Emergency Management to be necessary to fulfill the responsibilities of the department under the emergency management assistance compact under Title 37-B, section 921 or the International Emergency Management Assistance Compact under Title 37-B, section 935. These transfers are authorized only if the Legislature has adjourned sine die and only to the extent needed to meet the obligations of the department within that fiscal year that are in excess of available appropriations and any other funding sources. These funds must be allotted by financial order upon the recommendation of the State Budget Officer and approval of the Governor. Any amounts transferred from the stabilization fund must be returned to the stabilization fund upon receipt of reimbursement from the affected state or province.

PART P

Sec. P-1. 35-A MRSA §1701, sub-§3, as amended by PL 2001, c. 476, §1, is further amended to read:

3. Salaries of certain employees. The salaries of the following employees of the Public Advocate are within the following salary ranges:

- A. Deputy Public Advocate, salary range 53;
- B. Senior Counsel, salary range 36;
- C. ~~Economic Analyst, salary range 36;~~
- D. Research Assistant, salary range 30;
- E. Business Services Manager, salary range 26; and
- F. Special Assistant to the Public Advocate, salary range 20.

The employees listed in this subsection serve at the pleasure of the Public Advocate and are confidential employees. All other employees of the Public Advocate are subject to the Civil Service Law.

~~The Public Advocate may, at the Public Advocate's discretion, substitute an Economic Analyst position at salary range 36 for any vacant Senior Counsel position. The Public Advocate also may compensate one or more Senior Counsels at salary range 37 if, in the judgment of the Public Advocate, an increase is necessary to provide competitive salary levels.~~

PART Q

Sec. Q-1. 5 MRSA §1591, sub-§5 is enacted to read:

5. Executive Department. The Executive Department shall carry forward any General Fund balances remaining in the Administration - Executive - Governor's Office program, the Blaine House program, the Governor's Office of Communications program, the Office of Policy and Management program and the Governor's Energy Office program at the end of any fiscal year for use in the next fiscal year.

PART R

Sec. R-1. 22 MRSA §4305, sub-§3-C is enacted to read:

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

Sec. R-2. 22 MRSA §4308, sub-§§1-A and 1-B are enacted to read:

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

1-B. Extension of housing assistance due to hardship. An applicant is eligible for housing assistance under this chapter beyond the limit established in subsection 1-A if the applicant has a severe and persistent mental or physical condition warranting such an extension or has an application for assistance pending with the federal Social Security Administration.

Sec. R-3. Temporary reduction in 90% general assistance reimbursement. Notwithstanding the Maine Revised Statutes, Title 22, section 4311, subsection 1, for the period from July 1, 2012 to June 30, 2013, the state reimbursement rate pursuant to the Maine Revised Statutes, Title 22, section 4311, subsection 1 is reduced to 85% for a municipality that incurs net general assistance costs in a fiscal year in excess of .0003 of that municipality's most recent state valuation.

Sec. R-4. General assistance working group. The Commissioner of Health and Human Services or the commissioner's designee shall convene a working group to review and make recommendations related to the general assistance program under the Maine Revised Statutes, Title 22, chapter 1161, referred to in this section as "the general assistance program." The commissioner or the commissioner's designee shall convene the first meeting of the working group no later than June 1, 2012.

1. Members. The working group consists of 9 members, 7 of whom are voting members and 2 of whom are nonvoting members.

A. The commissioner, or the commissioner's designee, serves as a voting member of the working group. The commissioner shall appoint the following 6 additional voting members: the director of the Department of Health and Human Services, Office of Family Independence; one member of a statewide organization representing Maine municipalities; one member of a statewide organization representing Maine municipal welfare directors; one member from a municipality in the State that has a program to assist recipients of general assistance in applying for federal supplemental security income benefits; one member of an advocacy organization representing the interests of recipients of general assistance with expertise in policy and legal matters related to public benefit programs; and the executive director of the Maine State Housing Authority or the executive director's designee.

B. The commissioner shall appoint the following 2 nonvoting members of the working group: one person with knowledge of cash or medical assistance benefits provided by the United States Department of Veterans Affairs; and one person with knowledge of affordable housing programs and other opportunities to increase the supply of affordable housing in Maine.

The working group may create subgroups to work on specific issues or initiatives and may include individuals who are not working group members.

2. Duties. In developing its recommendations under this section, the working group shall:

- A. Review and propose suggestions for electronic data exchange between municipalities and the Department of Health and Human Services to increase efficiency in verifying general assistance program eligibility and improving program integrity;
- B. Examine the structure of the general assistance program and recommend methods and standards to improve accountability, cost-effectiveness and uniformity in the program;
- C. Review the role of the general assistance program in funding homeless shelter services and develop recommendations regarding whether the Department of Health and Human Services or the Maine State Housing Authority is the more appropriate state agency to operate and administer the general assistance program and to operate and administer housing assistance benefits under the general assistance program;
- D. Evaluate the appropriateness and the necessity of limiting general assistance benefits to persons receiving Temporary Assistance for Needy Families program benefits and persons under sanction in that program;
- E. Review the pilot program established by the commissioner pursuant to this Part and make any recommendations necessary to improve the success of the pilot program; and
- F. Develop proposed legislation designed to achieve \$500,000 in General Fund savings from January 1, 2013 to June 30, 2013 and improve the efficiency, effectiveness, uniformity and financial accountability of the general assistance program.

3. Report. No later than December 1, 2012, the Commissioner of Health and Human Services shall submit the report and recommendations developed pursuant to this section, including any suggested legislation, to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services.

Sec. R-5. General assistance pilot program. The Commissioner of Health and Human Services shall establish a pilot program designed to further the objectives of the working group established in this Part and to reduce General Fund costs and costs of the general assistance program under the Maine Revised Statutes, Title 22, chapter 1161 by maximizing access to federal assistance programs for which applicants for or recipients of general assistance may be eligible. Under the pilot program, the 7 limited-period Family Independence Specialist positions established in Part A shall work to maximize and expedite the award of federal supplemental security income benefits for recipients of general assistance and to identify and assist veterans who receive assistance through programs administered by the Department of Health and Human Services, Office for Family Independence who may be eligible for cash or medical assistance from the United States Department of Veterans Affairs to obtain those benefits. On or before June 30, 2013, the commissioner shall submit a report regarding the operations and effect of the pilot program to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

PART S

Sec. S-1. 22 MRSA §3762, sub-§8, ¶D, as enacted by PL 2007, c. 539, Pt. XX, §2, is repealed.

Sec. S-2. 22 MRSA §3762, sub-§8, ¶F is enacted to read:

F. The department may provide limited transitional food benefits to meet the needs of food supplement benefit recipients living with one or more dependent children under 18 years of age who are working at least 30 hours per week or who are working at least 20 hours per week if one or more dependent child is under 6 years of age. The benefit may not exceed \$50 per month per family.

PART T

Sec. T-1. 22 MRSA §1708, sub-§4, as enacted by PL 1991, c. 622, Pt. M, §8 and affected by §9, is repealed.

PART U

Sec. U-1. 22 MRSA §3273, sub-§10 is enacted to read:

10. Balances of funds not to lapse. Any balances of funds appropriated for the program of state supplemental income benefits authorized under sections 3271 and 3274 may not lapse but must be carried forward from year to year to be expended for the same purpose.

PART V

Sec. V-1. 5 MRSA §1591, sub-§2, as amended by PL 2011, c. 380, Pt. UUU, §§1 to 3, is further amended to read:

2. Department of Health and Human Services. The Department of Health and Human Services must apply:

A. Any balance remaining in the accounts of the Department of Health and Human Services, Bureau of Elder and Adult Services appropriated for the purposes of homemaker or home-based care services at the end of any fiscal year to be carried forward for use by either program in the next fiscal year;

B. Any balance remaining in the Traumatic Brain Injury Seed program, General Fund account at the end of any fiscal year to be carried forward for use in the next fiscal year; ~~and~~

C. Any balance remaining in the General Fund account of the Department of Health and Human Services, Bureau of Medical Services appropriated for All Other line category expenditures at the end of any fiscal year to be carried forward for use in the next fiscal year; ~~and~~

D. Any balance remaining in the accounts of the Department of Health and Human Services, Mental Health Services - Community program appropriated for the purposes of rental assistance and shelter services at the end of any fiscal year to be carried forward for use in the next fiscal year for the same purpose.

PART W

Sec. W-1. 4 MRSA §1, 4th ¶, as enacted by PL 2009, c. 213, Pt. QQ, §1, is amended to read:

The Chief Justice, as head of the judicial branch, shall prepare the budget for the judicial branch. The Chief Justice may approve financial orders for transfers and revisions of and increases to allotment within the judicial branch in accordance with procedures for financial orders established in the executive branch. The Chief Justice shall provide a copy of each approved financial order to the Department of Administrative and Financial Services, Bureau of the Budget and the Office of Fiscal and Program Review.

PART X

Sec. X-1. Personal Services balances authorized to carry; Department of Corrections. Notwithstanding any other provision of law, the Department of Corrections is authorized to carry all fiscal year 2011-12 year-end balances in the Personal Services line category of General Fund accounts after all financial commitments and budgetary adjustments have been made to fiscal year 2012-13 to the Capital Expenditures line category in the Capital Construction/Repairs/Improvements - Corrections program, General Fund account in the Department of Corrections to be used for the purpose of making capital improvements to correctional facilities.

PART Y

Sec. Y-1. Transfer of funds; Department of Public Safety; Criminal Justice Academy program. Notwithstanding any other provision of law, the State Controller shall transfer \$600,000 from the unappropriated surplus of the General Fund to the Criminal Justice Academy program, Other Special Revenue Funds account within the Department of Public Safety no later than June 30, 2012.

PART Z

Sec. Z-1. Transfer of funds; Department of Public Safety, Fire Marshal - Office of account. Notwithstanding any other provision of law, the State Controller shall transfer \$700,000 from the unappropriated surplus of the General Fund to the Fire Marshal - Office of program, Other Special Revenue Funds account within the Department of Public Safety no later than June 30, 2012.

PART AA

Sec. AA-1. Transfer of funds; Commission on Governmental Ethics and Election Practices program. Notwithstanding any other provision of law, the State Controller shall transfer \$1,300,000 on or before June 30, 2012 and \$950,000 on or before June 30, 2013 from the Commission on Governmental Ethics and Election Practices program, Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

PART BB

Sec. BB-1. Department of Labor; lapsed balances. Notwithstanding any other provision of law, \$451,183 of unencumbered balance forward from the Department of Labor, Governor's Training Initiative Program, General Fund account, All Other line category, lapses to the General Fund no later than June 30, 2012.

PART CC

Sec. CC-1. 2 MRSA §6, sub-§3, as amended by PL 2011, c. 380, Pt. WWW, §1, is further amended to read:

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

Director, Bureau of General Services;

Director, Bureau of Alcoholic Beverages and Lottery Operations;

State Budget Officer;

State Controller;

Director of the Bureau of Forestry;

Director, ~~State Planning Office~~Governor's Office of Policy and Management;

Director, Energy Resources Office;

Director of Human Resources;

Director, Bureau of Parks and Lands;

Director of Econometric Research; and

Director of the Governor's Office of Communications.

Sec. CC-2. 3 MRSA §959, sub-§1, ¶M, as amended by PL 2003, c. 600, §1, is further amended to read:

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

(1) Capitol Planning Commission in 2011;

(1-A) Maine Governmental Facilities Authority in 2005;

(2) State Civil Service Appeals Board in 2005;

(3) State Claims Commission in 2005;

(4) Maine Municipal Bond Bank in 2007;

(5) Office of Treasurer of State in 2007;

(6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services, in 2011; and

(7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2011; and.

~~(9) State Planning Office, except for the Land for Maine's Future Board, in 2007.~~

Sec. CC-3. 5 MRSA c. 311, as amended, is repealed.

Sec. CC-4. Effective date. This Part takes effect July 1, 2012.

PART DD

Sec. DD-1. 5 MRSA §1531, sub-§1, as enacted by PL 2005, c. 2, Pt. A, §5 and affected by §14, is amended to read:

1. Average population growth. "Average population growth" means the average for the prior 10 calendar years, ending with the most recent calendar year for which data is available, of the percent change in population from July 1st of each year and estimated by the United States Department of Commerce, Bureau of Census as adjusted ~~and maintained by the Executive Department, State Planning Office by the Governor's Office of Policy and Management.~~

Sec. DD-2. 5 MRSA §1531, sub-§2, as amended by PL 2005, c. 621, §1, is further amended to read:

2. Average real personal income growth. "Average real personal income growth" means the average for the prior 10 calendar years, ending with the most recent calendar year for which data is available, of the percent change in personal income in this State, as estimated by the United States Department of Commerce, Bureau of Economic Analysis, less the percent change in the Consumer Price Index for the calendar year. For purposes of this subsection, "Consumer Price Index" has the same meaning as in Title 36, section 5402, subsection 1. The average real personal income growth is determined by October 1st, annually, by the ~~Director of the State Planning Office within the Executive Department~~ Governor's Office of Policy and Management.

Sec. DD-3. 5 MRSA §1710-D, as enacted by PL 1995, c. 368, Pt. J, §1, is amended to read:

§ 1710-D. Staffing

The commission may receive staff support from the ~~State Planning Office~~ Governor's Office of Policy and Management.

Sec. DD-4. 5 MRSA §1710-I, as amended by PL 1997, c. 526, §14, is further amended to read:

§ 1710-I.Staffing

The committee may receive staff assistance from the Bureau of the Budget, the ~~State Planning Office~~Governor's Office of Policy and Management, the Bureau of Revenue Services and, at the discretion of the Legislature, the Office of Fiscal and Program Review. The committee may also utilize other professionals having revenue forecasting, economic and fiscal expertise.

Sec. DD-5. 5 MRSA c. 310 is enacted to read:

CHAPTER 310

GOVERNOR'S OFFICE OF POLICY AND MANAGEMENT

§ 3101. Definitions

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

1. Director. "Director" means the Director of the Governor's Office of Policy and Management established by section 3102.

2. Office. "Office" means the Governor's Office of Policy and Management established by section 3102.

§ 3102. Office established; purpose

The Governor's Office of Policy and Management is established in the Executive Department to facilitate achievement of long-term state economic goals and objectives and identification and implementation of opportunities to improve the efficiency and effectiveness of the performance of the functions of and delivery of services by State Government.

§ 3103. Director

The Director of the Governor's Office of Policy and Management is appointed by the Governor and serves at the pleasure of the Governor.

§ 3104. Powers and duties

The director is authorized to exercise the powers and is responsible for fulfillment of the duties of the office provided for by this section.

1. Duties. The director shall:

A. Appoint, remove and prescribe the duties of staff of the office as necessary to implement the duties of the office. The director is authorized to hire as unclassified employees professional personnel competent by education, training and experience in such areas as economics, law,

accounting and public policy. The director is authorized to hire as classified employees other personnel, who are subject to the Civil Service Law and personnel policies established for state employees generally, as required to support implementation of the duties of the office;

B. Prepare long-range economic projections to ensure that projected available state financial resources are commensurate with projected state expenditures needed to meet long-term state economic goals and policies;

C. Analyze the structure and functions of State Government and identify options and develop recommendations for consideration by the Governor regarding improvement of the efficiency and effectiveness of governmental functions and programs and delivery of governmental services. In carrying out duties under this paragraph, the director may:

(1) Prepare strategic and long-range plans and goals for reform of State Government through creation of efficiencies and streamlining of operations;

(2) Establish metrics for and further develop systems for ongoing evaluation of the efficiency and effectiveness of state programs and delivery of state services; and

(3) Review and determine whether there is continuing need for state programs, boards and commissions, in part through consideration of whether their public benefit equals or exceeds their cost;

D. Recommend governmentwide policies to improve financial management for consideration by the Governor. In carrying out duties under this paragraph, the director may review state agencies' proposals for funding from public and private entities, including the Federal Government, for consistency with pertinent state law and fiscal policy;

E. Conduct studies and continuing economic analyses of the state economy, including economic forecasting, and collect, collate and analyze all pertinent data and statistics relating to those studies and analyses to assist the Governor, the Legislature and the various state departments in formulating economic goals and programs and policies to achieve such goals. The office shall make these data and statistics available to the Legislature upon request. All state agencies shall cooperate with the office regarding implementation of the provisions of this paragraph. In implementing this paragraph, the office may use secondary data made available to the office by other state agencies or other organizations;

F. At the Governor's request, advise on the risks, costs, benefits and effects on job creation and job retention in the State of proposed legislation or other policy initiatives;

G. Conduct research, reviews and studies to fulfill the office's duties as the director determines appropriate;

H. Facilitate intergovernmental and intragovernmental coordination, relations and communications and provide general coordination and review of plans in functional areas of State Government as may be necessary for receipt of federal funds; and

I. Perform other duties related to the purposes of the office under section 3102 as assigned by the Governor or as directed by statute.

2. Powers. The director may, in connection with the performance of the duties of the office, apply to the Superior Court for a subpoena to compel the attendance of witnesses and the production of books, papers, records and documents of individuals, firms, associations and corporations and all officers, boards, commissions and departments of State Government. The court, before issuing the subpoena, shall provide adequate opportunity for the director and the party against whom the subpoena is requested to be heard. The court may issue the subpoena only on a showing by the director and specific findings of fact by the court that the attendance of the witness or the production of the books, papers, records or documents is reasonably necessary to carry out specific duties of the office that are related to the operations and finances of State Government and that the director has made reasonable efforts to secure the attendance or the books, papers, records or documents without recourse to compulsory process. Any materials or information turned over to the director that is of a confidential or proprietary nature is confidential under section 3108.

§ 3105. Acceptance and administration of funds

The office may accept, administer and expend funds, including but not limited to funds from the Federal Government or from private sources, for purposes consistent with this chapter. The director shall provide a report of the amount of any outside funding received from private sources and its designated purpose to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than 30 days after receiving the funds.

§ 3106. Contracts

The office may contract with public and private entities for research and analysis and other services as the director determines necessary to address the office's duties under this chapter. The director shall provide a report of the contracts awarded to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than 30 days after awarding the contract.

§ 3107. Governmental cooperation; temporary reassignment of governmental employees

All departments, agencies, authorities, boards, commissions and other instrumentalities of the State shall, at the director's request, assist the office in the gathering of information, reports and data that relate to the performance of the duties of the office. Subject to approval by the Governor, at the request of the director a state agency shall, as provided in chapter 309, assign qualified personnel to the office for a period of up to 6 months to assist the office in the performance of its duties.

§ 3108. Confidential or proprietary information

1. Access to records. Upon the request of the director, a department, commission or agency shall provide access to records necessary to carry out the duties of the office.

2. Confidential information available to the director. Notwithstanding any state law relating to the confidentiality of information, all information in the files of any department, commission or agency of the State must be made available when necessary to the director in connection with the performance of the duties of the office related to the operations and finances of State Government.

3. Consultation; limited access. Before beginning a study, a review or research that may require access to records containing confidential or privileged information, the director shall consult with representatives of the department, commission or agency to discuss methods of identifying and protecting privileged or confidential information in those records. During that consultation, the department, commission or agency shall inform the director of all standards and procedures set forth in department, commission or agency policies or agreements to protect information considered by the department, commission or agency to be confidential or privileged. The director shall limit access to information that is privileged or confidential by appropriate methods, which may include examining records without copying or removing them from the department, commission or agency.

4. Removal of identifying information. In making information available to the director, the department, commission or agency that is subject to the study, review or research or that provides the information may remove information that identifies individuals or institutions to protect privileged or confidential information, as long as the information necessary for the director to fulfill the duties of the office is disclosed to the director.

5. Confidentiality, privilege apply to director. Documentary or other information obtained by the director during the course of a study, review or research is privileged or confidential to the same extent under law that that information would be privileged or confidential in the possession of the department, commission or agency providing the information. Any privilege or statutory provision, including penalties, concerning the confidentiality or obligation not to disclose information in the possession of any department, commission or agency or their officers or employees applies equally to the director. Privileged or confidential information obtained by the director during the course of a study, review or research may be disclosed only as provided by law and with the agreement of the department, commission or agency that provided the information.

6. Compliance with policy. If the director accesses information classified as privileged or confidential pursuant to department, commission or agency policy or procedures or by agreement, the director shall comply with the department, commission or agency standards or procedures for handling that information.

Sec. DD-6. 5 MRSA §13056, sub-§3, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

3. Conduct planning and research. Conduct planning, research and analysis for department needs, but not macroeconomic forecasting, which shall be the responsibility of the ~~State Planning Office~~Governor's Office of Policy and Management. The department shall gather, maintain and have access to all economic and other information necessary to the performance of its duties;

Sec. DD-7. 5 MRSA §13120-Q, first ¶, as enacted by PL 2001, c. 703, §6, is amended to read:

The authority, with the advice of the department, the Department of Labor, ~~the State Planning Office~~ and such other agencies it determines appropriate, may waive the requirements of section 13120-P, subsection 2, paragraph E and section 13120-P, subsection 3, paragraph E if the municipality has experienced a historical lack of private investment and it is reasonably expected that private investment will not be available to assist with project financing and one of the following conditions is met:

Sec. DD-8. 10 MRSA §363, sub-§2-A, as amended by PL 1999, c. 728, §2, is further amended to read:

2-A. Recommendation of Governor and issuers. At any time action of the Legislature under subsection 1-A is necessary or desirable, the Governor shall recommend to the appropriate committee of the Legislature a proposed allocation or reallocation of all or part of the state ceiling. To assist the Governor in making a recommendation of proposed allocations of the state ceiling on private activity bonds, the group of 7 representatives described in subsection 1-A shall make a recommendation regarding allocation or reallocation of the state ceiling. In order to assist the group in making its recommendation and to assist the Governor and the Legislature, the ~~State Planning Office~~Department of Administrative and Financial Services, in consultation with the Governor's Office of Policy and Management, shall prepare an annual analysis of the State's economic outlook, prevailing interest rate forecasts related to tax-exempt financing by the issuers specifically identified in subsections 4 to 8, the availability to those issuers of alternative financing from sources that do not require an allocation of the state ceiling and the relationship of these factors and various public policy considerations to the allocation or reallocation of the state ceiling. In recommending any allocation or reallocation of the state ceiling to the Legislature, the Governor shall consider the requests and recommendations of those issuers of bonds within the State designated in this section, the recommendations of the group of representatives described in subsection 1-A and the annual analysis of the ~~State Planning Office~~Department of Administrative and Financial Services.

Sec. DD-9. 12 MRSA §8876, sub-§2, as amended by PL 1997, c. 720, §9, is further amended to read:

2. Future demand. Project future demand for forest resources based on a common economic forecast developed by the ~~State Planning Office~~Governor's Office of Policy and Management and on other appropriate economic projections;

Sec. DD-10. 26 MRSA §3, as amended by PL 1997, c. 132, §1, is further amended to read:

§ 3. Records confidential

All information and reports recorded by the director or the director's authorized agents under this Title are confidential, and no names of individuals, firms or corporations may be used in any reports of the director nor made available for public inspection. The director may release information and reports to other government agencies if the director believes that the information will serve to further the protection of the public or assist in the enforcement of local, state and federal laws. The director may also release information and reports to the public pertaining to final bureau action taken under the authority of this Title. Records pertaining to the work force, employment patterns, wage rates, poverty and low-income patterns, economically distressed communities and regions and other similar information and data must be made available to the Department of Economic and Community Development and to the ~~State Planning Office~~Governor's Office of Policy and Management for the purposes of analysis and evaluation, measuring and monitoring poverty and economic and social conditions throughout the State and to promote economic development with the understanding that the confidentiality of the information will be maintained.

Sec. DD-11. 30-A MRSA §5652, sub-§2, as enacted by PL 2007, c. 405, §2, is amended to read:

2. Funding municipal education foundations. A municipality may accept endowment funds from citizens, estates, municipal contributions and bond money to fund a municipal education foundation to support local education pursuant to section 5724, subsection 10. The foundation may not spend the funds until it meets certain growth standards recommended by the ~~Executive Department, State Planning Office~~Department of Administrative and Financial Services.

Sec. DD-12. 30-A MRSA §5724, sub-§10, as enacted by PL 2007, c. 405, §3, is amended to read:

10. Municipal education foundations. A municipal education foundation is established with the assistance of the ~~Executive Department, State Planning Office~~Department of Administrative and Financial Services and must contain the following provisions.

A. The endowment of a municipal education foundation is funded by contributions by citizens, estates, municipalities and bond money if the foundation meets the ~~Executive Department, State Planning Office~~ standards pursuant to section 5652, subsection 2.

B. Trustees of a municipal education foundation must be citizens of the municipality and contain at least one member who is a teacher or administrator in the municipality's education system to be a liaison between the school system and the municipal education foundation.

Sec. DD-13. 30-A MRSA §5903, sub-§6-A, as enacted by PL 1989, c. 48, §§14 and 31, is amended to read:

6-A. Median household income. "Median household income" means the income computed based on the most current census information available, as provided by the ~~State Planning Office~~Governor's Office of Policy and Management.

Sec. DD-14. 35-A MRSA §3454, first ¶, as enacted by PL 2007, c. 661, Pt. A, §7, is amended to read:

In making findings pursuant to Title 12, section 685-B, subsection 4 or Title 38, section 484, subsection 3, the primary siting authority shall presume that an expedited wind energy development provides energy and emissions-related benefits described in section 3402 and shall make additional findings regarding other tangible benefits provided by the development. The Department of Labor, the ~~Executive Department, State Planning Office~~Governor's Office of Policy and Management, the Governor's Energy Office and the Public Utilities Commission shall provide review comments if requested by the primary siting authority.

Sec. DD-15. 35-A MRSA §3454, sub-§5, as enacted by PL 2009, c. 642, Pt. A, §7, is amended to read:

5. Promoting economic development and resource conservation; assistance to host communities. To the extent practicable within existing resources, the Department of Economic and Community Development, the Governor's Energy Office and the ~~Executive Department, State Planning Office,~~Governor's Office of Policy and Management shall provide, upon the request of a host community, assistance for the purpose of helping the host community maximize the economic development and resource conservation benefits from tax payments and payments made pursuant to a community benefit agreement or a community benefits package in connection with expedited wind energy developments. As part of this assistance, the department and the ~~office~~Department of Economic and Community Development shall support host communities in identifying additional funding and developing regional economic and natural resource conservation strategies.

Sec. DD-16. 36 MRSA §6759, as enacted by PL 1995, c. 669, §5, is amended to read:

§ 6759. Program administration

The commissioner shall administer this Act. The commissioner and the State Tax Assessor may adopt rules pursuant to the Maine Administrative Procedure Act for implementation of the program, including, but not limited to, rules for determining and certifying eligibility. The commissioner may also by rule establish fees, including fees payable to the State Tax Assessor and the ~~State Planning Office~~ for obligations under this chapter. Any fees collected pursuant to this chapter must be deposited into a special revenue account administered by the State Tax Assessor and those fees may be used only to defray the actual costs of administering this Act.

Sec. DD-17. 36 MRSA §7302, as enacted by PL 2005, c. 2, Pt. H, §2, is amended to read:

§ 7302. Progress reporting and data

1. Assessment and report. The ~~State Planning Office~~Governor's Office of Policy and Management shall separately assess and report on the progress made by the State, municipalities, counties and school administrative units, respectively, in achieving the tax burden reduction goals established in section 7301.

2. Indicators; annual report. With reference to Title 5, chapter 142; Title 20-A, section 15671, subsection 1; and Title 30-A, sections 706-A and 5721-A, the ~~State Planning Office~~Governor's Office of Policy and Management shall develop and apply specific, quantifiable performance indicators

against which the progress in achieving the tax burden reduction goals established in section 7301 can be measured. On January 15, ~~2006~~2013 and annually thereafter, the ~~State Planning Office~~Governor's Office of Policy and Management shall report to the Governor and to the joint standing committee of the Legislature having jurisdiction over taxation matters on the progress made by the State, counties, municipalities and school administrative units, respectively, in achieving the tax burden reduction goals. The report required by this subsection must be comprised of 4 distinct parts reporting on the progress made by the State, municipalities, counties and school administrative units, respectively. The ~~State Planning Office~~Governor's Office of Policy and Management may also include in its report recommendations on alternative strategies to achieve the tax burden reduction goals established in section 7301 that reflect the best practices in this State, other states and other countries.

3. Data. The ~~State Planning Office~~Governor's Office of Policy and Management shall annually collect and analyze data regarding spending and revenues for municipalities, counties and school administrative units. The ~~State Planning Office~~Governor's Office of Policy and Management shall submit an annual report that provides information and analysis regarding government spending and revenue behavior and trends to the Governor and the joint standing committee of the Legislature having jurisdiction over taxation matters. The report must include information that identifies spending and revenue behavior by individual municipalities, counties and school administrative units. Upon request, other departments of State Government shall cooperate and assist the ~~State Planning Office~~Governor's Office of Policy and Management in the preparation of the report.

Sec. DD-18. 38 MRSA §484, sub-§10, as amended by PL 2009, c. 615, Pt. E, §18, is further amended to read:

10. Special provisions; wind energy development or offshore wind power project.

In the case of a grid-scale wind energy development, or an offshore wind power project with an aggregate generating capacity of 3 megawatts or more, the proposed generating facilities, as defined in Title 35-A, section 3451, subsection 5:

- A. Will be designed and sited to avoid unreasonable adverse shadow flicker effects;
- B. Will be constructed with setbacks adequate to protect public safety. In making a finding pursuant to this paragraph, the department shall consider the recommendation of a professional, licensed civil engineer as well as any applicable setback recommended by a manufacturer of the generating facilities; and
- C. Will provide significant tangible benefits as determined pursuant to Title 35-A, section 3454, if the development is an expedited wind energy development.

The Department of Labor, the ~~Executive Department~~, ~~State Planning Office~~Governor's Office of Policy and Management, the Governor's Energy Office and the Public Utilities Commission shall provide review comments if requested by the primary siting authority.

For purposes of this subsection, "grid-scale wind energy development," "primary siting authority," "significant tangible benefits" and "expedited wind energy development" have the same meanings as in Title 35-A, section 3451.

Sec. DD-19. Resolve 1997, c. 36, §1 is repealed.

Sec. DD-20. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 5, Part 8, in the part headnote, the words "state planning" are amended to read "policy and management" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. DD-21. Initial recommendations. No later than December 1, 2012, the Governor's Office of Policy and Management shall develop and recommend to the Governor and the Legislature changes in the structure, functions or operations of State Government to achieve General Fund savings of at least \$1,000,000 during fiscal year 2013-14 and at least \$1,000,000 during fiscal year 2014-15.

Sec. DD-22. Creation of Governor's Office of Policy and Management; elimination of the Executive Department, State Planning Office; transition provisions. The following transition provisions govern the creation of the Governor's Office of Policy and Management and the elimination of the Executive Department, State Planning Office.

1. The Governor's Office of Policy and Management, referred to in this section as "the office," is created as of May 1, 2012. The Governor shall appoint the Director of the Governor's Office of Policy and Management at any time on or after that date. The director shall organize the office, including creation of up to 4 temporary positions by financial order pursuant to this Act, to be hired on or after July 1, 2012. The director shall provide a report to the chairs of the Joint Standing Committee on Appropriations and Financial Affairs within 30 days of creating the temporary positions by financial order. Of the temporary positions created, only one of the positions may be an attorney position performing the usual and customary functions of an attorney admitted to the bar. The director shall submit a request to continue the positions in the biennial budget for 2014-2015.

2. The Executive Department, State Planning Office is eliminated on July 1, 2012. All transfers of Executive Department, State Planning Office responsibilities to the Governor's Office of Policy and Management under this Act are effective on July 1, 2012.

3. All records, property and equipment previously belonging to or allocated for the use of the Executive Department, State Planning Office that have not otherwise been provided for under this Act become the property of the Governor's Office of Policy and Management.

Sec. DD-23. Transition provisions; economics and demographics matters. The following provisions apply to the reassignment of duties, responsibilities and activities of the Executive Department, State Planning Office regarding economics and demographics.

1. Two authorized positions and incumbent personnel in the Executive Department, State Planning Office that are assigned to that office's economics and demographics program are transferred to the Governor's Office of Policy and Management. These employees must retain their accrued fringe benefits, including but not limited to vacation and sick leave, health and life insurance and retirement benefits.

2. If so designated by the Governor, the Department of Labor is authorized to serve as the State Data Center for purposes of the State Data Center Program administered by the United States Department of Commerce, United States Census Bureau and to develop a memorandum of agreement with the bureau that outlines responsibilities of the department and bureau under the State Data Center Program.

Sec. DD-24. Effective date. This Part takes effect May 1, 2012.

PART EE

Sec. EE-1. 5 MRSA §2003, sub-§2, ¶D, as enacted by PL 2005, c. 12, Pt. SS, §16, is amended to read:

D. Eight representatives as follows:

(1) A representative of the University of Maine System, appointed by the Chancellor of the University of Maine System;

(2) Two representatives of a statewide association of municipalities, one representative appointed by the President of the Senate from nominations made by the association's governing body and one representative appointed by the Speaker of the House from nominations made by the association's governing body;

(3) One representative of a statewide association of regional councils, appointed by the Speaker of the House from nominations made by the ~~Executive Department, State Planning Office~~ Department of Conservation;

(4) One representative of a statewide association of counties, appointed by the Governor from nominations made by the association's governing body;

(5) One representative of a statewide association representing real estate and development interests, appointed by the President of the Senate;

(6) One representative of a statewide association representing environmental interests, appointed by the Speaker of the House; and

(7) One member representing public utilities, appointed by the Governor;

Sec. EE-2. 5 MRSA §3331, as amended by PL 2009, c. 652, Pt. A, §1, is repealed.

Sec. EE-3. 5 MRSA Pt. 16-A, as amended, is repealed.

Sec. EE-4. 5 MRSA §12004-G, sub-§29-C, as enacted by PL 2009, c. 483, §2, is repealed.

Sec. EE-5. 5 MRSA §12004-I, sub-§24-F, as enacted by PL 2001, c. 648, §1, is repealed.

Sec. EE-6. 5 MRSA §12004-I, sub-§68-B, as enacted by PL 2007, c. 192, §1, is repealed.

Sec. EE-7. 5 MRSA §13056-D, sub-§2, ¶C, as enacted by PL 2009, c. 414, Pt. G, §1 and affected by §5, is amended to read:

C. ~~The Director of the State Planning Office within the Executive Department~~Commissioner of Conservation or the commissioner's designee; and

Sec. EE-8. 5 MRSA §13083-T, sub-§2, ¶B, as enacted by PL 2007, c. 39, Pt. F, §1 and affected by §2, is amended to read:

B. The Commissioner of Conservation; and

Sec. EE-9. 5 MRSA §13083-T, sub-§2, ¶C, as enacted by PL 2007, c. 39, Pt. F, §1 and affected by §2, is repealed.

Sec. EE-10. 5 MRSA §13107, sub-§1, as enacted by PL 2003, c. 673, Pt. M, §8, is amended to read:

1. Outcome measures. Establish outcome measures considered appropriate by public and private practitioners inside and outside of the State in the fields of research and development and economic development. Practitioners in this State must include, but are not limited to, a representative from the University of Maine System, a representative of the targeted technology sectors, a representative of the Executive Department, ~~State Planning Office~~Governor's Office of Policy and Management and representatives of other state agencies having economic development responsibility;

Sec. EE-11. 5 MRSA §15302, sub-§3, ¶C, as amended by PL 2005, c. 425, §19, is further amended to read:

C. The Director of the ~~State Planning Office~~Governor's Office of Policy and Management or the director's designee is an ex officio nonvoting director.

Sec. EE-12. 7 MRSA §214, sub-§3, as amended by PL 2005, c. 382, Pt. C, §2, is further amended to read:

3. Advisory committee. The commissioner shall establish an advisory committee to discuss possibilities and review proposals for expanding purchases of local foodstuffs. The commissioner shall invite one or more representatives from each of the following agencies to serve on the advisory committee: the Department of Education; the Department of Marine Resources; the Department of Corrections; the Department of Administrative and Financial Services, Bureau of Purchases; ~~the Executive Department, State Planning Office~~; the Department of Health and Human Services; the University of Maine System; and the Maine Community College System.

Sec. EE-13. 10 MRSA §918, sub-§3, as corrected by RR 2003, c. 2, §14, is amended to read:

3. Ex officio corporators. Ex officio corporators consist of the heads of the major state departments and agencies and the Chancellor of the University of Maine System. State department and agency heads include the following:

Treasurer of State;

Director of the ~~State Planning Office~~Governor's Office of Policy and Management;

Commissioner of Economic and Community Development;

Commissioner of Agriculture, Food and Rural Resources;

Commissioner of Professional and Financial Regulation;

Commissioner of Conservation;

Commissioner of Education;

Commissioner of Environmental Protection;

Commissioner of Administrative and Financial Services;

Commissioner of Health and Human Services;

Commissioner of Inland Fisheries and Wildlife;

Commissioner of Labor;

Commissioner of Marine Resources;

Commissioner of Transportation;

Chief Executive Officer of the Finance Authority of Maine;

Executive Director of the Maine Municipal Bond Bank; and

Executive Director of the Maine State Housing Authority.

Sec. EE-14. 10 MRSA §945-B, sub-§1, as enacted by PL 1995, c. 648, §5 and amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

1. Members. Members are the private individuals, partnerships, firms, corporations, governmental entities and other organizations who pay dues to the center. For the purposes of this chapter, members may include, but are not limited to, municipal and county government, councils of government, local and area development corporations, regional planning commissions, development districts, state agencies, higher educational facilities, including the components of the University of Maine System, the Maine Maritime Academy, private colleges and postsecondary schools and community colleges, and other public or quasi-public entities. The following 8 public organizations are granted membership by virtue of the State's contribution to the organization, are exempt from dues requirements and each is entitled to designate one individual to exercise its voting right: the Department of Agriculture, Food and Rural Resources, the ~~State Planning Office~~Governor's Office of Policy and Management, the Finance Authority of Maine, the Department of Labor, the Department of Conservation, the Department of Marine Resources, the Department of Economic and Community Development and the Department of Transportation.

Sec. EE-15. 10 MRSA §1063, sub-§2, ¶J, as amended by PL 1989, c. 501, Pt. DD, §20, is further amended to read:

J. In the case of an energy generating system, an energy distribution system or an industrial-commercial project, any of which includes hydroelectric facilities deemed necessary for the production of electricity:

(1) The Public Utilities Commission has certified that all required licenses have been issued or that none are required; and

(2) The Director of the ~~State Planning Office~~Governor's Office of Policy and Management has reviewed and commented upon the project proposal. The Director of the ~~State Planning Office~~Governor's Office of Policy and Management shall make comments within 30 days after receipt of a notification and copy of the project proposal from the authority. The authority shall take the comments into consideration in its consideration of the project; and

Sec. EE-16. 12 MRSA §406, as enacted by PL 1983, c. 458, §1, is repealed.

Sec. EE-17. 12 MRSA §407, as amended by PL 1989, c. 878, Pt. A, §29, is further amended to read:

§ 407. Comprehensive river resource management plans

The ~~State Planning Office~~Department of Conservation, with assistance from the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Environmental Protection, the Governor's Energy Office and other state agencies as needed, shall develop, subject to the Maine Administrative Procedure Act, Title 5, chapter 375, a comprehensive river resource management plan for each watershed with a hydropower project licensed under the Federal Power Act or to be licensed under the Federal Power Act. These plans ~~shall~~must provide a basis for state agency comments, recommendations and permitting decisions and ~~shall~~ at a minimum include, as applicable, minimum flows, impoundment level regimes, upstream and downstream fish passage, maintenance of aquatic habitat and habitat productivity, public access and recreational opportunities. These plans ~~shall~~must update, complement and, after public notice, comment, and hearings in the watershed, be adopted as components of the State's comprehensive rivers management plan.

Sec. EE-18. 26 MRSA §2006, sub-§7, ¶C, as amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4 and amended by c. 114, §13; c. 545, §4; and c. 689, Pt. B, §6, is further amended to read:

C. The Governor shall appoint members to a technical support group to assist the council in the performance of its duties and responsibilities. The Governor shall appoint persons to serve on the technical support group for 3-year terms. The services provided by the State's various workforce organizations must be fairly represented in the technical support group with consideration given to a balance between rural and urban interests. Organizations with representation on the technical support group may include, but are not limited to:

- (1) The local areas;
- (2) Adult education;
- (3) School-to-work;
- (4) Providers that specialize in women's workforce issues;
- (5) Rehabilitation providers;
- (6) Welfare-to-work;
- (7) The University of Maine System;
- (8) The Maine Community College System;
- (9) Career and technical education; and
- (10) The Department of Economic and Community Development, the Department of Education, the Department of Health and Human Services, and the Department of Labor ~~and the State Planning Office.~~

Sec. EE-19. 30-A MRSA §2343, as enacted by PL 2009, c. 483, §3, is repealed.

Sec. EE-20. 30-A MRSA §6208, sub-§1, ¶A, as enacted by PL 2005, c. 266, §2, is repealed.

Sec. EE-21. 36 MRSA §305, sub-§2, ¶C, as enacted by PL 1973, c. 620, §10, is amended to read:

C. Establishment of a coordinate grid system in connection with the ~~State Planning Office~~Department of Conservation for the purpose of uniform identification of property parcels;

Sec. EE-22. 38 MRSA §410-M, last ¶, as enacted by PL 1997, c. 643, Pt. YY, §1, is repealed.

Sec. EE-23. 38 MRSA §470-G, as repealed and replaced by PL 2007, c. 619, §6, is repealed.

Sec. EE-24. 38 MRSA §1803, as enacted by PL 1985, c. 794, Pt. A, §11, is repealed.

Sec. EE-25. 38 MRSA §2013, sub-§2, ¶A, as enacted by PL 1997, c. 519, Pt. B, §1 and affected by §3, is repealed.

Sec. EE-26. 38 MRSA §2123-C, as enacted by PL 2007, c. 192, §4, is repealed.

Sec. EE-27. PL 2011, c. 205, §4 is amended to read:

Sec. 4. Statewide aquatic restoration plan for stream crossings. The Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Transportation, in conjunction with the ~~Executive Department, State Planning Office~~Department of Conservation and other interested stakeholders, shall work collaboratively to develop a statewide aquatic conservation and restoration strategy plan, referred to in this section as "the plan," designed to maintain and restore the ecological health of the State's aquatic ecosystems and focusing on maintaining and restoring dynamic ecological processes responsible for creating and sustaining habitats over broad landscapes as opposed to individual projects or small watersheds. The plan must improve upon best management practices for public and private roads by including consideration of the Department of Transportation's Waterway and Wildlife Crossing Policy and Design Guide, the Maine Interagency Stream Connectivity Work Group's 2010 final report, Maine's Atlantic salmon recovery plan and any other technical, policy and financial information that may help the process. The plan must include, but not be limited to, using scientific data from stakeholders, establishing active restoration priorities, refining existing and proposing additional best management practices, reviewing statutory exemptions and regulatory standards to inform regulatory decision making, establishing performance measures, proposing funding alternatives for passive and active restoration, identifying gaps and overlaps with other pertinent issues such as climate change and flood management and providing for education and outreach. The Department of Environmental Protection, in cooperation with the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Transportation, shall present the final draft of the plan, which may include suggested legislation, to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than January 31, 2013. The committee may report out a bill to the First Regular Session of the 126th Legislature.

Sec. EE-28. P&SL 1999, c. 58, §2, sub-§7 is repealed.

Sec. EE-29. P&SL 1999, c. 58, §4, sub-§1, ¶B is repealed.

Sec. EE-30. Effective date. This Part takes effect July 1, 2012.

PART FF

Sec. FF-1. 5 MRSA §13056, sub-§6, ¶B, as amended by PL 2003, c. 159, §2, is further amended to read:

B. Other community planning technical assistance and training and development assistance programs of the former State Planning Office;

Sec. FF-2. 5 MRSA §13072, sub-§7, as amended by PL 1995, c. 395, Pt. D, §7, is further amended to read:

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

A. The Community Development Block Grant Program; and

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

Sec. FF-3. 10 MRSA §9723, sub-§2, as enacted by PL 2007, c. 699, §6, is amended to read:

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

Sec. FF-4. 25 MRSA §2374, as amended by PL 2009, c. 213, Pt. M, §3, is further amended to read:

§ 2374. Uniform Building Codes and Standards Fund

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

Sec. FF-5. 25 MRSA §2450-A, as enacted by PL 2007, c. 699, §13, is amended to read:

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

In addition to the fees established in section 2450, a surcharge of 4¢ per square foot of occupied space must be levied on the existing fee schedule for new construction, reconstruction, repairs, renovations or new use for the sole purpose of funding the activities of the Technical Building Codes and Standards Board with respect to the Maine Uniform Building and Energy Code, established pursuant to the Title 10, chapter 1103, the activities of the Bureau of Building Codes and Standards under chapter 314 and the activities of the ~~Executive Department, State Planning Office~~Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A, except that the fee for review of a plan for the renovation of a public school, including the fee established under section 2450, may not exceed \$450. Revenue collected from this surcharge must be deposited into the Uniform Building Codes and Standards Fund established by section 2374.

Sec. FF-6. 30-A MRSA §4215, sub-§4, as amended by PL 2009, c. 213, Pt. M, §4, is further amended to read:

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

Sec. FF-7. 30-A MRSA §4221, sub-§1, as amended by PL 1997, c. 296, §3, is further amended to read:

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

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

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

Sec. FF-8. 30-A MRSA §4221, sub-§2, as amended by PL 1997, c. 683, Pt. B, §15 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

2. Certification requirements. A person may not hold the office of plumbing inspector unless currently certified as qualified ~~by the State Planning Office~~ pursuant to section 4451. Certification is effective for a period of 5 years unless sooner revoked or suspended by the District Court as provided for in section 4451.

Sec. FF-9. 30-A MRSA §4451, as amended by PL 2009, c. 213, Pt. M, §§5 to 9 and c. 261, Pt. A, §14, is further amended to read:

§ 4451. Training and certification for code enforcement officers

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

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

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

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

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

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

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

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

B. Comprehensive planning and land use under Part 2, Subpart VI-A6-A~~VI-A6-A~~;

C. Internal plumbing under chapter 185, subchapter HH3~~HH3~~;

D. Subsurface wastewater disposal under chapter 185, subchapter HH3~~HH3~~; and

E. Building standards under chapter 141; chapter 185, subchapter 1; beginning June 1, 2010, Title 10, chapter 1103; and Title 25, chapters 313 and 331.

3. Training and certification of code enforcement officers. In cooperation with code enforcement officer professional associations, the Maine Community College System, the Department of Environmental Protection, the Department of Health and Human Services and the Department of Public Safety, except as otherwise provided in paragraph H, the ~~office~~Department of Economic and Community

Development, Office of Community Development shall establish a continuing education program for individuals engaged in code enforcement. This program must provide basic training in the technical and legal aspects of code enforcement necessary for certification. The basic training program must include training to provide familiarity with the laws and ordinances related to the structure and practice of the municipal code enforcement office, municipal planning board and appeals board procedures, application review and permitting procedures, inspection procedures and enforcement techniques.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. FF-10. 30-A MRSA §4452, sub-§7, as amended by PL 2007, c. 569, §1, is further amended to read:

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

Sec. FF-11. 30-A MRSA §4453, as amended by PL 2009, c. 213, Pt. M, §§10 to 12, is further amended to read:

§ 4453.Certification for representation in court

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

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

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

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

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

Sec. FF-12. 38 MRSA §480-F, sub-§1, ¶B, as repealed and replaced by PL 1997, c. 364, §19, is amended to read:

B. Adopted a comprehensive plan and related land use ordinances determined by the former State Planning Office or the Department of Economic and Community Development, Office of Community Development to be consistent with the criteria set forth in Title 30-A, chapter 187, subchapter H~~2~~ and determined by the commissioner to be at least as stringent as criteria set forth in section 480-D;

Sec. FF-13. 38 MRSA §480-F, sub-§1, ¶F, as amended by PL 2003, c. 688, Pt. A, §43, is further amended to read:

F. Appointed a code enforcement officer, certified by the ~~Executive Department, State Planning Office~~pursuant to Title 30-A, section 4451.

Sec. FF-14. 38 MRSA §488, sub-§19, as amended by PL 2001, c. 626, §11, is further amended to read:

19. Municipal capacity. A structure, as defined in section 482, subsection 6, that is from 3 acres up to and including 7 acres or a subdivision, as defined in section 482, subsection 5, that is made up of 15 or more lots for single-family, detached, residential housing, common areas or open space with an aggregate area of from 30 acres up to and including 100 acres is exempt from review under this article if it is located wholly within a municipality or municipalities meeting the criteria in paragraphs A to D as determined by the department and it is located wholly within a designated growth area as identified in a comprehensive plan adopted pursuant to Title 30-A, chapter 187, subchapter H~~2~~. The planning board of the municipality in which the development is located or an adjacent municipality may petition the commissioner to review such a structure or subdivision if it has regional environmental impacts. This petition must be filed within 20 days of the receipt of the application by the municipality. State jurisdiction must be exerted, if at all, within 30 days of receipt of the completed project application by the commissioner from the municipality or within 30 days of receipt of any modification to that application from the municipality. Review by the department is limited to the identified regional environmental impacts. The criteria are as follows:

A. A municipal planning board or reviewing authority is established and the municipality has adequate resources to administer and enforce the provisions of its ordinances. In determining whether this criterion is met, the commissioner may consider any specific and adequate technical assistance that is provided by a regional council;

B. The municipality has adopted a site plan review ordinance. In determining the adequacy of the ordinance, the commissioner may consider model site plan review ordinances commonly used by municipalities in this State that address the issues reviewed under applicable provisions of this article prior to July 1, 1997;

C. The municipality has adopted subdivision regulations. In determining the adequacy of these regulations, the commissioner may consider model subdivision regulations commonly used by municipalities in this State; and

D. ~~The State Planning Office~~Department of Economic and Community Development, Office of Community Development has determined that the municipality has a comprehensive land use plan and land use ordinances or zoning ordinances that are consistent with Title 30-A, chapter 187 in providing for the protection of wildlife habitat, fisheries, unusual natural areas and archaeological and historic sites.

The department, in consultation with the ~~State Planning Office~~Department of Economic and Community Development, Office of Community Development, shall publish a list of those municipalities determined to have capacity pursuant to this subsection. This list need not be established by rule and must be published by January 1st of each year. The list must specify whether a municipality has capacity to review structures or subdivisions of lots for single-family, detached, residential housing, common areas or open space or both types of development. The department may recognize joint arrangements among municipalities and regional organizations in determining whether the requirements of this subsection are met. The department may review municipalities that are determined to have capacity pursuant to this subsection for compliance with the criteria in paragraphs A to D, and if the department determines that a municipality does not meet the criteria, the department may modify or remove the determination of capacity.

A modification to a development that was reviewed by a municipality and exempted pursuant to this subsection is exempt as long as the modification will not cause the total area of the development to exceed the maximum acreage specified in this subsection for that type of development or, based upon information submitted by the municipality concerning the development and modification, the department determines that the modification may be adequately reviewed by the municipality.

Sec. FF-15. Transition provisions; code enforcement training and certification-related matters. The following provisions apply to the reassignment of duties, responsibilities and activities of the Executive Department, State Planning Office regarding code enforcement training and certification to the Department of Economic and Community Development, Office of Community Development.

1. One authorized position and incumbent personnel in the State Planning Office that is assigned to that office's code enforcement training and certification program is transferred to the Department of Economic and Community Development, Office of Community Development. This employee retains accrued fringe benefits, including but not limited to vacation and sick leave, health and life insurance and retirement benefits.

2. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, the State Controller, upon request of the State Budget Officer and with the approval of the Governor, shall transfer to the proper account in the Department of Economic and Community Development, Office of Community Development all accrued expenditures, assets and liabilities, including but not limited to any contractual obligations, balances, appropriations, allocations, transfers, revenues and other available funds, in any account or subdivision of an account of the State Planning Office established for funds provided to the office under Title 25, section 2374 and Title 30-A, section 4215, subsection 4. Nothing in this section changes or is intended to change or otherwise affect the purposes or uses for which any funds transferred pursuant to this section may be expended.

Sec. FF-16. Report on implementation. The Commissioner of Economic and Community Development and the Commissioner of Conservation shall report to the Joint Standing Committee on Appropriations and Financial Affairs no later than November 15, 2012 on the status of the integration of the training and certification of code enforcement officers into the Department of Economic and Community Development. The report must include any recommended changes to the original implementation plans and any necessary implementing legislation.

Sec. FF-17. Effective date. This Part takes effect July 1, 2012.

PART GG

Sec. GG-1. 5 MRSA §1742, sub-§28 is enacted to read:

28. State landfills. To own, design, develop or operate, or contract with private parties to operate, solid waste disposal facilities, as provided in Title 38, chapter 24, subchapter 4.

Sec. GG-2. 5 MRSA §12004-D, sub-§4, as enacted by PL 1989, c. 585, Pt. A, §5, is repealed.

Sec. GG-3. 5 MRSA §12006, sub-§3, ¶B, as enacted by PL 2003, c. 643, §6, is repealed.

Sec. GG-4. 10 MRSA §1023-G, sub-§3, ¶D, as amended by PL 1995, c. 656, Pt. A, §2, is further amended to read:

D. The project will contribute to achieving the goals identified in the state waste management and recycling plan adopted under Title 38, chapter 24 and is determined by the ~~State Planning Office~~Department of Environmental Protection to be consistent with that plan. Prior to adopting the state waste management and recycling plan, the fund may be used for projects that help achieve the goals identified in the state recycling plan approved under former Title 38, section 1310-M.

Sec. GG-5. 10 MRSA §1041, sub-§18, as amended by PL 1995, c. 656, Pt. A, §3, is further amended to read:

18. Recycling and waste reduction. Provide financial assistance to businesses for recycling and waste reduction projects that are consistent with the management goals and objectives outlined in the state waste management and recycling plan under Title 38, chapter 24. The ~~State Planning Office~~Department of Environmental Protection shall provide assistance to the authority in determining consistency, technical eligibility and merit of application for recycling loans.

Sec. GG-6. 10 MRSA §1063, sub-§2, ¶I-1, as amended by PL 1995, c. 656, Pt. A, §4, is further amended to read:

I-1. In the case of recycling and waste reduction projects, the proposed facility is consistent with and will contribute to the management goals and objectives outlined in the state waste management and recycling plan under Title 38, chapter 24 and will reduce the amount of solid or hazardous waste requiring disposal. The ~~State Planning Office~~Department of Environmental Protection shall provide assistance to the authority in determining consistency, technical eligibility and merit of applications for assistance under this subchapter.

Sec. GG-7. 38 MRSA §1303-C, sub-§6, ¶D, as amended by PL 2005, c. 612, §2, is further amended to read:

D. Beginning January 1, 2007, a solid waste facility owned and controlled by the ~~office~~Department of Administrative and Financial Services, Bureau of General Services under chapter 24;

Sec. GG-8. 38 MRSA §1303-C, sub-§19-C, as enacted by PL 1995, c. 656, Pt. A, §21, is repealed.

Sec. GG-9. 38 MRSA §1303-C, sub-§35, as amended by PL 1997, c. 393, Pt. B, §9, is further amended to read:

35. State waste management and recycling plan. "State waste management and recycling plan" means the plan adopted by the former Maine Waste Management Agency pursuant to chapter 24, subchapter H and 2, subsequent plans developed by the former State Planning Office pursuant to Title 5, former section 3305, subsection 1, paragraph N and the department pursuant to section 2122 and may also be referred to as "state plan."

Sec. GG-10. 38 MRSA §1304, sub-§4, as amended by PL 1995, c. 656, Pt. A, §22, is further amended to read:

4. Technical assistance. The commissioner is authorized to establish guidelines for effective waste management, to provide technical assistance to persons planning, constructing or operating waste facilities; and to conduct applied research activities in the field of waste management, disposal technology and environmental effects, including methods of recycling hazardous or solid waste, sludge or septage. ~~The commissioner shall cooperate with the office in the design and delivery of this assistance.~~

Sec. GG-11. 38 MRSA §1304, sub-§13, as amended by PL 1995, c. 656, Pt. A, §23, is further amended to read:

13. Innovative disposal and utilization. Recognizing that environmentally suitable sites for waste disposal are in limited supply and represent a critical natural resource, the commissioner may investigate and implement with the approval of the board innovative programs for managing, utilizing and disposing of solid waste. Innovative programs may include agricultural and forest land spreading of wood-derived ash, utilization of ash resulting from combustion of municipal solid waste, paper mill sludges, municipal waste water treatment plant sludges and the composting of yard wastes. The ~~office~~commissioner shall first determine that the proposed innovative disposal and waste management programs are consistent with the state plan. The commissioner shall review proposed innovative programs for each waste category and shall apply all controls necessary to ensure the protection of the environment and public health consistent with this chapter. The board may adopt application review procedures designed to review individual applications and their individual waste sources with prior approval of classes of disposal or utilization sites. The board shall adopt provisions for municipal notification prior to use of individual utilization sites.

Sec. GG-12. 38 MRSA §1304-B, sub-§4-A, ¶D, as amended by PL 1995, c. 656, Pt. A, §24, is further amended to read:

D. A municipality that anticipates that it will be unable to meet its contract obligation to supply a minimum BTU content level or minimum tonnage due to waste reduction or recycling programs and is unable to reach an agreement with the incinerator for the anticipated reduction may request the ~~office~~department to intercede. The ~~office~~department shall assist the incinerator in soliciting solid waste to mitigate any anticipated shortfall in minimum BTU content level or minimum tonnage. If no agreement on mitigation of an anticipated shortfall is reached, the terms of the original contract prevail, except as otherwise provided in this chapter.

Sec. GG-13. 38 MRSA §1309, as amended by PL 2001, c. 22, §1, is further amended to read:

§ 1309. Interstate cooperation

The Legislature encourages cooperative activities by the department ~~and the office~~ with other states for the improved management of hazardous and solid waste; for improved, and as far as is practicable, uniform state laws relating to the management of hazardous and solid waste; and compacts between this and other states for the improved management of hazardous and solid waste.

Sec. GG-14. 38 MRSA §1310-S, sub-§1, as amended by PL 1995, c. 656, Pt. A, §25, is further amended to read:

1. Notification. A person applying for a license under this article or giving notice to the commissioner pursuant to section 485-A shall give, at the same time, written notice ~~to the office and~~ to the municipal officers of the municipality in which the proposed facility may be located and shall publish notice of the application in a newspaper of general circulation in the area.

Sec. GG-15. 38 MRSA §1310-U, first ¶, as amended by PL 1995, c. 656, Pt. A, §26, is further amended to read:

Municipalities are prohibited from enacting stricter standards than those contained in this chapter and in the solid waste management rules adopted pursuant to this chapter governing the hydrogeological criteria for siting or designing solid waste disposal facilities or governing the engineering criteria related to waste handling and disposal areas of a solid waste disposal facility. Except as provided in section 2173, municipalities are further prohibited from enacting or applying ordinances that regulate solid waste disposal facilities owned by the ~~office~~State or a state agency or a regional association.

Sec. GG-16. 38 MRSA §1316-G, first ¶, as enacted by PL 1995, c. 578, §1, is amended to read:

The State shall undertake a program to eliminate tire stockpiles. The program is under the direction of the department with assistance from other agencies including ~~the State Planning Office~~, the Department of the Attorney General, the Maine State Police, the Maine National Guard and the Department of Corrections.

Sec. GG-17. 38 MRSA §1316-G, sub-§§2 and 3, as enacted by PL 1995, c. 578, §1, are amended to read:

2. Market development. ~~The State Planning Office~~department shall, as available resources allow, assist the ~~department generally in implementation of subsection 1.~~ ~~The assistance may include, but is not limited to, encouraging with market development to encourage~~ the beneficial reuse of whole tires and processed tires inside or outside the State. ~~The office~~department may also make recommendations to the Legislature regarding legislation that would enhance the beneficial reuse of waste tires or processed tires.

3. Business retention and new technology. The Department of Economic and Community Development, as available resources allow, shall lead a cooperative effort involving the department, ~~the State Planning Office~~ and the Finance Authority of Maine to identify measures the State can take to provide a favorable environment for the retention of businesses assisting in the processing of waste tires. This cooperative effort must also provide for the introduction of viable new technologies to cost-effectively convert waste tires to commodities that can be utilized for beneficial reuse and for energy production.

Sec. GG-18. 38 MRSA §1652, sub-§2, as amended by PL 1997, c. 195, §1, is further amended to read:

2. Schools. A school or school administrative district shall comply with the provisions of this section except that a food service providing such services to satellite facilities at the school or school administrative district serviced by central kitchen facilities not at the same location is exempt. A school or school administrative district may submit a request to the ~~Executive Department, State Planning Office~~department for a 3-year waiver from the provisions of this section. ~~The State Planning Office~~department may grant the requested waiver as long as:

A. The request includes an explanation of the district's financial hardship and a waste reduction plan. The plan must be designed to achieve the goal of using durable containers in place of disposable containers, unless it is shown that the use of durable containers is not feasible and alternative goals are proposed. The plan must include a proposed capital plan for the acquisition of necessary equipment; and

B. The school or school administrative district has held a public hearing on the proposal to use polystyrene containers and the waste reduction plan.

~~The State Planning Office~~department may renew the waiver for 2-year periods if it finds that the school or school administrative district has made reasonable progress toward implementing the waste reduction plan. ~~The State Planning Office~~department, within available resources, may provide technical and financial assistance to schools and school administrative districts to assist them with meeting the goal of using durable containers.

Sec. GG-19. 38 MRSA §1668, as enacted by PL 1999, c. 779, §2, is amended to read:

§ 1668. Education program

The department and the Executive Department, State Planning Office shall implement an education program relating to mercury-added products no later than January 1, 2001. The program must provide information to the public about labeled mercury-added products, the requirements of the law regarding the source separation of waste mercury-added products and collection programs that are available to the public.

Sec. GG-20. 38 MRSA §1669, as enacted by PL 1999, c. 779, §2, is amended to read:

§ 1669. Technical assistance to municipalities

The department shall coordinate with the Executive Department, State Planning Office to assist interested municipalities and regional associations in developing collection programs for mercury-added products.

Sec. GG-21. 38 MRSA §1705, sub-§9-B, as enacted by PL 1995, c. 656, Pt. A, §28, is repealed.

Sec. GG-22. 38 MRSA §1721, as amended by PL 1995, c. 656, Pt. A, §29, is further amended to read:

§ 1721. Formation

The formation of a disposal district is accomplished as follows.

1. Application by municipal officers. The municipal officers of the municipality or municipalities that desire to form a disposal district shall file an application with the officedepartment, after notice and hearing in each municipality, on a form or forms prepared by the officedepartment, setting forth the name or names of the municipality or municipalities and furnishing such other data as the officedepartment determines necessary and proper. The application must contain, but is not limited to, a description of the territory of the proposed district, the name proposed for the district that includes the words "disposal district," a statement showing the existence in that territory of the conditions requisite for the creation of a disposal district as prescribed in section 1702; and other documents and materials required by the officedepartment. The officedepartment may adopt rules under this chapter.

2. Public hearing. Upon receipt of the application, the officedepartment shall hold a public hearing on the application within 60 days of the date of receipt of the application, at some convenient place within the boundaries of the proposed district. At least 14 days prior to the date of the hearing, the officedepartment shall publish notice of the hearing at least once in a newspaper of general circulation in the area encompassed by the proposed district.

3. Approval of application. After the public hearing, on consideration of the evidence received, the officedepartment shall, in accordance with section 1702 and rules adopted by the officedepartment, make findings of fact and a determination of record whether or not the conditions requisite for the creation of a disposal district exist in the territory described in the application. If the officedepartment finds that the conditions do exist, it shall issue an order approving the proposed district as conforming to the requirements of this chapter and designating the name of the proposed district. The officedepartment shall give notice to the municipal officers within the municipality or municipalities

involved of a date, time and place of a meeting of the representative of the municipality or municipalities involved. The municipal officers shall elect a representative to attend the meeting who may represent the municipality in all matters relating to the formation of the district. A return receipt properly endorsed is evidence of the receipt of notice. The notice must be mailed at least 10 days prior to the date set for the meeting.

4. Denial of application. If the office department determines that the creation of a disposal district in the territory described in the application is not warranted for any reason, it shall make findings of fact and enter an order denying its approval. The office department shall give notice of the denial by mailing certified copies of the decision and order to the municipal officers of the municipality or municipalities involved. An application for the creation of a disposal district, consisting of exactly the same territory, may not be entertained within one year after the date of the issuance of an order denying approval of the formation of that disposal district, but this provision does not preclude action on an application for the creation of a disposal district embracing all or part of the territory described in the original application, ~~provided that~~ as long as another municipality or fewer municipalities are involved.

5. Joint meeting. The persons selected by the municipal officers, to whom the notice described in subsection 3 is directed, shall meet at the time and place appointed. When more than one municipality is involved, they shall organize by electing a chair and a secretary. An action may not be taken at any such meeting unless, at the time of convening, there are present at least a majority of the total number of municipal representatives eligible to attend and participate at the meeting, other than to report to the office department that a quorum was not present and to request the office department to issue a new notice for another meeting. A quorum is a simple majority of representatives eligible to attend the meeting. The purpose of the meeting is to determine the number of directors, subject to section 1724, to be appointed by and to represent each participating municipality and to determine the duration of terms to be served by the initial directors so that, in ensuing years, 1/3 of the directors and their alternates are appointed or reappointed each year, to serve until their respective successors are duly appointed and qualified. Subject to section 1724, the number of directors to represent each municipality is subject for negotiation among the municipal representatives. When a decision has been reached on the number of directors and the number to represent each municipality and the initial terms of the directors, subject to the limitations provided, this decision must be reduced to writing by the secretary and must be approved by a 2/3 vote of those present. The vote so reduced to writing and the record of the meeting must be signed by the chair, attested by the secretary and filed with the office department. Any agreements among the municipal representatives that are considered essential prerequisites to the formation of the district, whether concerning payments in lieu of taxes to a municipality in which a waste facility is to be located, or any other matter, must be in writing and included in the record filed with the office department. Subsequent to district formation, the board of directors of the district shall execute all documents necessary to give full effect to the agreements reached by the municipal representatives and filed with the office department. When a single municipality is involved, a copy of the vote of the municipal officers, duly attested by the clerk of the municipality, must be filed with the office department.

6. Submission. When the record of the municipality, or the record of the joint meeting, when municipalities are involved, is received by the office department and found to be in order, the office department shall order the question of the formation of the proposed disposal district and other

questions relating to the formation to be submitted to the legal voters residing within the municipalities, except as provided in subsection 7, in which case the municipal officers may determine the questions. The order must be directed to the municipal officers of the municipality or municipalities that propose to form the disposal district, directing them to call, within 60 days of the date of the order, town meetings or city elections for the purpose of voting in favor of or in opposition to each of the following articles or questions, as applicable, in substantially the following form:

A. Whether the town (or city) of (name of town or city) will vote to incorporate as a disposal district to be called (name) Disposal District;

B. Whether the residents of (name of town or city) will vote to join with the residents of the (name of town or city) to incorporate as a disposal district to be called (name) Disposal District: (legal description of the bounds of the proposed disposal district). At a minimum, the district must consist of (names of essential municipalities); and

C. Whether the residents of (name of town or city) will vote to approve the total number of directors and the allocation of representation among the municipalities on the board of directors, as determined by the municipal officers and listed as follows: Total number of directors is (number of directors) and the residents of (town or city) are entitled to () directors. (The number of directors to which each municipality is entitled must be listed.)

Directors must be chosen to represent municipalities in the manner provided in section 1725.

7. Determination by municipal officers. In the event that the charters of the respective municipalities, or any one of them, consistent with such state laws as may otherwise be applicable, permit the municipal officers of the municipality or municipalities that propose to form the disposal district to vote to join such a district, the municipal officers may determine the question of the formation of the proposed disposal district and other questions relating to the formation without submission to the legal voters residing within the municipality.

Sec. GG-23. 38 MRSA §1722, as amended by PL 1995, c. 656, Pt. A, §30, is further amended to read:

§ 1722.Approval and organization

When the residents of the municipality, or each municipality when more than one is involved, or the municipal officers, as the case may be, have voted upon the formation of a proposed disposal district and all of the other questions submitted, the clerk of each of the municipalities shall make a return to the office department in such form as the office department may determine. If the office department finds from the returns that each of the municipalities involved, voting on each of the articles and questions submitted to them, has voted in the affirmative, and that the municipalities have appointed the necessary directors and listed the names of the directors to represent each municipality, and that all other steps in the formation of the proposed disposal district are in order and in conformity with law, the office department shall make a finding to that effect and record the finding upon its records. When 3 or more municipalities are concerned in the voting, and at least 2 have voted to approve each of the articles and questions submitted, appointed

the necessary directors and listed the names of the directors to represent each municipality, rejection of the proposed disposal district by one or more does not defeat the creation of a district composed of the municipalities voting affirmatively on the question, if the ~~office~~department determines and issues an order stating that it is feasible or practical to constitute the district as a geographic unit composed of the municipalities voting affirmatively, unless the vote submitted to the municipalities provided that specific participants or a minimum number of participants must approve the formation of the district.

The ~~office~~department, immediately after making its findings, shall issue a certificate of organization in the name of the disposal district in such form as the ~~office~~department determines. The original certificate must be delivered to the directors on the day that they are directed to organize and a copy of the certificate duly attested by the ~~executive director of the office~~commissioner must be filed and recorded in the office of the Secretary of State. The issuance of the certificate by the ~~office~~department is conclusive evidence of the lawful organization of the disposal district. The disposal district is not operative until the date set by the directors under section 1726.

Sec. GG-24. 38 MRSA §1725, first ¶, as amended by PL 1995, c. 656, Pt. A, §31, is further amended to read:

Directors are appointed by the municipal officers of the municipality they represent. Alternate directors may be appointed by the municipal officers to act in the absence of a director. To the extent possible, the board of directors must include a mix of individuals with sufficient managerial, technical, financial or business experience to execute their duties efficiently and effectively. Appointments must be by vote of the municipal officers, attested to by the municipal clerk and presented to the clerk of the district. The municipal officers, by majority vote, may remove their appointed representatives during their term for stated reasons, but directors may not be removed except for neglect of duty, misconduct or other acts that indicate an unfitness to serve. Upon receipt of the names of all the directors, the ~~office~~department shall set a time, place and date for the first meeting of the directors, notice of the meeting to be given to the directors by certified or registered mail, return receipt requested and mailed at least 10 days prior to the date set for the meeting.

Sec. GG-25. 38 MRSA §1726-A, sub-§4, ¶A, as amended by PL 1995, c. 656, Pt. A, §32, is further amended to read:

A. When the question is submitted prior to the issuance of any indebtedness by the district, the directors may decide that approval of such an assessment article by the voters of a municipality is a condition of each municipality's continuance as a member of the district, in which case the ballots must include a statement that municipalities that fail to vote in favor of the proposed assessment article are no longer members of the district if the board determines that it is feasible or practical to constitute a district as a geographic unit made up of the municipalities voting in favor of the proposed assessment article. The ballots must also state the method to be used to allocate assessments among the member municipalities if the article is approved. The ballot may not contain a specific fractional share of the assessment to be borne by each member municipality. The votes must be counted in each municipality and the affirmative vote of a simple majority of votes cast in each municipality is required to grant the district assessment powers over all of the municipalities in the district. When 3 or more municipalities are involved in the voting and at least 2 have voted to approve the assessment article submitted to them, rejection of the proposed assessment article by one or more municipalities

does not defeat the assessment power with respect to the municipalities voting in favor of it if the board determines that it is feasible or practical to constitute a district made up of the municipalities voting in favor of the article as a geographic unit. In that event, the board, immediately after making its findings, shall issue an amended certificate of organization in the name of the district for a district composed only of the municipalities voting in favor of the assessment article. Upon the issuance of a certificate the municipalities not approving the assessment article are no longer members of the district. The original of the amended certificate must be delivered to the directors of the district and a copy of the certificate attested by the ~~Director of the State Planning Office~~ commissioner must be filed and recorded in the office of the Secretary of State. The issuance of the certificate by the board is conclusive evidence of the lawful reorganization of the district. If the board determines that it is not feasible or practical to constitute the district as a geographic unit composed of the municipalities voting affirmatively on the article, the district continues to exist with no assessment power and the municipalities that did not approve the assessment article remain members of the district.

Sec. GG-26. 38 MRSA §1727, as amended by PL 1995, c. 656, Pt. A, §33, is further amended to read:

§ 1727. Admission of new member municipalities

The board of directors may authorize the inclusion of additional member municipalities in the district upon the terms and conditions as the board, in its sole discretion, determines to be fair, reasonable and in the best interest of the district, except that on proper application any municipality that is host to a waste facility of the district must be admitted on equal terms with existing members, ~~provided that~~ if the new member municipality assumes or becomes responsible for a proportionate share of liabilities of the district in a manner similar to that of existing municipalities. The legislative body of any nonmember municipality that desires to be admitted to the district shall make application for admission to the board of directors of the district. The directors shall determine the effects and impacts that are likely to occur if the municipality is admitted and shall either grant or deny authority for admission of the petitioning municipality. If the directors grant the authority, they shall also specify any terms and conditions, including, but not limited to, financial obligations upon which the admission is predicated. The petitioning municipality shall comply with the voting procedures specified in section 1721. The vote, if in the affirmative, must be certified by the clerk of that municipality to the board of directors and to the ~~office~~ department. Upon satisfactory performance of the terms and conditions of admission, the municipality by resolution of the board of directors becomes and thereafter is a member municipality of the district. The clerk of the district shall promptly certify to the agency and the Secretary of State that the municipality has become a member of the district. The certification is conclusive evidence that the municipality is a lawful member of the district. Upon admission of a municipality to a district, the provisions of section 1724 determine the number of votes to be cast by the director or directors representing that municipality.

Sec. GG-27. 38 MRSA §2101-A, sub-§2, as enacted by PL 1995, c. 465, Pt. A, §28 and affected by Pt. C, §2, is repealed.

Sec. GG-28. 38 MRSA §2101-A, sub-§3 is enacted to read:

3. Bureau. "Bureau" means the Bureau of General Services within the Department of Administrative and Financial Services as authorized pursuant to Title 5, section 1742.

Sec. GG-29. 38 MRSA §2122, as repealed and replaced by PL 1995, c. 465, Pt. A, §34 and affected by Pt. C, §2 and amended by c. 588, §2, is further amended to read:

§ 2122.State waste management and recycling plan

The ~~office~~department shall prepare an analysis of, and a plan for, the management, reduction and recycling of solid waste for the State. The plan must be based on the priorities and recycling goals established in sections 2101 and 2132. The plan must provide guidance and direction to municipalities in planning and implementing waste management and recycling programs at the state, regional and local levels.

1. Consultation. In developing the state plan,~~the office shall consult with the department.~~ The ~~office~~department shall solicit public input and may hold hearings in different regions of the State.

2. Revisions. The ~~office~~department shall revise the analysis by January 1, ~~1998~~2014 and every 5 years after that time to incorporate changes in waste generation trends, changes in waste recycling and disposal technologies, development of new waste generating activities and other factors affecting solid waste management as the ~~office~~department finds appropriate.

Sec. GG-30. 38 MRSA §2124, as amended by PL 1995, c. 465, Pt. A, §37 and affected by Pt. C, §2, is further amended to read:

§ 2124.Reports

The ~~office~~department shall submit the plan and subsequent revisions to the Governor,~~the department~~ and the joint standing committee of the Legislature having jurisdiction over natural resource matters.

Sec. GG-31. 38 MRSA §2124-A, as amended by PL 2007, c. 583, §8, is further amended to read:

§ 2124-A.Solid waste generation and disposal capacity report

By January 1, ~~2008~~2013 and annually thereafter, the ~~office~~department shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters,~~and~~ the Governor ~~and the department~~ setting forth information on statewide generation of solid waste, statewide recycling rates and available disposal capacity for solid waste.

The report submitted under this section must include an analysis of how changes in available disposal capacity have affected or are likely to affect disposal prices. When the ~~office~~department determines that a decline in available landfill capacity has generated or has the potential to generate supracompetitive prices, the ~~office~~department shall include this finding in its report and shall include recommendations for legislative or regulatory changes as necessary.

Beginning on January 1, ~~2009~~2013 and every odd-numbered year thereafter, the report submitted under this section must include an analysis of how the rate of fill at each solid waste landfill has affected the expected lifespan of that solid waste landfill. ~~The January 2009 report must also include an analysis of the solid waste disposal needs of the State as of January 1, 2009 for the next 3, 5 and 10 years.~~

Beginning on January 1, ~~2010~~2014 and every even-numbered year thereafter, the report submitted under this section must include an analysis of consolidation of ownership in the disposal, collection, recycling and hauling of solid waste.

The joint standing committee of the Legislature having jurisdiction over solid waste matters may report out legislation related to the report submitted pursuant to this section.

Sec. GG-32. 38 MRSA §2132, as amended by PL 2005, c. 220, §§2 to 4, is further amended to read:

§ 2132.State goals

1. State recycling goal. It is the goal of the State to recycle or compost, by January 1, ~~2009~~2014, 50% of the municipal solid waste tonnage generated each year within the State.

1-A. State waste reduction goal. It is the goal of the State to reduce the biennial generation of municipal solid waste tonnage by 5% ~~by~~beginning on January 1, 2009 and by an additional 5% every subsequent 2 years. This reduction in solid waste tonnage, after January 1, 2009, is a biennial goal. The baseline for calculating this reduction is the 2003 solid waste generation data gathered by the ~~office~~former State Planning Office.

2. Goal revision. The ~~office~~department shall recommend revisions, if appropriate, to the state recycling goal and waste reduction goal established in this section. The ~~office~~department shall submit its recommendations and any implementing legislation to the joint standing committee of the Legislature having jurisdiction over natural resource matters.

3. Beneficial use of waste. The use of waste paper, waste plastics, waste wood, including wood from demolition debris, used motor vehicle tires or corrugated cardboard as a fuel in industrial boilers or waste-to-energy facilities for the generation of heat, steam or electricity constitutes recycling only for the purposes of determining whether the goals in subsection 1 are met and for determining municipal progress as provided in section 2133. In order for the use of waste under this subsection to constitute recycling, the ~~office~~department must determine that there is no reasonably available market in the State for recycling that waste and the wastes must be incinerated as a substitute for, or supplement to, fossil or biomass fuels incinerated in the industrial boiler or waste-to-energy facility.

4. Reduction in dioxin. It is the policy of the State to reduce the total release of dioxin and mercury to the environment with the goal of its continued minimization and, where feasible, ultimate elimination.

Sec. GG-33. 38 MRSA §2133, as amended by PL 2003, c. 567, §§1 and 2, is further amended to read:

§ 2133.Municipal recycling

1-A. Recycling progress. Municipalities are not required to meet the state recycling goal in section 2132, but they must demonstrate reasonable progress toward that goal. The ~~office~~department shall determine reasonable progress.

2-A. Assistance with managing solid waste. ~~A program of technical and financial assistance for waste reduction and recycling is established in the office to~~In accordance with section 343-C, the department shall assist municipalities with managing solid waste. The ~~office~~department may also provide planning assistance to municipalities and regional organizations for managing municipal solid waste. Planning assistance may include cost and capacity analysis and education and outreach activities. The ~~director~~department shall ~~administer the program~~provide assistance pursuant to this subsection in accordance with the waste management hierarchy in section 2101. Preference in allocating resources under this section must be given to municipalities that take advantage of regional economies of scale.

2-B. Household hazardous waste collection. The ~~office~~department may, within available resources, award grants to eligible municipalities, regional associations, sanitary districts and sewer districts for household hazardous waste collection and disposal programs. In implementing this program, the ~~office~~department shall attempt to:

- A. Coordinate the household hazardous waste collection programs with overall recycling and waste management;
- B. Encourage regional economies of scale;
- C. Coordinate programs between private and public institutions;
- D. Maximize opportunities for federal grants and pilot programs; and
- E. By January 1, 2002 and as necessary thereafter, fund capital improvements and operating expenses to facilitate the development of collection programs throughout the State for hazardous waste that is universal waste, as identified in board rules, generated by households, small-quantity generators, public schools and municipalities.

Preference in allocating resources under this subsection must be given to municipalities that participate in a household hazardous waste collection region as defined in subsection 2-D.

At a minimum, the ~~office~~department shall award grants to public schools and municipalities for reasonable costs incurred as a result of managing waste mercury-added products generated by those public schools and municipalities, in compliance with the requirements in sections 1663 and 1664, that would not otherwise be incurred by complying with existing laws, rules or regulations as of July 15, 2002.

2-C. Business technical assistance program. The ~~office~~department may, as resources allow, assist the business community to develop state programs and services that are designed to promote the solid waste hierarchy and that are desired by and financially supported by the business community. The ~~office~~department shall coordinate these efforts in conjunction with the department.

2-D. Preference for other state grants and investments. When awarding grants or making a discretionary investment under any of the programs under paragraphs A and B, a state agency shall give preference to a municipality that is part of a household hazardous waste collection region. For purposes of this subsection, "household hazardous waste collection region" means a region made up of 2 or more municipalities that work together to establish a collection center to accept the household hazardous waste of residents of each municipality for disposal on a year-round basis. This subsection applies to:

A. Programs that assist in the acquisition of land for conservation, natural resource protection, open space or recreational facilities under Title 5, chapter 353; and

B. Programs intended to:

(1) Accommodate or encourage additional growth and development;

(2) Improve, expand or construct public facilities; or

(3) Acquire land for conservation or management of specific economic and natural resource concerns.

This subsection does not apply to state grants or other assistance for sewage treatment facilities, public health programs or education.

The officededepartment shall work with state agencies to prepare mechanisms for establishing preferences in specific investment and grant programs as described in paragraphs A and B.

3. Recycling capital investment grants. The officededepartment may make grants to eligible municipalities, regional associations, sanitary districts and sewer districts for the construction of public recycling and composting facilities and the purchase of recycling and composting equipment. The officededepartment may establish requirements for local cost sharing of up to 50% of the total grant amount.

4. Recycling incentives. The officededepartment shall develop and implement a program of incentives to encourage public recycling programs to reach maximum feasible levels of recycling and to meet the recycling goal of section 2132.

6. Recycling demonstration grants. The officededepartment may make demonstration grants to eligible municipalities, regional associations or other public organizations to pilot waste reduction, recycling and composting programs and to test their effectiveness and feasibility.

7. Recycling progress reports. Municipalities shall report annually, on forms provided by the officededepartment, on their solid waste management and recycling practices. The annual report must include how much of each type of solid waste is generated and how that solid waste is managed. The

officeedepartment shall assist municipal reporting by developing a municipal waste stream assessment model. The model must rely on actual waste data whenever possible, but incorporate default generation estimates when needed. Default generation estimates must incorporate factors such as commercial activity, geographical differences and municipal population.

Sec. GG-34. 38 MRSA §2134, first ¶, as amended by PL 1995, c. 656, Pt. A, §39, is further amended to read:

The officeedepartment shall provide marketing assistance, which may include the following elements:

Sec. GG-35. 38 MRSA §2134, sub-§3, as amended by PL 1995, c. 656, Pt. A, §39, is further amended to read:

3. Information clearinghouse. An information clearinghouse on recycling markets to improve the marketing of materials to be recycled. The officeedepartment shall maintain a current list of municipal recycling programs, together with a description of the recyclable materials available through the programs. The officeedepartment shall also maintain listings of brokers, handlers, processors, transporters and other persons providing services and potential markets for recyclable materials. The officeedepartment shall actively promote the services of the clearinghouse and shall seek to match programs with appropriate recycling businesses. The officeedepartment shall make its information on recycling services available to public and private solid waste generators seeking markets or services for recyclable materials. The officeedepartment shall make its technical reports and planning documents available to municipalities and regional associations on a timely basis; and

Sec. GG-36. 38 MRSA §2138, sub-§1, as amended by PL 1995, c. 656, Pt. A, §41, is further amended to read:

1. Office paper recycling mandated. Any person employing 15 or more people at a site within the State shall implement an office paper and corrugated cardboard recycling program.

The officeedepartment may provide technical and marketing assistance and direction to entities within the State to assist with meeting this requirement. Municipalities and regional associations may assist employers in attaining the objectives of this section.

Sec. GG-37. 38 MRSA §2140, as amended by PL 1995, c. 656, Pt. A, §43, is further amended to read:

§ 2140. Interstate and national initiatives

The officeedepartment may participate in interstate and national initiatives to adopt uniform state laws when practicable, and to enter compacts between the State and other states for the improved management, recycling and reduction of solid waste.

Sec. GG-38. 38 MRSA §2151-A, as enacted by PL 1995, c. 465, Pt. A, §60 and affected by Pt. C, §2, is amended to read:

§ 2151-A. Indemnification

The officedepartment shall defend and indemnify any employee of the office;bureau and any former employee of the former State Planning Office including the director; and any member of the former Facility Siting Board against expenses actually and necessarily incurred by the person in connection with the defense of any action or proceeding in which the person is made party by reason of past or present association with the officebureau or former State Planning Office with regard to the powers and duties set forth in this article.

Sec. GG-39. 38 MRSA §2152, as amended by PL 2001, c. 352, §16, is repealed.

Sec. GG-40. 38 MRSA §2153, sub-§1, as amended by PL 1995, c. 465, Pt. A, §62 and affected by Pt. C, §2, is further amended to read:

1. Siting criteria. With regard to state-owned facilities, the officebureau shall administer rules adopted by the former Maine Waste Management Agency, Office of Siting and Disposal Operations;and subsequently administered by the former State Planning Office pursuant to this subsection for siting criteria for solid waste disposal facilities. The officebureau may revise rules as necessary based on the following factors.

A. A site may be located anywhere within the State and need not be in proximity to the site of waste generation.

A-1. Sites for the disposal of special waste may not be located within a 5-mile radius of an existing commercial special waste landfill or a commercial incineration facility.

B. To the extent possible, a site must be located in proximity to the transportation systems, including existing or potential railroad systems, that are used to convey waste to the site or to convey residuals and materials to be recycled from the site.

C. The capacity or size of a site must be consistent with the projected demand as determined in the state plan.

D. A site and its considered use must be consistent with, and actively support, other waste management objectives, including waste reduction and recycling.

E. The projected price for site development, construction and operation must be fair and reasonable.

F. A site must meet preliminary environmental standards developed jointly by the department and the Maine Land Use Regulation Commission, including ground water standards, geological standards and standards to protect public drinking water supplies.

G. Existing uses on adjacent properties, including public or private schools, may not be in significant conflict with or significantly jeopardized by the use of a site.

Sec. GG-41. 38 MRSA §2154, as amended by PL 1995, c. 465, Pt. A, §63 and affected by Pt. C, §2 and amended by c. 656, Pt. A, §§44 and 45, is further amended to read:

§ 2154.Site selection

1. Initial site screening. The ~~Facility Siting Board~~bureau shall conduct a site screening and selection process to identify solid waste disposal capacity sufficient to meet the projected needs identified in the state planning process under section 2123-A, subsection 4. The ~~Facility Siting Board~~bureau shall consider the need for geographic distribution of facilities to adequately serve all regions of the State. The ~~Facility Siting Board~~bureau also shall consider in its site selection process the need for landfill capacity to dispose of incinerator ash resulting from the combustion of domestic and commercial solid waste generated within its jurisdiction. Prior to recommending a site, the ~~Facility Siting Board~~bureau shall hold a public hearing in every municipality or plantation identified in the screening process as a potential site. For potential sites within an unincorporated township, the ~~Facility Siting Board~~bureau shall hold a public hearing within the vicinity of the proposed site. Prior to submitting a recommended site to the department for review, the ~~Facility Siting Board~~bureau must find that the recommended site meets the standards adopted under section 2153.

2. Siting; general. Subsequent to the siting process under subsection 1, the ~~Facility Siting Board~~bureau shall identify additional sites as requested by the ~~office~~department and as capacity needs are identified in the state plan. The ~~Facility Siting Board~~bureau shall employ the same criteria and considerations employed under subsection 1. The ~~Facility Siting Board~~bureau shall hold a public hearing in each municipality within which the ~~office~~bureau may recommend the location of any solid waste disposal or refuse-derived fuel processing facility.

3. Municipal reimbursement. At the conclusion of proceedings before the ~~Facility Siting Board~~bureau conducted pursuant to subsection 1, the ~~office~~bureau shall reimburse a municipality for eligible expenses incurred as a result of that municipality's direct, substantive participation in proceedings before the ~~Facility Siting Board~~bureau. The amount reimbursed under this subsection may not exceed \$50,000 for any municipality. For the purposes of this subsection, "eligible expenses" has the same meaning as "expenses eligible for reimbursement" under section 1310-S, subsection 4; and any rules adopted by the Board of Environmental Protection pursuant to that section.

Sec. GG-42. 38 MRSA §2155, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

§ 2155.Notification

The ~~office~~bureau shall notify the municipal officers of any municipality within which a waste disposal facility site is recommended under this subchapter of that recommendation. The ~~office~~bureau shall notify the municipal officers by certified mail within 30 days of making the recommendation. If the proposed site is located within the jurisdiction of the Maine Land Use Regulation Commission, the ~~office~~bureau shall notify the Maine Land Use Regulation Commission and the county commissioners in lieu of the municipal officers.

Sec. GG-43. 38 MRSA §2156-A, as amended by PL 2007, c. 192, §6, is further amended to read:

§ 2156-A.Facility development

1. Planning for development. The officebureau, in consultation with the department, shall plan for the development of facilities sufficient to meet needs for municipal solid waste identified in the state plan and any revisions to the plan and to serve all geographic areas of the State. The officebureau, in consultation with the department, may plan for the development of facilities sufficient to meet needs for special waste identified in the state plan and any revisions to the plan and to serve all geographic areas of the State.

2. Recommendation for development. When the officebureau finds that 6 years or less of licensed and available disposal capacity for municipal solid waste or special waste remains within the State, the officebureau shall submit a report recommending the construction and operation of a state-owned solid waste disposal facility for the disposal of the type of waste for which capacity is needed to the joint standing committee of the Legislature having jurisdiction over natural resource matters. The report must recommend which state agency or department will own the facility and how it will be operated. The report must also include a review of disposal options outside of the State; a review of existing efforts to reduce, reuse, recycle, compost and incinerate the affected municipal solid waste and special waste streams and the impact of these efforts on capacity requirements; a thorough economic analysis of the facility's expected costs; and commitments from entities to utilize the facility and projected revenues. It is the intent of the Legislature that the facility be operated by a private contractor. A state-owned solid waste disposal facility may not be constructed or operated unless authorized by legislation pursuant to subsection 3.

3. Authorization for development. The joint standing committee of the Legislature having jurisdiction over natural resource matters may report out legislation authorizing construction and operation of a state-owned solid waste disposal facility in response to a report submitted pursuant to subsection 2.

4. Ownership, construction and operation. The officebureau shall maintain ownership of a site acquired for construction and operation of a state-owned solid waste disposal facility until the Legislature authorizes transfer of the site to another state department or agency, except that this subsection does not prohibit any lease or transfer of the site pursuant to an agreement entered into before the effective date of this subsection or pursuant to any amendment to such an agreement entered into before or after the effective date of this subsection.

5. Development by others. This section does not preclude a municipality or regional association from developing and operating solid waste disposal facilities on its own initiative.

Sec. GG-44. 38 MRSA §2159, as amended by PL 1995, c. 656, Pt. A, §46, is further amended to read:

§ 2159. Real and personal property; right of eminent domain

The officebureau may acquire and hold real and personal property that it considers necessary for its purposes, is granted the right of eminent domain and, for those purposes, may take and hold, either by exercising its right of eminent domain or by purchase, lease or otherwise, for public use, any land, real estate, easements or interest therein, necessary for constructing, establishing, maintaining, operating and the closure of solid waste disposal facilities.

Sec. GG-45. 38 MRSA §2160, sub-§1, as amended by PL 1995, c. 646, Pt. A, §47, is further amended to read:

1. Notice to owner. The officebureau shall provide to the owner or owners of record notice of the following:

- A. The determination of the officebureau that it proposes to exercise the right of eminent domain;
- B. A description and scale map of the land or easement to be taken;
- C. The final amount offered for the land or easement to be taken, based on the fair value as estimated by the officebureau; and
- D. Notice of the time and place of the hearing provided in subsection 4.

Notice may be made by personal service in hand by an officer duly qualified to serve civil process in this State or by certified mail, return receipt requested, to the last known address of the owner or owners. If the owner or owners are not known or can not be notified by personal service or certified mail, notice may be given by publication in the manner provided in subsection 4.

Sec. GG-46. 38 MRSA §2160, sub-§4, as amended by PL 1995, c. 656, Pt. A, §47, is further amended to read:

4. Hearing. The officebureau shall hold a public hearing on the advisability of its proposed exercise of the right of eminent domain. Notice of the hearing must be made by publication in a newspaper of general circulation in the area of the taking and published once a week for 2 successive weeks, the last publication to be at least 2 weeks before the time appointed in the hearing. The hearing notice must include:

- A. The time and place of the hearing;
- B. A description of the land or easement to be taken; and
- C. The name of the owners, if known.

Sec. GG-47. 38 MRSA §2161, as amended by PL 1995, c. 656, Pt. A, §48, is further amended to read:

§ 2161. Condemnation proceedings

At the time the officebureau sends the notice in section 2160, the officebureau shall file in the county commissioner's office in which the property to be taken is located and cause to be recorded in the registry of deeds in the county plans of the location of all lands, real estate, easements or interest therein, with an appropriate description and the names of the owners thereof, if known. When for any reason the officebureau fails to acquire property that it is authorized to take, which is described in that location, or if the location so recorded is defective and uncertain, it may, at any time, correct and perfect the location and file a new description. In that case, the officebureau is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the

officebureau is not liable for any acts that would have been justified if the original taking had been lawful. No entry may be made on any private lands, except to make surveys, until the expiration of 10 days from the filing, whereupon, possession may be had of all the lands, real estate, easements or interests therein and other property and rights as aforesaid to be taken, but title may not vest in the officebureau until payment for the property is made.

Sec. GG-48. 38 MRSA §2162, as repealed and replaced by PL 1999, c. 736, §2, is amended to read:

§ 2162.Assistance in regional association siting

1. Technical assistance. Upon request by a regional association, the officebureau may provide technical assistance to that regional association in the establishment of approved waste facilities, including assistance in planning, location, acquisition, development and operation of the site. The regional association shall describe fully the need and justification for the request. The officebureau may request information from the regional association necessary to provide assistance.

2. Submission of report recommending construction of state-owned facility. When the officebureau, in consultation with a regional association, finds that disposal capacity is projected to be needed for bulky wastes, construction or demolition waste or land-clearing debris and that the regional association is not able to pursue the siting, establishment and operation of a waste facility, the officebureau may submit a report recommending the construction and operation of a state-owned solid waste disposal facility that will fulfill the disposal need to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report must include a review of disposal options outside of the State; a review of existing efforts to reduce, reuse, recycle, compost and incinerate the affected waste streams and the impact of these efforts on capacity requirements; a thorough economic analysis of the facility's expected costs; and commitments from entities to utilize the facility and projected revenues. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation authorizing the construction and operation of a state-owned solid waste disposal facility in response to a report submitted pursuant to this subsection.

Sec. GG-49. 38 MRSA §2170, as amended by PL 1995, c. 656, Pt. A, §51, is further amended to read:

§ 2170.Host community benefits; application limited to facilities owned or operated by the bureau

This subchapter applies only to solid waste disposal facilities owned or operated by the officebureau. Wherever in this subchapter the term "solid waste disposal facility" or "facility" is used, those terms may be construed only to mean a solid waste disposal facility owned or operated by the officebureau.

Sec. GG-50. 38 MRSA §2170-A, first ¶, as enacted by PL 2007, c. 406, §3, is amended to read:

The provisions of this section apply to a solid waste disposal facility owned or operated by the officebureau.

Sec. GG-51. 38 MRSA §2171, first ¶, as amended by PL 1993, c. 310, Pt. B, §3, is further amended to read:

The municipal officers of each municipality identified by the ~~Facility-Siting-Board~~bureau as a potential site for a waste disposal facility and each contiguous municipality that may be affected by the construction or operation of that facility shall jointly establish a single citizen advisory committee within 60 days of notification pursuant to section 2155.

Sec. GG-52. 38 MRSA §2172, first ¶, as repealed and replaced by PL 2007, c. 406, §4, is amended to read:

In the event that the ~~office~~bureau and a host community cannot agree on the terms of a host community agreement pursuant to section 2170-A, the parties shall submit the dispute for resolution in accordance with this section.

Sec. GG-53. 38 MRSA §2172, sub-§2, ¶A, as enacted by PL 2007, c. 406, §4, is amended to read:

A. Both the ~~office~~bureau and the host community will be bound by the decision of the arbitrator.

Sec. GG-54. 38 MRSA §2173, as amended by PL 1995, c. 656, Pt. A, §53, is further amended to read:

§ 2173. Municipal jurisdiction over regional association disposal facilities

A municipality may adopt a local ordinance authorizing the municipal officers to issue a local permit containing the same findings, conclusions and conditions contained in the license issued by the department for a solid waste disposal facility located within the municipality's jurisdiction. The municipal officers may also attach to the permit additional conditions for the operation of the solid waste disposal facility on any issues not specifically addressed in any condition of the department's license. These conditions may not unreasonably restrict the operation of the facility and must be attached to the local permit by the municipal officers within 90 days of issuance of the department's license or within 30 days of a final decision by the department to relicense the facility.

An enforcement action brought by the municipality to enforce local permit conditions ~~shall~~does not preclude the State from bringing an action to enforce the conditions of any license issued by the State or any other provision of law. In addition, the State ~~shall have~~has a right to intervene in any enforcement action brought by a municipality under this section. A municipality that has adopted local permit conditions described in this section shall employ an inspector certified under section 2174 to enforce permit conditions.

Sec. GG-55. 38 MRSA §2174, sub-§2, as amended by PL 1995, c. 656, Pt. A, §54, is further amended to read:

2. Information. The host municipality of a solid waste disposal facility has a right to all information from the department and the ~~office~~bureau pursuant to Title 1, chapter 13, subchapter ~~H~~I. All information provided under this subsection must be made available to the citizen advisory committee and the public by the host municipality.

A. The commissioner shall provide all of the following information to the municipal officers of the host municipality:

- (1) Copies of any inspection report of the facility within 5 working days of the preparation of the report;
- (2) Prompt notification of all enforcement or emergency orders for those facilities, including, but not limited to, abatement orders, cessation orders, final civil penalty assessments, consent orders and decrees and notices of violation;
- (3) Copies of all air, soil and water quality monitoring data collected by the commissioner at such facilities, including leachate and ash testing results, within 5 working days after complete laboratory analysis becomes available to the commissioner; and
- (4) Copies of all analyses of the data under subparagraph (3).

B. The operator of the facility shall provide the host municipality copies of all air, soil and water quality monitoring data, including leachate and ash testing results, conducted by or on behalf of the operator, within 5 days after that information becomes available to the operator.

C. The municipality shall provide all of the following information to the commissioner:

- (1) Copies of any inspection report of the facility within 5 working days of the preparation of the report;
- (2) Prompt notification of all enforcement or emergency orders for those facilities, including, but not limited to, abatement orders, cessation orders, final civil penalty assessments, consent orders and decrees and notices of violation;
- (3) Copies of all air, soil and water quality monitoring data collected by the municipality at such facilities, including leachate and ash testing results, within 5 working days after complete laboratory analysis becomes available to the municipality; and
- (4) Copies of all analyses of the data under subparagraph (3).

Sec. GG-56. 38 MRSA §2175-A, as amended by PL 1995, c. 656, Pt. A, §55, is further amended to read:

§ 2175-A. Property value offset

Owners of property, the value of which has been affected by a solid waste disposal facility, are eligible for reimbursement from the officebureau for loss in property value directly attributable to the construction and operation of the facility. The officebureau shall adopt rules to establish the formula and procedure for reimbursement, including, without limitation, definition of the impact area, a process for establishing baseline real estate values, a time frame within which the property value offset program will be in effect and an accounting of real estate trends in the area.

Sec. GG-57. 38 MRSA §2175-B, as enacted by PL 1995, c. 465, Pt. A, §70 and affected by Pt. C, §2, is amended to read:

§ 2175-B.Payment in lieu of taxes

The officebureau shall annually pay a municipality an amount in lieu of taxes equal to the amount of property taxes on a solid waste disposal facility owned or operated by the officebureau not paid to that municipality during the previous calendar year. In the case of an unorganized territory, the officebureau shall annually pay the amount to the State Tax Assessor who shall deposit that amount in the Unorganized Territory Education and Services Fund established in Title 36, chapter 115. If the officebureau disagrees with the amount determined to be due in lieu of taxes under this section, it may appeal to the State Board of Property Tax Review as provided in Title 36, section 271.

Sec. GG-58. 38 MRSA §2176, first ¶, as amended by PL 1995, c. 656, Pt. A, §56, is further amended to read:

In addition to payment in lieu of taxes provided in section 2175-B, the officebureau shall make impact payments to a municipality in which a solid waste disposal facility is located or, in the case of an unorganized territory, to the State Tax Assessor upon request by the community involved or by the State Tax Assessor. The officebureau shall base its impact payments on measurable criteria including, without limitation:

Sec. GG-59. 38 MRSA §2176, sub-§4, as enacted by PL 2007, c. 406, §7, is amended to read:

4. Other issues. Other issues determined on a case-specific basis by the applicant and officebureau to be appropriate given the nature of the proposed facility.

Sec. GG-60. 38 MRSA §2177, as amended by PL 1995, c. 656, Pt. A, §57, is further amended to read:

§ 2177.Water supply monitoring and protection

Upon written request from persons owning land contiguous to a solid waste disposal facility, the officebureau shall have quarterly sampling and analysis conducted of private water supplies used by the requestors for drinking water. The sampling and analysis must be conducted in a manner specified by and that meets criteria developed by the department.

If a facility adversely affects a public or private water supply by pollution, degradation, diminution or other means that result in a violation of the state drinking water standards as determined by the commissioner, the ~~office~~bureau shall restore the affected supply at no cost to the consumer or replace the affected supply with an alternative source of water that is of like quantity and quality to the original supply at no cost to the consumer.

1. Extent of analysis. Water supplies must be analyzed for all parameters or chemical constituents determined by the commissioner to be indicative of typical contamination from solid waste disposal facilities. The laboratory performing the sampling and analysis shall provide written copies of sample results to the ~~office~~bureau, the landowner and to the commissioner.

2. Additional sampling required. If the analysis indicates possible contamination from a solid waste disposal facility, the commissioner shall conduct, or require the ~~office~~bureau to conduct, additional sampling and analysis to determine more precisely the nature, extent and source of contamination. The commissioner shall, if necessary, require this sampling beyond the boundaries of the contiguous property.

3. Written notice of rights. On or before December 1, 1989, for permits issued under this chapter prior to October 1, 1989, and at or before the time of permit issuance for permits issued under this chapter after October 1, 1989, the ~~office~~bureau shall provide owners of contiguous land with written notice of their rights under this section on a form prepared by the commissioner.

Sec. GG-61. 38 MRSA §2191, as amended by PL 1995, c. 656, Pt. A, §58, is further amended to read:

§ 2191.Fees

The ~~office~~bureau shall establish reasonable fees for waste disposal services provided by the ~~office~~bureau.

Sec. GG-62. 38 MRSA §2192, as amended by PL 1995, c. 656, Pt. A, §§59 and 60, is further amended to read:

§ 2192.Purposes of the fees

The fees charged to users of ~~office-owned~~state-owned facilities and established by the ~~office~~bureau under this article, by rule, provide revenue for the following purposes:

1. Current expenses. To pay the current expenses, either incurred directly or through contractual agreements with another party or parties, for operating and maintaining a facility or delivering a service and to provide for normal maintenance and replacement of equipment. Current expenses also include costs incurred under subchapter ~~5~~5;

2. Interest. To provide for the payment of interest on the indebtedness created or assumed by the ~~office~~bureau;

3. Indebtedness. To provide an annual sum equal to not less than 2% nor more than 10% of the term indebtedness represented by the issuance of bonds created or assumed by the ~~office~~bureau, which sum must be turned into a sinking fund and there maintained to provide for the extinguishment of term indebtedness. The money set aside in this sinking fund must be devoted to the retirement of the term obligations of the ~~office~~bureau and may be invested in such securities as savings banks in the State are allowed to hold;

4. Principal payments. To provide for annual principal payments on serial indebtedness created or assumed by the ~~office~~bureau;

5. Contingency reserve fund allowance. To provide for a contingency reserve fund allowance by providing rates to reflect up to a 5% addition to yearly revenues over that required to operate the facility;

6. Closing reserve fund. To provide for a closing and monitoring reserve fund by providing rates which, over the expected life span of the facility including the post-closure monitoring period, will generate the amount determined to be necessary by the department in its licensing process under chapter 13; and

7. Compliance costs. To provide for the costs associated with licensing, compliance and enforcement efforts of the department.

Sec. GG-63. 38 MRSA §2193, as amended by PL 1995, c. 656, Pt. A, §61, is further amended to read:

§ 2193.Host municipality fees

The ~~office~~bureau may set fees under this article for the host municipality at a level lower than the fees charged to other municipalities or users, ~~provided that as long as~~ the lower fees are set in a manner consistent with the rules ~~promulgated~~adopted by the ~~office~~bureau.

Sec. GG-64. 38 MRSA §2201, as amended by PL 2011, c. 544, §1, is further amended to read:

§ 2201.Maine Solid Waste Management Fund established

The Maine Solid Waste Management Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support programs administered by the ~~State Planning Office~~bureau and the Department of Environmental Protection. The fund must be segregated into 2 subsidiary accounts. The first subsidiary account, called operations, receives all fees established and received under article 1. The 2nd subsidiary account, called administration, receives all fees established under this article and under Title 36, chapter 719 and all funds recovered by the department as reimbursement for departmental expenses incurred to abate imminent threats to public health, safety and welfare posed by the illegal disposal of solid waste.

Money in the fund not currently needed to meet the obligations of the ~~office~~department or bureau must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on these investments must be credited to the fund.

Funds related to administration may be expended only in accordance with allocations approved by the Legislature for administrative expenses directly related to the office's bureau's and the department's programs, including actions by the department necessary to abate threats to public health, safety and welfare posed by the disposal of solid waste. Funds related to fees imposed on the disposal of construction and demolition debris and residue from the processing of construction and demolition debris may be expended only for the state cost share to municipalities under the closure and remediation cost-sharing program for solid waste landfills established in section 1310-F. Funds related to operations may be expended only in accordance with allocations approved by the Legislature and solely for the development and operation of publicly owned facilities owned or approved by the office bureau and for the repayment of any obligations of the office bureau incurred under article 3. These allocations must be based on estimates of the actual costs necessary for the office bureau and the department to administer their programs, to provide financial assistance to regional associations and to provide other financial assistance necessary to accomplish the purposes of this chapter. Beginning in the fiscal year ending on June 30, 1991 and thereafter, the fund must annually transfer to the General Fund an amount necessary to reimburse the costs of the Bureau of Revenue Services incurred in the administration of Title 36, chapter 719. Allowable expenditures include "Personal Services," "All Other" and "Capital Expenditures" associated with all office bureau activities other than those included in the operations account.

Sec. GG-65. 38 MRSA §2232, first ¶, as amended by PL 1995, c. 656, Pt. A, §65, is further amended to read:

An incineration facility shall submit an annual report to the office department no later than 90 days after the end of the incineration facility's fiscal year. For reasonable cause shown and upon written application by an incineration facility, the office department may grant an extension of the 90-day period. The report must be certified by an appropriate executive officer of the incineration facility as being complete and accurate. The office department may prescribe the form of the annual report and the number of copies that must be submitted. The report must include the following information:

Sec. GG-66. 38 MRSA §2232, sub-§§4 and 5, as amended by PL 1995, c. 656, Pt. A, §66, are further amended to read:

4. Expenditures. The total expenditures of the incineration facility during the last completed fiscal year including details of those expenditures as required by the office department; and

5. Other information. Any other information required by the office department.

Sec. GG-67. 38 MRSA §2235, as amended by PL 1995, c. 656, Pt. A, §67, is further amended to read:

§ 2235. Use of files

The office department shall keep on file for public inspection and use all reports submitted under this subchapter.

Sec. GG-68. 38 MRSA §2236, as corrected by RR 1993, c. 1, §138 and amended by PL 1995, c. 656, Pt. A, §68, is further amended to read:

§ 2236. Limitation

Nothing in this subchapter may be construed to create or expand any office authority of the department over financial, organizational or rate regulation of incineration facilities.

Sec. GG-69. Transition provisions; waste management-related and recycling-related matters. The following provisions apply to the reassignment of waste management-related and recycling-related duties, responsibilities and activities of the Executive Department, State Planning Office to the Department of Environmental Protection, the Department of Administrative and Financial Services, Bureau of General Services and the Department of Economic and Community Development, Office of Community Development.

1. One authorized, unclassified position and incumbent personnel in the Executive Department, State Planning Office assigned to that office's waste management and recycling program are transferred to the Department of Economic and Community Development, Office of Community Development. Those employees retain their accrued fringe benefits, including but not limited to vacation and sick leave, health and life insurance and retirement benefits. The Department of Economic and Community Development, Office of Community Development and the Department of Administrative and Financial Services, Bureau of General Services shall enter into a memorandum of agreement under which personnel transferred to the Office of Community Development by this section shall assist the Bureau of General Services in the performance of its functions and duties under the Maine Revised Statutes, Title 38, chapter 24.

2. All rights, duties, authorities, responsibilities and related assets and liabilities, if any, assigned to the Executive Department, State Planning Office pursuant to Resolve 2003, chapter 93 and Resolve 2011, chapter 90 are assigned to and must be exercised by the Department of Administrative and Financial Services, Bureau of General Services.

3. All real property acquired by the Executive Department, State Planning Office pursuant to Public Law 1995, chapter 464, Resolve 2003, chapter 93 and Resolve 2011, chapter 90 is transferred to the Department of Administrative and Financial Services, Bureau of General Services.

4. Notwithstanding any other provision of law, the Department of Environmental Protection shall approve transfer of all licenses, permits and other authorizations issued by the department to the Executive Department, State Planning Office for construction and operation of state-owned waste disposal facilities referenced in subsection 2 to the Department of Administrative and Financial Services, Bureau of General Services. Within 60 days of the effective date of this section, the Department of Administrative and Financial Services, Bureau of General Services shall submit to the Department of Environmental Protection applications for transfer of all licenses, permits and other authorizations for the state-owned solid waste disposal facilities referenced in subsection 2. Notwithstanding any other provision of law, until the Department of Environmental Protection has approved the transfers required by this section, the Department of Administrative and Financial Services, Bureau of General Services is deemed to be the licensee or permittee of all licenses, permits and other authorizations for the state-owned solid waste disposal facilities referenced in subsection 2.

Sec. GG-70. Effective date. This Part takes effect July 1, 2012.

PART HH

Sec. HH-1. 12 MRSA §408 is enacted to read:

§ 408. Floodplain management

The floodplain management program is established within the Department of Conservation. The department shall serve as the state coordinating agency for the National Flood Insurance Program pursuant to 44 Code of Federal Regulations, Part 60 and in that capacity shall oversee delivery of technical assistance and resources to municipalities for the purpose of floodplain management activities and shall administer the State Floodplain Mapping Fund under section 409.

Sec. HH-2. 12 MRSA §409 is enacted to read:

§ 409. State Floodplain Mapping Fund

1. Fund established. The State Floodplain Mapping Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing fund administered by the Department of Conservation for the purpose of providing funds for the mapping of floodplains in the State using light detection and ranging technology.

2. Sources of funding. The fund consists of any money received from the following sources:

A. Contributions from private sources;

B. Federal funds and awards;

C. The proceeds of any bonds issued for the purposes for which the fund is established; and

D. Any other funds received in support of the purposes for which the fund is established.

3. Disbursements from the fund. The Department of Conservation shall apply the money in the fund toward the support of floodplain mapping in the State, including, but not limited to, the acquisition of light detection and ranging elevation data and the processing and production of floodplain maps.

Sec. HH-3. 37-B MRSA §1112, as amended by PL 2009, c. 561, §35, is further amended to read:

§ 1112. Administration

The department shall administer this chapter. In carrying out the provisions of this chapter, the department shall consult as appropriate with other state agencies, including the Department of Conservation, the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Public Safety, the Department of Transportation, and the Maine Land Use Regulation Commission and the State Planning Office, for their aid and assistance.

Sec. HH-4. 37-B MRSA §1119, sub-§3, as amended by PL 2009, c. 561, §36, is further amended to read:

3. Review conference. After receiving the inspector's report and prior to issuing any dam safety order, the commissioner shall hold a review conference and shall invite the emergency management director of the county in which the dam is located to the review conference as well as representatives from appropriate state agencies, which may include the Department of Conservation, the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Public Safety, the Department of Transportation, and the Maine Land Use Regulation Commission and the State Planning Office, to discuss the public safety, environmental, economic and other concerns relating to the dam and the necessary remedial measures under consideration. A state dam inspector shall attend the review conference. The commissioner shall maintain a written record of the conference and shall make a copy of this record available to all parties participating in the conference.

Sec. HH-5. 37-B MRSA §1131, sub-§2, ¶G, as enacted by PL 2001, c. 662, §99, is repealed.

Sec. HH-6. Transition provisions; floodplain management matters. The following provisions apply to the reassignment of floodplain management duties, responsibilities and activities of the Executive Department, State Planning Office to the Department of Conservation.

1. The Governor shall, pursuant to 44 Code of Federal Regulations, Part 60, designate the Department of Conservation as the state coordinating agency for purposes of the National Flood Insurance Program.

2. Three authorized positions and incumbent personnel in the State Planning Office assigned to that office's floodplain management program are transferred to the Department of Conservation's floodplain management program established in the Maine Revised Statutes, Title 12, section 408. Those employees retain their rights as unclassified employees as well as their accrued fringe benefits, including but not limited to vacation and sick leave, health and life insurance and retirement benefits.

3. Notwithstanding the provisions of Title 5 and except as otherwise provided in subsection 4, the State Controller, upon request of the State Budget Officer and with the approval of the Governor, shall transfer to the proper account in the Department of Conservation all accrued expenditures, assets and liabilities, including but not limited to any contractual obligations, balances, appropriations, allocations, transfers, revenues or other available funds in any account or subdivision of an account of the State Planning Office established for administration of floodplain management-related grant funds from the Federal Emergency Management Agency. Transfers authorized under this subsection do not change or otherwise affect the purposes or uses for which any funds transferred pursuant to this subsection may be expended.

4. On the effective date of this section, the State Controller shall transfer any unexpended and unencumbered balance in the Floodplain Mapping Fund established by former Title 5, section 3307-G to the State Floodplain Mapping Fund established by Title 12, section 409.

Sec. HH-7. Effective date. This Part takes effect July 1, 2012.

PART II

Sec. II-1. 5 MRSA §6204, sub-§1, as amended by PL 1993, c. 728, §6, is further amended to read:

1. Composition. The board consists of 11 members, 67 who are private citizens and 54 who are permanent members. The permanent members are the Commissioner of Conservation; the Commissioner of Inland Fisheries and Wildlife; the Commissioner of Marine Resources; and the Commissioner of Agriculture, Food and Rural Resources; ~~and the Director of the State Planning Office.~~

Sec. II-2. 5 MRSA §6204, sub-§6, as amended by PL 1993, c. 728, §6, is further amended to read:

6. Assistance. The Department of Conservation; the Department of Inland Fisheries and Wildlife; the Department of Transportation; the Department of Agriculture, Food and Rural Resources; ~~the State Planning Office~~; and all other state agencies shall provide staff support and assistance considered necessary by the board to fulfill the objectives of this chapter. If agency assistance is not available, consultants may be hired from the proceeds of either the Land for Maine's Future Fund or the Public Access to Maine Waters Fund to assist the board in carrying out its responsibilities.

Sec. II-3. 12 MRSA §544, sub-§3, ¶G is enacted to read:

G. The Natural Areas Program shall provide staff assistance to support the Land for Maine's Future Board established under Title 5, chapter 353.

Sec. II-4. 12 MRSA §6072, sub-§7-A, ¶F, as amended by PL 2003, c. 660, Pt. A, §6, is further amended to read:

F. The lease does not unreasonably interfere with public use or enjoyment within 1,000 feet of a beach, park or docking facility owned by the Federal Government, the State Government or a municipal governmental agency or certain conserved lands. For purposes of this paragraph, "conserved lands" means land in which fee ownership has been acquired by the municipal government, State Government or Federal Government in order to protect the important ecological, recreational, scenic, cultural or historic attributes of that property.

~~The Executive Department, State Planning Office~~Department of Conservation shall maintain a list of conserved lands. The commissioner shall request this information from the ~~State Planning Office~~Department of Conservation prior to holding a preapplication proceeding.

Sec. II-5. 12 MRSA §6673, sub-§2-A, as amended by PL 2009, c. 229, §16, is further amended to read:

2-A. Decision. In evaluating a proposed municipal shellfish aquaculture permit, a municipal officer shall take into consideration the number and density of permits and leases in the area and may issue the permit if the municipal officer finds the proposed project meets the following criteria.

A. The permit conforms to the municipality's shellfish conservation program.

B. The permit will not cause the total area under all municipal shellfish aquaculture permits in the municipality to exceed 1/4 of the entire municipal intertidal zone that is open to the taking of shellfish.

C. Issuing the permit is in the best interests of the municipality.

D. The permit will not unreasonably interfere with ingress and egress of riparian owners.

E. The permit will not unreasonably interfere with navigation.

F. The permit will not unreasonably interfere with fishing or other uses of the area. For purposes of this paragraph, "fishing" includes public access to a redeemable shellfish resource, as defined by the department, for the purpose of harvesting, provided that the resource is commercially significant and is subject to a pollution abatement plan that predates the permit application, that includes verifiable activities in the process of implementation and that is reasonably expected to result in the opening of the area to the taking of shellfish within 3 years.

G. The permit will not unreasonably interfere with significant wildlife habitat and marine habitat or with the ability of the site affected by the permit and surrounding marine and upland areas to support existing ecologically significant flora and fauna.

H. The applicant has demonstrated that there is an available source of organisms to be cultured for the site affected by the permit.

I. The permit does not unreasonably interfere with public use or enjoyment within 1,000 feet of a beach, park or docking facility owned by the Federal Government, the State Government or a municipal government or conserved lands. For purposes of this paragraph, "conserved lands" means land in which fee ownership has been acquired by the municipal government, State Government or Federal Government in order to protect the important ecological, recreational, scenic, cultural or historic attributes of that property.

A municipality shall review the ~~Executive Department, State Planning Office's~~Department of Conservation's list of conserved lands compiled pursuant to section 6072, subsection 7-A, paragraph F prior to issuing a municipal shellfish aquaculture permit.

A municipality shall put its findings on each of the criteria listed in this subsection in writing and make those findings available to the public.

Sec. II-6. 33 MRSA §132, sub-§4, as enacted by PL 2005, c. 574, §1, is amended to read:

4. Filing. A working waterfront covenant must be recorded in the County Registry of Deeds, and a copy of the covenant must be filed with the ~~Executive Department, State Planning Office~~Department of Conservation together with a map showing with specificity the location of the affected real estate on the form or forms that the ~~State Planning Office~~department requires.

Sec. II-7. 33 MRSA §479-C, as enacted by PL 2007, c. 412, §10, is amended to read:

§ 479-C. Conservation easement registry

A holder of a conservation easement that is organized or doing business in the State shall annually report to the ~~Executive Department, State Planning Office~~Department of Conservation the book and page number at the registry of deeds for each conservation easement that it holds, the municipality and approximate number of acres protected under each easement and such other information as the ~~State Planning Office~~Department of Conservation determines necessary to fulfill the purposes of this subchapter. The filing must be made by a date and on forms established by the ~~State Planning Office~~Department of Conservation to avoid duplicative filings when possible and otherwise reduce administrative burdens. The annual filing must be accompanied by a \$30 fee. The ~~State Planning Office~~Department of Conservation shall maintain a permanent record of the registration and report to the Attorney General any failure of a holder disclosed by the filing or otherwise known to the ~~State Planning Office~~Department of Conservation. The fees established under this section must be held by the ~~State Planning Office~~Department of Conservation in a nonlapsing, special account to defray the costs of maintaining the registry and carrying out its duties under this section.

Sec. II-8. 36 MRSA §305, sub-§6, as enacted by PL 2001, c. 564, §4, is amended to read:

6. Report on changes in land ownership. On or before September 1st of each year, report to the Commissioner of Conservation, the Commissioner of Inland Fisheries and Wildlife, ~~the Director of the State Planning Office within the Executive Department~~ and the joint standing committee of the Legislature having jurisdiction over public lands on the transfer in ownership of parcels of land 10,000 acres or greater within the unorganized territory of the State. Using information maintained by the State Tax Assessor under section 1602 and section 4641-D, the bureau shall provide information for each transfer that includes:

- A. Name of the seller;
- B. Name of the buyer;
- C. Number of acres transferred;
- D. Classification of land;
- E. Location by township and county;
- F. Sale price; and
- G. A brief description of the property.

Sec. II-9. 36 MRSA §1140-B, sub-§1, as enacted by PL 2007, c. 466, Pt. A, §58, is amended to read:

1. Analysis. The State Tax Assessor, in consultation with municipal assessors, the ~~director of the Land for Maine's Future Program within the Executive Department, State Planning Office~~Commissioner of Conservation or the commissioner's designee, representatives of working waterfront organizations and other interested parties, shall collect and analyze the sales prices of all actual sales that occur in the State

of waterfront land that is subject to restrictions on that land's use that are legally enforceable and prohibit or substantially restrict development that is not commercial fishing activity or commercial activity that is the functional equivalent of commercial fishing activity.

Sec. II-10. Transition provisions; Land for Maine's Future Board matters. The following provisions apply to the reassignment of duties, responsibilities and activities of the Executive Department, State Planning Office related to the Land for Maine's Future Board established in the Maine Revised Statutes, Title 5, chapter 353 to the Department of Conservation, Natural Areas Program established by Title 12, section 544.

1. Three authorized positions and incumbent personnel in the State Planning Office assigned to provide staff assistance to the Land for Maine's Future Board are transferred to the Natural Areas Program. Those employees retain their rights as unclassified employees as well as their accrued fringe benefits, including but not limited to vacation and sick leave, health and life insurance and retirement benefits.

2. Notwithstanding the provisions of Title 5, the State Controller, upon request of the State Budget Officer and with the approval of the Governor, shall transfer from the State Planning Office to the proper account in the Department of Conservation all accrued expenditures, assets and liabilities, including but not limited to any contractual obligations, balances, appropriations, allocations, transfers, revenues and other available funds, in any account or subdivision of any account of the Land for Maine's Future Fund, established by Title 5, section 6203. Nothing in this section changes or is intended to change or otherwise affect the purposes or uses for which any funds transferred pursuant to this section may be expended.

Sec. II-11. Effective date. This Part takes effect July 1, 2012.

PART JJ

Sec. JJ-1. 5 MRSA §298, sub-§1, as enacted by PL 1977, c. 513, §1, is repealed and the following enacted in its place:

1. Commissioner of Conservation. The Commissioner of Conservation, or the commissioner's designee;

Sec. JJ-2. 5 MRSA §13056-E, sub-§4, as enacted by PL 2009, c. 414, Pt. G, §2 and affected by §5, is amended to read:

4. Coordination. The department shall coordinate the grants made under this section with community assistance loans and grants administered by the department and with other state assistance programs designed to accomplish similar objectives, including those administered by the Department of Education, the Department of Transportation, ~~the Executive Department, State Planning Office,~~ the Finance Authority of Maine, the Maine State Housing Authority, the Maine Historic Preservation Commission, the Department of Administrative and Financial Services, the Department of Conservation and the Department of Environmental Protection.

Sec. JJ-3. 5 MRSA §13058, sub-§19, as enacted by PL 2003, c. 498, §1, is amended to read:

19. Coordinate assessment of transportation needs related to economic development projects. The commissioner shall coordinate the activities of the department, ~~the State Planning Office within the Executive Department~~the Department of Conservation, the Department of Transportation and regional planning and economic development organizations to ensure that the location of rail lines, potential use of passenger and freight rail and costs of transportation improvements related to development are considered during initial planning and locating of projects reviewed by the commissioner in administering economic development programs under this chapter.

Sec. JJ-4. 5 MRSA §13073-B is enacted to read:

§ 13073-B. Maine Downtown Center

1. Establishment. The Maine Downtown Center, referred to in this section as "the center," is established to encourage downtown revitalization in the State.

2. Purpose. The center serves the following functions:

A. To advocate for downtown revitalization;

B. To promote awareness about the importance of vital downtowns;

C. To serve as a clearinghouse for information relating to downtown development; and

D. To provide training and technical assistance to communities that demonstrate a willingness and ability to revitalize their downtowns.

3. Collaboration. The Department of Conservation shall work collaboratively with the Commissioner of Economic and Community Development, the Maine Development Foundation and other state agencies to coordinate the programs of the center.

4. Funding. The center shall develop a plan for the ongoing funding of the center.

5. Definition. For the purposes of this section, "downtown" has the same meaning as in Title 30-A, section 4301, subsection 5-A.

Sec. JJ-5. 12 MRSA §212, sub-§3, as amended by PL 1979, c. 541, Pt. A, §116 and PL 1995, c. 532, §17, is further amended to read:

3. Interdepartmental cooperation. The Department of Agriculture, Food and Rural Resources shall consult with other state resource agencies ~~and the State Planning Office~~ in setting priorities of soils mapping and the publication of interim soils reports.

Sec. JJ-6. 12 MRSA §685-C, sub-§1, ¶B, as amended by PL 2009, c. 375, §1, is repealed.

Sec. JJ-7. 12 MRSA §685-C, sub-§1, ¶C, as amended by PL 2009, c. 375, §1, is further amended to read:

C. The commission has considered all comments submitted under ~~paragraphs~~paragraph A and B; and

Sec. JJ-8. 12 MRSA §1847, sub-§2, as amended by PL 1999, c. 556, §19, is further amended to read:

2. Management plans. The director shall prepare, revise from time to time and maintain a comprehensive management plan for the management of the public reserved lands in accordance with the guidelines in this subchapter. The plan must provide for a flexible and practical approach to the coordinated management of the public reserved lands. In preparing, revising and maintaining such a management plan the director, to the extent practicable, shall compile and maintain an adequate inventory of the public reserved lands, including not only the timber on those lands but also the other multiple use values for which the public reserved lands are managed. In addition, the director shall consider all criteria listed in section 1858 for the location of public reserved lands in developing the management plan. The director is entitled to the full cooperation of the Bureau of Geology ~~and~~, Natural Areas ~~and~~ Coastal Resources, the Department of Inland Fisheries and Wildlife;and the Maine Land Use Regulation Commission ~~and the State Planning Office~~ in compiling and maintaining the inventory of the public reserved lands. The director shall consult with those agencies as well as other appropriate state agencies in the preparation and maintenance of the comprehensive management plan for the public reserved lands. The plan must provide for the demonstration of appropriate management practices that will enhance the timber, wildlife, recreation, economic and other values of the lands. All management of the public reserved lands, to the extent practicable, must be in accordance with this management plan when prepared.

Within the context of the comprehensive management plan, the commissioner, after adequate opportunity for public review and comment, shall adopt a specific action plan for each unit of the public reserved lands system. Each action plan must include consideration of the related systems of silviculture and regeneration of forest resources and must provide for outdoor recreation including remote, undeveloped areas, timber, watershed protection, wildlife and fish. The commissioner shall provide adequate opportunity for public review and comment on any substantial revision of an action plan. Management of the public reserved lands before the action plans are completed must be in accordance with all other provisions of this section.

Sec. JJ-9. 23 MRSA §73, sub-§4, as amended by PL 2003, c. 22, §1, is further amended to read:

4. Rulemaking. The Department of Transportation shall adopt a rule within one year of the effective date of this Act, in coordination with the Maine Turnpike Authority and state agencies including the Department of Economic and Community Development, the ~~State Planning Office~~Department of Conservation and the Department of Environmental Protection, to implement the statewide comprehensive transportation policy. The rule must incorporate a public participation process that provides municipalities and other political subdivisions of the State and members of the public notice and opportunity to comment on transportation planning decisions, capital investment decisions, project decisions and compliance with the statewide transportation policy.

The Department of Transportation shall adopt a rule, in coordination with the ~~State Planning Office~~Department of Conservation, that establishes linkage between the planning processes outlined in this section and those promoted by Title 30-A, chapter 187, subchapter 2 and that promotes investment incentives for communities that adopt and implement land use plans that minimize over-reliance on the state highway network. This rule is a major substantive rule as defined in Title 5, chapter 375, subchapter 2-A.

Sec. JJ-10. 23 MRSA §7105, sub-§3, ¶A, as amended by PL 1989, c. 600, Pt. A, §§11 and 12 and c. 626, is further amended to read:

A. Before dismantling any track that results in a cessation of rail service upon all or part of a railroad line, or offering any railroad property for sale, or upon the abandonment of service along all or a portion of a railroad line, the department ~~shall~~must be given the first option to lease or purchase, on just and reasonable terms, the railroad line, any part of the railroad line or other property. In the event that a lease is negotiated for the rights-of-way, the department shall consult with municipal officials and officers in the municipalities affected by the abandonment of service along the line to determine the need for preserving the rights-of-way along the abandoned portion of the line for rail transportation. If the department finds that the welfare of the State would be significantly and adversely affected by the loss of the line for railroad transportation purposes, the department shall seek to negotiate the purchase of the abandoned portion of the line. In making this determination, the department shall consider, among other criteria ~~deemed~~considered significant by the department, future economic development activities and opportunities in the area served by the abandoned railroad service. In addition, the department shall consult with the Department of Economic and Community Development,and the Department of Conservation ~~and the State Planning Office~~ in making the determination required in this section.

The department shall, in good faith, seek to lease the railroad rights-of-way until it finds that the preservation of the rights-of-way is not necessary for the welfare of the State or until the voters of the State approve or disapprove, at a statewide election, the issue of bonds to purchase the rights-of-way along the abandoned portion of the line.

Nothing in this paragraph may require the department to lease or purchase the railroad rights-of-way to an entire railroad line or any portion of the line for which railroad service has been abandoned if the railroad corporation owner does not intend to sell, lease or in any other way dispose of the rights-of-way by which railroad service could be easily restored along the abandoned service portion of the line.

Sec. JJ-11. 30-A MRSA §2303, as enacted by PL 1987, c. 737, Pt. A, §2, and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§ 2303. Lead agency

1. Department of Conservation. ~~The State Planning Office~~Department of Conservation shall serve as the coordinator between regional councils and the State. ~~The State Planning Office,~~ shall administer state funds supporting regional council tasks and may provide technical assistance to regional councils as appropriate.

2. Rulemaking. ~~The Director of the State Planning Office~~Department of Conservation may adopt rules to create standardized contracts and administrative and audit requirements for state funds received by regional councils.

Sec. JJ-12. 30-A MRSA §4301, sub-§5-C is enacted to read:

5-C. Department. "Department" means the Department of Conservation.

Sec. JJ-13. 30-A MRSA §4301, sub-§13, as amended by PL 1995, c. 395, Pt. D, §12, is repealed.

Sec. JJ-14. 30-A MRSA §4301, sub-§14-A, as enacted by PL 2001, c. 90, §1, is amended to read:

14-A. Service center community. "Service center community" means a municipality or group of municipalities identified by the ~~office~~department according to a methodology established by rule that includes 4 basic criteria, including level of retail sales, jobs-to-workers ratio, the amount of federally assisted housing and the volume of service sector jobs. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A2-A~~.

Sec. JJ-15. 30-A MRSA §4312, sub-§4, as amended by PL 2001, c. 406, §2, is further amended to read:

4. Limitation on state rule-making authority. The ~~office~~department is authorized to adopt rules necessary to carry out the purposes of this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A2-A~~. This section may not be construed to grant any separate regulatory authority to any state agency beyond that necessary to implement this subchapter.

Sec. JJ-16. 30-A MRSA §4314, sub-§3, as amended by PL 2007, c. 247, §1, is further amended to read:

3. Rate of growth, zoning and impact fee ordinances. After January 1, 2003, any portion of a municipality's or multimunicipal region's rate of growth, zoning or impact fee ordinance must be consistent with a comprehensive plan adopted in accordance with the procedures, goals and guidelines established in this subchapter. The portion of a rate of growth, zoning or impact fee ordinance not directly related to an inconsistency identified by a court or during a comprehensive plan review by the ~~office~~department in accordance with section 4347-A, subsection 3-A remains in effect. For purposes of this subsection, "zoning ordinance" does not include an ordinance that applies townwide that is a cluster development ordinance or a design ordinance prescribing the color, shape, height, landscaping, amount of

open space or other comparable physical characteristics of development. The portion of a rate of growth, zoning or impact fee ordinance that is not consistent with a comprehensive plan is no longer in effect unless:

C. The ordinance or portion of the ordinance is exempted under subsection 2;

D. The municipality or multimunicipal region is under contract with the ~~office~~department to prepare a comprehensive plan or implementation program, in which case the ordinance or portion of the ordinance remains valid for up to 4 years after receipt of the first installment of its first planning assistance grant or for up to 2 years after receipt of the first installment of its first implementation assistance grant, whichever is earlier;

E. The ordinance or portion of the ordinance conflicts with a newly adopted comprehensive plan or plan amendment adopted in accordance with the procedures, goals and guidelines established in this subchapter, in which case the ordinance or portion of the ordinance remains in effect for a period of up to 24 months immediately following adoption of the comprehensive plan or plan amendment;

F. The municipality or multimunicipal region applied for and was denied financial assistance for its first planning assistance or implementation assistance grant under this subchapter due to lack of state funds on or before January 1, 2003. If the ~~office~~department subsequently offers the municipality or multimunicipal region its first planning assistance or implementation assistance grant, the municipality or multimunicipal region has up to one year to contract with the ~~office~~department to prepare a comprehensive plan or implementation program, in which case the municipality's or multimunicipal region's ordinances will be subject to paragraph D; or

G. The ordinance or portion of an ordinance is an adult entertainment establishment ordinance, as defined in section 4352, subsection 2, that has been adopted by a municipality that has not adopted a comprehensive plan.

Sec. JJ-17. 30-A MRSA §4326, sub-§3-A, ¶A, as amended by PL 2007, c. 247, §3, is further amended to read:

A. Except as otherwise provided in this paragraph, identify and designate geographic areas in the municipality or multimunicipal region as growth areas and rural areas, as defined in this chapter.

(1) Within growth areas, each municipality or multimunicipal region shall:

(a) Establish development standards;

(b) Establish timely permitting procedures;

(c) Ensure that needed public services are available; and

(d) Prevent inappropriate development in natural hazard areas, including flood plains and areas of high erosion.

(2) Within rural areas, each municipality or multimunicipal region shall adopt land use policies and ordinances to discourage incompatible development. These policies and ordinances may include, without limitation, density limits, cluster or special zoning, acquisition of land or development rights, transfer of development rights pursuant to section 4328 and performance standards. The municipality or multimunicipal region should also identify which rural areas qualify as critical rural areas as defined in this chapter. Critical rural areas must receive priority consideration for proactive strategies designed to enhance rural industries, manage wildlife and fisheries habitat and preserve sensitive natural areas.

(3) A municipality or multimunicipal region may also designate as a transitional area any portion of land area that does not meet the definition of either a growth area or a rural area. Such an area may be appropriate for medium-density development that does not require expansion of municipal facilities and does not include significant rural resources.

(4) A municipality or multimunicipal region is not required to identify growth areas within the municipality or multimunicipal region for residential, commercial or industrial growth if it demonstrates, in accordance with rules adopted by the office/department pursuant to this article, that:

(a) It is not possible to accommodate future residential, commercial or industrial growth within the municipality or multimunicipal region because of severe physical limitations, including, without limitation, the lack of adequate water supply and sewage disposal services, very shallow soils or limitations imposed by protected natural resources;

(b) The municipality or multimunicipal region has experienced minimal or no residential, commercial or industrial development over the past decade and this condition is expected to continue over the 10-year planning period;

(c) The municipality or multimunicipal region has identified as its growth areas one or more growth areas identified in a comprehensive plan adopted or to be adopted by one or more other municipalities or multimunicipal regions in accordance with an interlocal agreement adopted in accordance with chapter 115 with one or more municipalities or multimunicipal regions; or

(d) The municipality or multimunicipal region has no village or densely developed area.

(6) A municipality or multimunicipal region exercising the discretion afforded by subparagraph 4 shall review the basis for its demonstration during the periodic revisions undertaken pursuant to section 4347-A;

Sec. JJ-18. 30-A MRSA §4331, as amended by PL 2001, c. 578, §17, is further amended to read:

§ 4331. Evaluation process

The officedepartment shall conduct an ongoing evaluation process to determine the effectiveness of state, regional and local efforts under this chapter to achieve the purposes and goals of this chapter. Working through the Land and Water Resources Council, the officedepartment shall seek the assistance of other state agencies. If requested, all state agencies shall render assistance to the officedepartment in this effort.

1. Criteria. In conducting the evaluation, the officedepartment shall develop criteria based on the goals of this chapter. The criteria must be objective, verifiable and, to the extent practicable, quantifiable.

2. Baseline conditions. The officedepartment shall establish a baseline of land use conditions at a level of detail sufficient to permit general comparison of state and regional trends in future land use development patterns.

3. Public input. The officedepartment shall incorporate opportunities for public input and comment into the evaluation process.

4. Level of analysis. The officedepartment shall evaluate the program generally at a regional and statewide level. To illustrate the impact of the program, the officedepartment shall compare land use development trends and patterns in a sample of towns that have participated in the program with a matched sample of towns that have not participated. The evaluation performed by the officedepartment must include an analysis of the State's financial commitment to growth management.

5. Periodic reports. Beginning on January 1, ~~1995~~2015, the officedepartment shall report in writing on the results of its evaluation process every 4 years and more frequently if necessary. The officedepartment shall submit its report to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

Sec. JJ-19. 30-A MRSA §4345, as amended by PL 2003, c. 641, §9, is further amended to read:

§ 4345. Purpose; department to administer program

Under the provisions of this article, a municipality or multimunicipal region may request financial or technical assistance from the officedepartment for the purpose of planning and implementing a growth management program. A municipality or multimunicipal region that requests and receives a financial assistance grant shall develop and implement its growth management program in cooperation with the officedepartment and in a manner consistent with the procedures, goals and guidelines established in this subchapter.

To accomplish the purposes of this article, the officedepartment shall develop and administer a technical and financial assistance program for municipalities or multimunicipal regions. The program must include direct financial assistance for planning and implementation of growth management programs, standards governing the review of growth management programs by the officedepartment, technical assistance to municipalities or multimunicipal regions and a voluntary certification program for growth management programs.

Sec. JJ-20. 30-A MRSA §4346, as amended by PL 2003, c. 641, §§10 to 12 and c. 689, Pt. B, §6, is further amended to read:

§ 4346. Technical and financial assistance program

The technical and financial assistance program for municipalities, regional councils and multimunicipal regions is established to encourage and facilitate the adoption and implementation of local, regional and statewide growth management programs.

The officedepartment may enter into financial assistance grants only to the extent that funds are available. In making grants, the officedepartment shall consider the need for planning in a municipality or multimunicipal region, the proximity of the municipality or multimunicipal region to other areas that are conducting or have completed the planning process and the economic and geographic role of the municipality or multimunicipal region within a regional context. The officedepartment may consider other criteria in making grants, as long as the criteria support the goal of encouraging and facilitating the adoption and implementation of local and multimunicipal growth management programs consistent with the procedures, goals and guidelines established in this subchapter. In order to maximize the availability of the technical and financial assistance program to all municipalities, multimunicipal regions and regional councils, financial assistance programs administered competitively under this article are exempt from rules adopted by the Department of Administrative and Financial Services pursuant to Title 5, section 1825-C for use in the purchase of services and the awarding of grants and contracts. The officedepartment shall publish a program statement describing its grant program and advertising its availability to eligible applicants.

2-A. Financial assistance grants. A contract for a financial assistance grant must:

- A. Provide for the payment of a specific amount for the purposes of planning and preparing a comprehensive plan;
- B. Provide for the payment of a specific amount for the purposes of implementing that plan; and
- C. Include specific timetables governing the preparation and submission of products by the municipality or multimunicipal region.

The officedepartment may not require a municipality or multimunicipal region to provide matching funds in excess of 25% of the value of that municipality's or multimunicipal region's financial assistance contract for its first planning assistance grant and implementation assistance grant. The officedepartment

may require a higher match for other grants, including, but not limited to, grants for the purpose of updating comprehensive plans. This match limitation does not apply to distribution of federal funds that the officedepartment may administer.

2-B. Use of funds. A municipality or multimunicipal region may expend financial assistance grants for:

A. The conduct of surveys, inventories and other data-gathering activities;

B. The hiring of planning and other technical staff;

C. The retention of planning consultants;

D. Contracts with regional councils for planning and related services;

E. Assistance in the development of ordinances;

F. Retention of technical and legal expertise;

G. The updating of growth management programs or components of a program;

G-1. Evaluation of growth management programs; and

H. Any other purpose agreed to by the officedepartment and the municipality or multimunicipal region that is directly related to the preparation of a comprehensive plan or the implementation of a comprehensive plan adopted in accordance with the procedures, goals and guidelines established in this subchapter.

2-C. Program evaluation. Any recipient of a financial assistance grant shall cooperate with the officedepartment in performing program evaluations required under section 4331.

2-D. Encumbered balances at year-end. Notwithstanding Title 5, section 1589, at the end of each fiscal year, all encumbered balances accounts for financial assistance and regional planning grants may be carried forward for 2 years beyond the year in which those balances are encumbered.

3. Technical assistance. Using its own staff, the staff of other state agencies, contractors and the resources of the regional councils, the officedepartment shall provide technical assistance to municipalities or multimunicipal regions in the development, administration and enforcement of growth management programs. The technical assistance component of the program must include a set of model land use ordinances or other implementation strategies developed by the officedepartment that are consistent with this subchapter.

4. Regional council assistance. As part of the technical and financial assistance program, the officedepartment may develop and administer a program to develop regional education and training programs, regional policies to address state goals and regional assessments. Regional assessments may include, but are not limited to, public infrastructure, inventories of agricultural and commercial forest lands, housing needs, recreation and open space needs, and projections of regional growth and economic

development. The program may include guidelines to ensure methodological consistency among the State's regional councils. To implement this program, the ~~office~~department may contract with regional councils to assist the ~~office~~department in reviewing growth management programs, to develop necessary planning information at a regional level or to provide support for local planning efforts.

5. Coordination. State agencies with regulatory or other authority affecting the goals established in this subchapter shall conduct their respective activities in a manner consistent with the goals established under this subchapter, including, but not limited to, coordinating with municipalities, regional councils and other state agencies in meeting the state goals; providing available information to regions and municipalities as described in section 4326, subsection 1; cooperating with efforts to integrate and provide access to geographic information system data; making state investments and awarding grant money as described in section 4349-A; and conducting reviews of growth management programs as provided in section 4347-A, subsection 3, paragraph A. Without limiting the application of this section to other state agencies, the following agencies shall comply with this subchapter. The Land and Water Resources Council shall periodically, but in no event less than biannually, review the effectiveness of agency coordination efforts, including, but not limited to, those in section 4349-A:

- A. Department of Conservation;
- B. Department of Economic and Community Development;
- C. Department of Environmental Protection;
- D. Department of Agriculture, Food and Rural Resources;
- E. Department of Inland Fisheries and Wildlife;
- F. Department of Marine Resources;
- G. Department of Transportation;
- G-1. Department of Health and Human Services;
- G-2. ~~Executive Department, State Planning Office;~~
- H. Finance Authority of Maine; and
- I. Maine State Housing Authority.

Sec. JJ-21. 30-A MRSA §4347-A, as amended by PL 2003, c. 641, §§13 to 15 and PL 2007, c. 247, §§4 and 5, is further amended to read:

§ 4347-A. Review of programs by department

1. Comprehensive plans. A municipality or multimunicipal region that chooses to prepare a growth management program and receives a planning grant under this article shall submit its comprehensive plan to the ~~office~~department for review. A municipality or multimunicipal region that chooses to prepare a growth management program without receiving a planning grant under this article

may submit its comprehensive plan to the officedepartment for review. The officedepartment shall review plans for consistency with the procedures, goals and guidelines established in this subchapter. A contract for a planning assistance grant must include specific timetables governing the review of the comprehensive plan by the officedepartment. A comprehensive plan submitted for review more than 12 months following a contract end date may be required to contain data, projections and other time-sensitive portions of the plan or program that are in compliance with the office'sdepartment's most current review standards.

2. Growth management programs. A municipality or multimunicipal region may at any time request a certificate of consistency for its growth management program.

A. Upon a request for review under this section, the officedepartment shall review the program and determine whether the program is consistent with the procedures, goals and guidelines established in this subchapter.

B. Certification by the officeformer State Planning Office or the department of a municipality's or multimunicipal region's growth management program under this article is valid for 10 years. To maintain certification, a municipality or multimunicipal region shall periodically review its growth management program and submit to the officedepartment in a timely manner any revisions necessary to account for changes, including changes caused by growth and development. Certification does not lapse in any year in which the Legislature does not appropriate funds to the officedepartment for the purposes of reviewing programs for recertification.

C. Upon a request for review under this section, the officedepartment may review rate of growth, impact fee and zoning ordinances to determine whether the ordinances are consistent with a comprehensive plan that has been found consistent under this section without requiring submission of all elements of a growth management program. An affirmative finding of consistency by the officedepartment is required for a municipality or multimunicipal region to assert jurisdiction as provided in section 4349-A.

3. Review of growth management program. In reviewing a growth management program, the officedepartment shall:

A. Solicit written comments on any proposed growth management program from regional councils, state agencies, all municipalities contiguous to the municipality or multimunicipal region submitting a growth management program and any interested residents of the municipality or multimunicipal region or of contiguous municipalities. The comment period extends for 45 days after the officedepartment receives the growth management program.

(1) Each state agency reviewing the proposal shall designate a person or persons responsible for coordinating the agency's review of the growth management program.

(2) Any regional council commenting on a growth management program shall determine whether the program is compatible with the programs of other municipalities that may be affected by the program and with regional policies or needs identified by the regional council;

B. Prepare all written comments from all sources in a form to be forwarded to the municipality or multimunicipal region;

C. Within 90 days after receiving the growth management program, send all written comments on the growth management program to the municipality or multimunicipal region and any applicable regional council. If warranted, the office/department shall issue findings specifically describing how the submitted growth management program is not consistent with the procedures, goals and guidelines established in this subchapter and the recommended measures for remedying the deficiencies.

(1) In its findings, the office/department shall clearly indicate its position on any point on which there are significant conflicts among the written comments submitted to the office/department.

(2) If the office/department finds that the growth management program was adopted in accordance with the procedures, goals and guidelines established in this subchapter, the office/department shall issue a certificate of consistency for the growth management program.

(3) Notwithstanding paragraph D, if a municipality or multimunicipal region requests a certificate of consistency for its growth management program, any unmodified component of that program that has previously been reviewed by the former State Planning Office or the office/department and has received a finding of consistency will retain that finding during program certification review by the office/department as long as the finding of consistency is current as defined in rules adopted by the office/department;

D. Provide ample opportunity for the municipality or multimunicipal region submitting a growth management program to respond to and correct any identified deficiencies in the program. A finding of inconsistency for a growth management program may be addressed within 24 months of the date of the finding without addressing any new review standards that are created during that time interval. After 24 months, the program must be resubmitted in its entirety for state review under the office's/department's most current review standards; and

E. Provide an expedited review and certification procedure for those submissions that represent minor amendments to certified growth management programs.

The office's/department's decision on consistency of a growth management program constitutes final agency action.

3-A. Review of comprehensive plan. In reviewing a comprehensive plan, the office department shall:

A. Solicit written comments on any proposed comprehensive plan from regional councils, state agencies, all municipalities contiguous to the municipality or multimunicipal region submitting a comprehensive plan and any interested residents of the municipality or multimunicipal region or of contiguous municipalities. The comment period extends for 25 business days after the office department receives the comprehensive plan. Each state agency reviewing the proposal shall designate a person or persons responsible for coordinating the agency's review of the comprehensive plan;

B. Prepare all written comments from all sources in a form to be forwarded to the municipality or multimunicipal region;

C. Within 35 business days after receiving the comprehensive plan, notify the municipality or multimunicipal region if the plan is complete for purposes of review. If the office department notifies the municipality or multimunicipal region that the plan is not complete for purposes of review, the office department shall indicate in its notice necessary additional data or information;

D. Within 10 business days of issuing notification that a comprehensive plan is complete for purposes of review, issue findings specifically describing whether the submitted plan is consistent with the procedures, goals and guidelines established in this subchapter and identify which inconsistencies in the plan, if any, may directly affect rate of growth, zoning or impact fee ordinances.

(1) In its findings, the office department shall clearly indicate its position on any point on which there are significant conflicts among the written comments submitted to the office department.

(2) If the office department finds that the comprehensive plan was developed in accordance with the procedures, goals and guidelines established in this subchapter, the office department shall issue a finding of consistency for the comprehensive plan.

(3) A finding of inconsistency must identify the goals under this subchapter not adequately addressed, specific sections of the rules relating to comprehensive plan review adopted by the office department not adequately addressed and recommendations for resolving the inconsistency;

E. Send all written findings and comments on the comprehensive plan to the municipality or multimunicipal region and any applicable regional council; and

F. Provide ample opportunity for the municipality or multimunicipal region submitting a comprehensive plan to respond to and correct any identified deficiencies in the plan. A finding of inconsistency for a comprehensive plan may be addressed within 24 months of the date of the finding

without addressing any new review standards that are created during that time interval. After 24 months, the plan must be resubmitted in its entirety for state review under the office's department's most current review standards.

If the office department finds that a plan is not consistent with the procedures, goals and guidelines established in this subchapter, the municipality or multimunicipal district that submitted the plan may appeal that finding to the office department within 20 business days of receipt of the finding in accordance with rules adopted by the office department, which are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

The office's department's decision on consistency of a comprehensive plan constitutes final agency action.

A finding by the office department pursuant to paragraph D that a comprehensive plan is consistent with the procedures, goals and guidelines established in this subchapter is valid for 12 years from the date of its issuance. A finding by the office former State Planning Office issued pursuant to this subchapter prior to December 31, 2000 that a comprehensive plan is consistent with the procedures, goals and guidelines established in this subchapter is valid until December 31, 2012. For purposes of section 4314, subsection 3 and section 4352, subsection 2, expiration of a finding of consistency pursuant to this subsection does not itself make a comprehensive plan inconsistent with the procedures, goals and guidelines established in this subchapter.

4. Updates and amendments. A municipality or multimunicipal region may submit proposed amendments to a comprehensive plan or growth management program to the office department for review in the same manner as provided for the review of new plans and programs. Subsequent to voluntary certification under this subsection, the municipality or multimunicipal region shall file a copy of an amendment to a growth management program with the office department within 30 days after adopting the amendment and at least 60 days prior to applying for any state grant program that offers a preference for consistency or certification.

5. Regional councils. Subject to the availability of funding and pursuant to the conditions of a contract, each regional council shall review and submit written comments on the comprehensive plan or growth management program of any municipality or multimunicipal region within its planning region. The comments must be submitted to the office department and contain an analysis of:

A. Whether the comprehensive plan or growth management program is compatible with identified regional policies and needs; and

B. Whether the comprehensive plan or growth management program is compatible with plans or programs of municipalities or multimunicipal regions that may be affected by the proposal.

Sec. JJ-22. 30-A MRSA §4349-A, sub-§1, ¶C, as amended by PL 2001, c. 613, §2, is further amended to read:

C. Areas other than those described in paragraph A or B for the following projects:

~~(1) A project certified to the Land and Water Resources Council established in Title 5, section 3331 by the head of the agency funding the project as necessary to remedy a threat to public health or safety or to comply with environmental clean-up laws;~~

(2) A project related to a commercial or industrial activity that, due to its operational or physical characteristics, typically is located away from other development, such as an activity that relies on a particular natural resource for its operation;

(3) An airport, port or railroad or industry that must be proximate to an airport, a port or a railroad line or terminal;

(4) A pollution control facility;

(5) A project that maintains, expands or promotes a tourist or cultural facility that is required to be proximate to a specific historic, natural or cultural resource or a building or improvement that is related to and required to be proximate to land acquired for a park, conservation, open space or public access or to an agricultural, conservation or historic easement;

(6) A project located in a municipality that has none of the geographic areas described in paragraph A or B and that prior to January 1, 2000 formally requested but had not received from the ~~office~~former State Planning Office funds to assist with the preparation of a comprehensive plan or that received funds from the department to assist with the preparation of a comprehensive plan within the previous 2 years. This exception expires for a municipality 2 years after such funds are received; or

(7) A housing project serving the following: individuals with mental illness, mental retardation, developmental disabilities, physical disabilities, brain injuries, substance abuse problems or a human immunodeficiency virus; homeless individuals; victims of domestic violence; foster children; or children or adults in the custody of the State. A nursing home is not considered a housing project under this paragraph; ~~or.~~

~~(8) A project certified to the Land and Water Resources Council established in Title 5, section 3331 by the head of the agency funding the project as having no feasible location within an area described in paragraph A or B if, by majority vote of all members, the Land and Water Resources Council finds that extraordinary circumstances or the unique needs of the agency require state funds for the project. The members of the Land and Water Resources Council may not delegate their authority under this subparagraph to the staffs of their member agencies.~~

Sec. JJ-23. 30-A MRSA §4349-A, sub-§3-A, ¶¶A and D, as enacted by PL 2003, c. 604, §2 and affected by §3, are amended to read:

A. When awarding a grant or making a discretionary investment under any of the programs under paragraph B, subparagraphs (1) and (2) or when undertaking its own capital investment programs other than for projects identified in section 4301, subsection 5-B, a state agency shall respect the primary purpose of its grant or investment program and, to the extent feasible, give preference:

(1) First, to a municipality that has received a certificate of consistency for its growth management program under section 4347-A;

(2) Second, to a municipality that has adopted a comprehensive plan that the ~~office~~former State Planning Office or the department has determined is consistent with the procedures, goals and guidelines of this subchapter and has adopted zoning ordinances that the ~~office~~former State Planning Office or the department has determined are consistent with the comprehensive plan; and

(3) Third, to a municipality that has adopted a comprehensive plan that the ~~office~~former State Planning Office or the department has determined is consistent with the procedures, goals and guidelines of this subchapter.

If a municipality has submitted a comprehensive plan, zoning ordinance or growth management program to the ~~office~~former State Planning Office or the department for review, the time for the ~~office to respond~~response as established in section 4347-A has expired and the ~~office has not provided its comments or findings~~ have not been provided to the municipality, a state agency when awarding a grant or making a discretionary investment under this subsection may not give preference over the municipality to another municipality.

D. The ~~office~~department shall work with state agencies to prepare mechanisms for establishing preferences in specific investment and grant programs as described in paragraph B.

Sec. JJ-24. 30-A MRSA §4353, sub-§2, ¶B, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

B. Approve the issuance of a special exception permit or conditional use permit in strict compliance with the ordinance except that, if the municipality has authorized the planning board, agency or ~~office~~department to issue these permits, an appeal from the granting or denial of such a permit may be taken directly to Superior Court if required by local ordinance; and

Sec. JJ-25. 30-A MRSA §4353, sub-§3, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

3. Parties. The board shall reasonably notify the petitioner, the planning board, agency or ~~office~~department and the municipal officers of any hearing. These persons ~~shall~~must be made parties to the action. All interested persons ~~shall~~must be given a reasonable opportunity to have their views expressed at any hearing.

Sec. JJ-26. 30-A MRSA §5226, sub-§2, as enacted by PL 2001, c. 669, §1, is amended to read:

2. Review by commissioner. Before final designation of a tax increment financing district, the commissioner shall review the proposal to ensure that the proposal complies with statutory requirements. In the case of a downtown tax increment financing district, the ~~State Planning Office~~Department of Conservation and the Department of Transportation shall review the proposal and provide advice to assist the commissioner in making a decision under this subsection.

Sec. JJ-27. 30-A MRSA §5953-D, sub-§3, ¶D, as amended by PL 2003, c. 288, §2, is further amended to read:

D. In the case of a grant or loan, the Department of Economic and Community Development affirms that the applicant has met the conditions of this paragraph.

(1) A municipality is eligible to receive a grant or a loan, or a combination of both, if that municipality has adopted a growth management program certified under section 4347-A that includes a capital improvement program composed of the following elements:

(a) An assessment of all public facilities and services, such as, but not limited to, roads and other transportation facilities, sewers, schools, parks and open space, fire and police;

(b) An annually reviewed 5-year plan for the replacement and expansion of existing public facilities or the construction of such new facilities as are required to meet expected growth and economic development. The plan must include projections of when and where those facilities will be required; and

(c) An assessment of the anticipated costs for replacement, expansion or construction of public facilities, an identification of revenue sources available to meet these costs and recommendations for meeting costs required to implement the plan.

(2) A municipality is eligible to receive a loan if that municipality:

(a) Has adopted a comprehensive plan that is determined by the Executive Department, ~~former State Planning Office~~ or the Department of Conservation to be consistent with section 4326, subsections 1 to 4.

(3) A municipality is eligible to receive a grant or a loan if that municipality is a service center community.

Subject to the limitations of this subsection, 2 or more municipalities that each meet the requirements of subparagraph (1), (2) or (3) may jointly apply for assistance under this section; and

Sec. JJ-28. 30-A MRSA §5953-D, sub-§5, as amended by PL 1999, c. 776, §13, is further amended to read:

5. Coordination. The bank shall coordinate the loans and grants made under this section with all other community assistance loans and grants administered by the Department of Economic and Community Development and with other state assistance programs designed to accomplish similar objectives, including those administered by the Department of Education, the Department of Transportation, ~~the State Planning Office within the Executive Department~~, the Finance Authority of Maine, the Maine State Housing Authority, the Maine Historic Preservation Commission, the Department of Administrative and Financial Services, the Department of Conservation and the Department of Environmental Protection.

Sec. JJ-29. 38 MRSA §420-D, sub-§6, as enacted by PL 1995, c. 704, Pt. B, §2 and affected by PL 1997, c. 603, §§8 and 9, is amended to read:

6. Urbanizing areas. The department shall work with the ~~State Planning Office~~Department of Conservation to identify urban bodies of water most at risk and incorporate model ordinances protective of these bodies of water into assistance provided to local governments.

Sec. JJ-30. 38 MRSA §420-D, sub-§11, ¶A, as amended by PL 2011, c. 206, §10, is further amended to read:

A. The department may allow an applicant with a project in the direct watershed of a lake to address certain on-site phosphorus reduction requirements through implementation of a compensation project or payment of a compensation fee as provided in this paragraph. The commissioner shall determine the appropriate compensation fee for each project. The compensation fee must be paid either into a compensation fund or to an organization authorized by the department and must be a condition of the permit.

(1) The department may establish a storm water compensation fund for the purpose of receiving compensation fees, grants and other related income. The fund must be a nonlapsing fund dedicated to payment of the costs and related expenses of compensation projects. Income received under this subsection must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by statute. Interest on these investments must be credited to the fund. The department may make payments from the fund consistent with the purpose of the fund.

(2) The department may enter into a written agreement with a public, quasi-public or private, nonprofit organization for purposes of receiving compensation fees and implementing compensation projects. If the authorized agency is a state agency other than the department, it shall establish a fund meeting the requirements specified in subparagraph (1). The authorized organization shall maintain records of expenditures and provide an annual summary report to the department. If the organization does not perform in accordance with this section or with the requirements of the written agreement, the department may revoke the organization's authority to conduct activities in accordance with this paragraph. If an organization's authorization is revoked, any remaining funds must be provided to the department.

(3) The commissioner may set a fee rate of no more than \$25,000 per pound of available phosphorus.

(4) Except in an urbanized part of a designated growth area, best management practices must be incorporated on site that, by design, will reduce phosphorus export by at least 50%, and a phosphorus compensation project must be carried out or a compensation fee must be paid to address the remaining phosphorus reduction required to meet the parcel's phosphorus allocation. In an urbanized part of a designated growth area, an applicant may pay a phosphorus compensation fee in lieu of part or all of the on-site phosphorus reduction requirement. The commissioner shall identify urbanized parts of designated growth areas in the direct watersheds of lakes most at risk, in consultation with the ~~State Planning Office~~Department of Conservation.

(5) Projects carried out or funded through compensation fees as provided in this paragraph must be located in the same watershed as the project with respect to which the compensation fee is paid.

Sec. JJ-31. 38 MRSA §480-Z, sub-§3, as amended by PL 2007, c. 527, §1, is further amended to read:

3. Compensation fee program. The department may develop a wetlands compensation fee program for the areas listed in subsection 7, paragraphs A and B in consultation with the ~~State Planning Office~~Department of Conservation, the United States Army Corps of Engineers and state and federal resource agencies, including the United States Fish and Wildlife Service and the United States Environmental Protection Agency. The department may develop a compensation fee program for the areas listed in subsection 7, paragraphs C, D and E in consultation with the Department of Inland Fisheries and Wildlife.

A. The program may include the following:

(1) Identification of wetland management priorities on a watershed or biophysical region basis;

(1-A) Identification of management priorities for the areas listed in subsection 7, paragraphs C, D and E;

(2) Identification of the types of losses eligible for compensation under this subsection;

(3) Standards for compensation fee projects;

(4) Calculation of compensation fees based on the functions and values of the affected areas and the cost of compensation, taking into account the potential higher cost of compensation when a project is implemented at a later date; and

(5) Methods to evaluate the long-term effectiveness of compensation fee projects implemented under this subsection in meeting the management priorities identified pursuant to subparagraphs (1) and (1-A).

B. Any compensation fee may be paid into a compensation fund established by the department as provided in subparagraph (1) or to an organization authorized by the department as provided in subparagraph (2). A compensation project funded in whole or in part from compensation fees must be approved by the department.

(1) The department may establish compensation funds for the purpose of receiving compensation fees, grants and other related income. A compensation fund must be a fund dedicated to payment of costs and related expenses of restoration, enhancement, preservation and creation projects. The department may make payments from the fund consistent with the purpose of the fund. Income received under this subsection must be deposited with the State Treasurer to the credit of the compensation fund and may be invested as provided by law. Interest on these investments must be credited to the compensation fund.

(2) The department may enter into an enforceable, written agreement with a public, quasi-public or municipal organization or a private, nonprofit organization for the protection of natural areas. Such an organization must demonstrate the ability to receive compensation fees, administer a compensation fund and ensure that compensation projects are implemented consistent with local, regional or state management priorities. If compensation fees are provided to an authorized organization, the organization shall maintain records of expenditures and provide an annual summary report as requested by the department. If the authorized agency is a state agency other than the department, the agency shall establish a fund meeting the requirements specified in subparagraph (1). If the organization does not perform in accordance with this subsection or with the requirements of the written agreement, the department may revoke the organization's authority to conduct activities in accordance with this subsection.

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

Sec. JJ-32. 38 MRSA §488, sub-§14, ¶A, as amended by PL 2001, c. 406, §17, is further amended to read:

A. A development is exempt from review under flood plain, noise and infrastructure standards under section 484 if that development is located entirely within:

(1) A municipality that has adopted a local growth management program that the ~~State Planning Office~~ has been certified under Title 30-A, section 4347-A; and

(2) An area designated in that municipality's local growth management program as a growth area.

An applicant claiming an exemption under this paragraph shall include with the application a statement from the ~~State Planning Office~~Department of Conservation affirming that the location of the proposed development meets the provisions of subparagraphs (1) and (2).

An applicant claiming an exemption under this paragraph shall publish a notice of that application in a newspaper of general circulation in the region that includes the municipality in which the development is proposed to occur. That notice must include a statement indicating the standard or standards for which the applicant is claiming an exemption.

Sec. JJ-33. 38 MRSA §489-D, sub-§2, ¶B, as enacted by PL 1995, c. 704, Pt. A, §22 and affected by Pt. C, §2, is amended to read:

B. A municipality may also obtain technical assistance in the form of a peer review from a private consultant or regional council and may recover costs from the developer for a project of any size. The ~~State Planning Office~~Department of Conservation has the authority to establish rules as necessary for this purpose.

Sec. JJ-34. 38 MRSA §909, as enacted by PL 1997, c. 789, §4 and affected by §5, is amended to read:

§ 909. Technical assistance

To the extent existing resources are available, when one or more municipalities ~~seeks~~seek ownership of a dam, the ~~State Planning Office~~Department of Conservation may provide grants and technical assistance to the participating municipality or municipalities or to regional planning organizations.

Sec. JJ-35. 38 MRSA §956, sub-§1, as enacted by PL 1979, c. 663, §233, is amended to read:

1. Guide for boundaries. The comprehensive plan submitted to the 106th Legislature by the Saco River Environmental Advisory Committee ~~shall~~must be used as a guide by the planning boards of the municipalities within the corridor in making recommendations for district boundaries and by the commission in establishing final boundaries. The comprehensive plan ~~shall~~may not be regarded as a final and complete design for the future of the land and water areas within the corridor, but as the basis of a continuing planning process to be carried out by the commission in conjunction with local officials, regional planning districts, councils of government and the ~~State Planning Office~~Department of Conservation.

Sec. JJ-36. 38 MRSA §956, sub-§2, ¶B, as enacted by PL 1979, c. 663, §233, is amended to read:

B. The proposed amendment or revision has been submitted to the ~~State Planning Office~~, pursuant to Title 5, section 3305, subsection 1, paragraph GDepartment of Conservation, which shall forward its comments and recommendations, if any, to the commission within 30 days; and

Sec. JJ-37. 38 MRSA §961, as amended by PL 1989, c. 890, Pt. A, §40 and Pt. B, §204, is further amended to read:

§ 961.Relation to municipal, state and federal regulations

Nothing in this chapter prevents municipal, state or federal authorities from adopting and administering more stringent requirements regarding performance standards or permitted uses within use districts established by the commission or within districts overlapping the districts established pursuant to this chapter. Where there is a conflict between a provision adopted under this chapter and any other municipal, state or federal requirement applicable to the same land or water areas within the corridor, the more restrictive provision takes precedence. All performance standards, rules and regulations proposed for hearing by the commission must be submitted to the Commissioner of Environmental Protection, the ~~State Planning Office~~Department of Conservation, the Greater Portland Council of Governments and the Southern Maine Regional Planning Commission at least 7 days prior to the hearing for review and comment. The commission ~~shall~~may not ~~promulgate~~adopt any rule establishing air or water quality standards within the corridor in conflict with the rules of the Department of Environmental Protection without the prior approval of the Board of Environmental Protection.

Sec. JJ-38. 38 MRSA §1163, sub-§2, as enacted by PL 1995, c. 636, §1, is amended to read:

2. Appeal. For an intermunicipal sewer extension, when written assurance is denied by municipal officers pursuant to subsection 1, an aggrieved party may appeal, within 15 days of the decision, to the ~~State Planning Office~~, referred to in this subsection as the "~~office~~,"Department of Conservation for a review of the municipal officers' decision. Notwithstanding Title 5, chapter 375, subchapter IV~~4~~, the following procedures apply to the review by the ~~office~~Department of Conservation.

A. The ~~office~~Department of Conservation may request any additional information from the sanitary district, the municipality or the department. All information requested by the ~~office~~Department of Conservation must be submitted within 30 days of the request, unless an extension is granted by the ~~office~~Department of Conservation.

B. Within a reasonable time, the ~~office~~Department of Conservation shall hold a hearing. The ~~office~~Department of Conservation shall give at least 7 days' written notice of the hearing to the sanitary district, the municipality and the party that requested the hearing. The hearing is informal and the ~~office~~Department of Conservation may receive any information it considers necessary.

C. Within 15 days of the hearing and within 60 days of the request for review, the ~~office~~Department of Conservation shall make a decision that must include findings of fact on whether the sewer extension proposal is inconsistent with adopted municipal plans and ordinances regulating land use. The decision of the ~~office~~Department of Conservation constitutes final agency action.

D. Notwithstanding subsection 1, if the ~~office~~Department of Conservation determines that the sewer extension proposal is not inconsistent with adopted municipal plans and ordinances regulating land use, the ~~office~~Department of Conservation shall issue written assurance that the proposal is consistent with adopted municipal plans and ordinances regulating land use, and the sanitary district may construct the sewer extension.

Sec. JJ-39. 38 MRSA §1252, sub-§7, ¶B, as enacted by PL 1995, c. 636, §2, is amended to read:

B. For an intermunicipal sewer extension, when written assurance is denied by municipal officers pursuant to paragraph A, an aggrieved party may appeal, within 15 days of the decision, to the ~~State Planning Office, referred to in this paragraph as the "office,"~~Department of Conservation for a review of the municipal officers' decision. Notwithstanding Title 5, chapter 375, subchapter ~~IV~~4, the following procedures apply to the review by the ~~office~~Department of Conservation.

(1) The ~~office~~Department of Conservation may request any additional information from the sewer district, the municipality or the department. All information requested by the ~~office~~Department of Conservation must be submitted within 30 days of the request, unless an extension is granted by the ~~office~~Department of Conservation.

(2) Within a reasonable time, the ~~office~~Department of Conservation shall hold a hearing. The ~~office~~Department of Conservation shall give at least 7 days' written notice of the hearing to the sewer district, the municipality and the party that requested the hearing. The hearing is informal and the office may receive any information it considers necessary.

(3) Within 15 days of the hearing and within 60 days of the request for review, the ~~office~~Department of Conservation shall make a decision that must include findings of fact on whether the sewer extension proposal is inconsistent with adopted municipal plans and ordinances regulating land use. The decision of the ~~office~~Department of Conservation constitutes final agency action.

(4) Notwithstanding paragraph A, if the ~~office~~Department of Conservation determines that the sewer extension proposal is not inconsistent with adopted municipal plans and ordinances regulating land use, the ~~office~~Department of Conservation shall issue written assurance that the proposal is consistent with adopted municipal plans and ordinances regulating land use, and the sewer district may construct the sewer extension.

Sec. JJ-40. Transition provisions; land use planning-related matters. The following provisions apply to the reassignment of duties, responsibilities and activities of the Executive Department, State Planning Office regarding land use planning and related technical assistance to municipalities, including but not limited to those under the Maine Revised Statutes, Title 30-A, chapter 187, to the Department of Conservation.

1. Four authorized positions and incumbent personnel in the State Planning Office that are assigned to that office's land use planning program are transferred to the Department of Conservation. These employees retain their rights as unclassified employees as well as their accrued fringe benefits, including but not limited to vacation and sick leave, health and life insurance and retirement benefits.

2. The Commissioner of Conservation shall designate the Director of Land Use Planning within the Department of Conservation. The Director of Land Use Planning shall coordinate technical assistance and provide guidance for state agencies and local and regional comprehensive plans. Other duties and responsibilities of the Director of Land Use Planning must be established by the Commissioner of Conservation.

3. The Commissioner of Conservation shall designate the Director of the Land for Maine's Future Program within the office of the commissioner in the Department of Conservation. The commissioner shall establish the duties of the Director of the Land for Maine's Future Program.

Sec. JJ-41. Effective date. This Part takes effect July 1, 2012.

PART KK

Sec. KK-1. 1 MRSA §25, as amended by PL 1999, c. 556, §1, is further amended to read:

§ 25. Topographic mapping

The Bureau of Geology and, Natural Areas and Coastal Resources has charge of topographic mapping on behalf of the State. The Bureau of Geology and, Natural Areas and Coastal Resources is authorized and directed to enter into such agreements with the Director of the United States Geological Survey as will ~~assure~~ensure the progress of the work in an efficient and economical manner.

Sec. KK-2. 2 MRSA §6, sub-§5, as amended by PL 2005, c. 405, Pt. D, §4, is further amended to read:

5. Range 86. The salaries of the following state officials and employees are within salary range 86:

Director of Labor Standards;

State Archivist;

Director, Bureau of Geology and, Natural Areas and Coastal Resources;
Executive Director, Maine Land Use Regulation Commission;
Chair, Maine Unemployment Insurance Commission;
Child Welfare Services Ombudsman; and
Director of the Maine Drug Enforcement Agency.

Sec. KK-3. 5 MRSA §935, sub-§1, ¶D, as amended by PL 1999, c. 556, §3, is further amended to read:

D. Director, Bureau of Geology and, Natural Areas and Coastal Resources;

Sec. KK-4. 12 MRSA §541-A, as enacted by PL 1999, c. 556, §12, is amended to read:

§ 541-A. Bureau of Geology, Natural Areas and Coastal Resources

The Bureau of Geology and, Natural Areas and Coastal Resources is established within the Department of Conservation and is administered by the commissioner. The bureau consists of the Maine Geological Survey, referred to in this chapter as the "survey," and the Natural Areas Program and the Maine Coastal Program. The executive director of the bureau is the director of the survey.

Sec. KK-5. 12 MRSA §544-D is enacted to read:

§ 544-D. Maine Coastal Program

1. Establishment. The Maine Coastal Program is established within the Department of Conservation and is administered by the commissioner.

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

A. "Coastal area" has the same meaning as provided in Title 38, section 1802, subsection 1.

B. "Coastal management" has the same meaning as provided in Title 38, section 1802, subsection 2.

C. "Coastal resources" has the same meaning as provided in Title 38, section 1802, subsection 3.

D. "Commissioner" means the Commissioner of Conservation.

E. "State coastal zone management program" means the coastal management program originally approved by the National Oceanic and Atmospheric Administration in September 1978 and as subsequently changed in accordance with the federal Coastal Zone Management Act of 1972, 16 United States Code, Sections 1451 to 1466 (2012).

3. Purpose. The Maine Coastal Program is established to manage and administer and to coordinate implementation and ongoing development and improvement of the state coastal zone management program in accordance with and in furtherance of the requirements of the federal Coastal Zone Management Act of 1972, 16 United States Code, Sections 1451 to 1466 (2012) and the State's coastal management policies established in Title 38, section 1801.

4. Authorities. In order to and to the extent needed to carry out its responsibilities under subsection 3, the Maine Coastal Program is authorized to:

A. Receive and administer federal grants from the National Oceanic and Atmospheric Administration, as well as financial assistance from other public or private sources, for implementation of the state coastal zone management program;

B. At the request of the Governor or the Legislature, or on its own initiative, prepare or coordinate plans, studies, technical assistance and policies to identify immediate and long-range needs regarding coastal management, coastal resources and related human uses in the coastal area and to guide and carry forward the wise, coordinated and well-balanced development and conservation of coastal resources;

C. Implement aspects of the state coastal zone management program and be the lead state agency for purposes of federal consistency review under the federal Coastal Zone Management Act of 1972, 16 United States Code, Section 1456 (2012); and

D. Act as the coordinating agency among the several officers, authorities, boards, commissions, departments and political subdivisions of the State on matters relative to management of coastal resources and related human uses in the coastal area.

Nothing in this section may be construed as limiting the powers and duties of any officer, authority, board, commission, department or political subdivision of the State.

Sec. KK-6. 12 MRSA §549, as amended by PL 1999, c. 556, §14, is further amended to read:

§ 549. Jurisdiction

The Bureau of Geology and, Natural Areas and Coastal Resources and the agencies having jurisdiction over state-owned lands have jurisdiction, as set forth in this subchapter, over all state-owned lands for the purpose of mineral development and mining on that land. The Bureau of Geology and, Natural Areas and Coastal Resources and the agencies having jurisdiction over state-owned lands may make such rules as each deems proper with respect to the authority delegated pursuant to this subchapter.

Sec. KK-7. 12 MRSA §549-A, sub-§2, as amended by PL 1999, c. 556, §15, is further amended to read:

2. Director of the survey. "Director of the survey" means the Director of the Bureau of Geology and, Natural Areas and Coastal Resources.

Sec. KK-8. 12 MRSA §550-B, sub-§3, ¶A, as amended by PL 2003, c. 175, §3, is further amended to read:

A. Within 30 days after completion of any well or dry hole, or the enlarging or deepening of an existing well, a well drilling company shall submit a report to the Bureau of Geology ~~and~~, Natural Areas ~~and~~ Coastal Resources on forms designed and provided by the Bureau of Geology ~~and~~, Natural Areas ~~and~~ Coastal Resources. The report must contain information as may be required by the Bureau of Geology ~~and~~, Natural Areas ~~and~~ Coastal Resources, including, but not limited to, location, construction and well yield.

Sec. KK-9. 12 MRSA §550-B, sub-§6, as amended by PL 2009, c. 567, §6, is further amended to read:

6. Information use. Information collected by the Bureau of Geology ~~and~~, Natural Areas ~~and~~ Coastal Resources, Maine Geological Survey under this section is subject to Title 1, chapter 13, subchapter 1, unless the well drilling company to whom the information belongs or pertains requests that it be designated as confidential and the bureau has determined it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available. The Bureau of Geology ~~and~~, Natural Areas ~~and~~ Coastal Resources, Maine Geological Survey shall make information collected under this chapter available to any federal, state or municipal entity or authorized agent of such entity.

Sec. KK-10. 12 MRSA §1835, sub-§1, ¶A, as amended by PL 1999, c. 556, §18, is further amended to read:

A. The first \$20,000 in the aggregate of any money accruing from the alienation of rights to mine upon nonreserved public land, or other income arising out of mining operations, that is actually received during any fiscal year, and every portion thereof accruing from these mining operations, must be paid into the Bureau of Geology ~~and~~, Natural Areas ~~and~~ Coastal Resources.

Sec. KK-11. 12 MRSA §1849, sub-§1, ¶A, as amended by PL 1999, c. 556, §20, is further amended to read:

A. The first \$20,000 in the aggregate of any money accruing from the alienation of rights to mine upon public reserved land, or other income arising out of mining operations, that is actually received during any fiscal year, and every portion thereof accruing from these mining operations, must be paid to the Bureau of Geology ~~and~~, Natural Areas ~~and~~ Coastal Resources.

Sec. KK-12. 12 MRSA §1863-A, sub-§4, ¶A, as enacted by PL 2009, c. 615, Pt. B, §3, is amended to read:

A. Fifty percent to fund research, monitoring and other efforts to avoid, minimize and compensate for potential adverse effects of renewable ocean energy projects, as defined in section 1862, subsection 1, paragraph F-1, on noncommercial fisheries, seabirds, marine mammals, shorebirds, migratory birds and other coastal and marine natural resources, including but not limited to development,

enhancement and maintenance of map-based information resources developed to guide public and private decision making on siting issues and field research to provide baseline or other data to address siting issues presented by renewable ocean energy projects. The department shall consult with the Department of Inland Fisheries and Wildlife and the Executive Department, State Planning Office in allocating funds it receives pursuant to this paragraph; and

Sec. KK-13. 12 MRSA §1868, sub-§1, as enacted by PL 2009, c. 270, Pt. C, §1, is amended to read:

1. Site identification process. No later than December 15, 2009, following consultation with the Department of Environmental Protection, the Public Utilities Commission, the Department of Inland Fisheries and Wildlife, the Maine Land Use Regulation Commission, the Department of Marine Resources, the Maine Historic Preservation Commission and the University of Maine System and opportunity for public comment, the department, ~~in conjunction with the Executive Department, State Planning Office,~~ shall identify and map up to 5 specific offshore wind energy test areas. An offshore wind energy test area identified under this subsection must be a geographic area on state-owned submerged lands suitable for offshore wind energy demonstration projects constructed and operated in accordance with Title 38, section 480-HH. In identifying each such area, the department must consider existing information regarding pertinent ecological, environmental, social and development-related factors, including but not limited to:

- A. Potential adverse effects on a protected natural resource, as defined by Title 38, section 480-B, subsection 8, or a scenic resource of state or national significance, as defined by Title 35-A, section 3451, subsection 9;
- B. Potential adverse effects on species listed as threatened or endangered under section 6975 or section 12803, subsection 3; avian species, including seabirds, passerines, raptors, shorebirds, water birds and waterfowl; bats; and marine mammals;
- C. Potential adverse effects on commercial fishing, recreation, navigation, existing public access ways to intertidal and subtidal areas and other existing uses;
- D. Proximity to deep water port facilities, rail transportation, transmission infrastructure facilities and existing ocean-based environmental monitoring devices;
- E. Data regarding wind speed, ocean wave height and period, ocean currents and water depth;
- F. Geology, including substrate type and other seafloor characteristics;
- G. Public support in pertinent coastal communities; and
- H. Historic sites and archaeological resources of state or national significance.

Sec. KK-14. 12 MRSA §5013, sub-§5, as amended by PL 1999, c. 556, §21, is further amended to read:

5. Bureau of Geology, Natural Areas and Coastal Resources. The Bureau of Geology and, Natural Areas and Coastal Resources is under the direction and supervision of a director who is appointed by, and serves at the pleasure of, the commissioner.

Sec. KK-15. 12 MRSA §6022, sub-§11, as enacted by PL 1977, c. 661, §5, is amended to read:

11. Interagency cooperation. The commissioner shall consult with, offer advice to and cooperate with the ~~State Planning Office~~, the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife and the Department of Conservation in carrying out ~~his~~the commissioner's duties, and these agencies shall do the same in carrying out their duties. Cooperation ~~shall include~~includes the exchange of information and the filing of copies of any application, petition, request, report or similar document ~~which~~that may bear upon the responsibilities of any of these departments. Details of those exchanges ~~shall~~must be worked out by the heads of the departments.

Sec. KK-16. 12 MRSA §13001, sub-§12, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

12. Freshwater marshes and bogs. "Freshwater marshes and bogs" means naturally occurring open areas with saturated soils or peat, often associated with standing water and dominated by low herbaceous vegetation, grasses, weeds and shrubs and including wetlands, as shown on the Freshwater Wetlands Map Series, Bureau of Geology and, Natural Areas and Coastal Resources, Maine Geological Survey, or zoned as a Wetland Protection Subdistrict, P-WL, by the Maine Land Use Regulation Commission.

Sec. KK-17. 22 MRSA §676, sub-§5, as amended by PL 1999, c. 556, §26, is further amended to read:

5. Geology. The Bureau of Geology and, Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Conservation shall provide technical assistance for waste management.

Sec. KK-18. 22 MRSA §679-B, sub-§8, as amended by PL 1999, c. 556, §27, is further amended to read:

8. Transfer of funds. Notwithstanding Title 5, section 1585, funds allocated under this section must be transferred as necessary to accomplish the purposes of this section and Title 38, chapter 14-A from the department to other agencies, including the Department of Environmental Protection, ~~the State Planning Office~~, the Bureau of Geology and, Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Conservation and the Maine Land Use Regulation Commission.

Sec. KK-19. 32 MRSA §4700-G, sub-§2, as amended by PL 2009, c. 153, §8, is further amended to read:

2. Membership. The commission consists of the director of the division of environmental health within the Department of Health and Human Services or the director's designee; the Director of the Bureau of Geology and Natural Areas and Coastal Resources within the Department of Conservation or the director's designee; the Commissioner of Transportation or the commissioner's designee; and 4 public members, 3 of whom must be well drillers.

Sec. KK-20. 32 MRSA §4700-G, sub-§6, as amended by PL 1999, c. 556, §29, is further amended to read:

6. Administrative provision. The department shall administer the affairs and activities of the commission, keep all books and records, excluding data reports. All appropriations for use of the commission must be made to the department. The Department of Conservation, Bureau of Geology and Natural Areas and Coastal Resources shall keep all well data reports and work with the department in the administration of the commission's activities.

Sec. KK-21. 33 MRSA §1213, as enacted by PL 1973, c. 616, §1, is amended to read:

§ 1213. Water boundaries

For the purposes of this chapter, the ~~State Planning Office is directed to~~ Department of Conservation, Bureau of Geology, Natural Areas and Coastal Resources shall draw the water boundaries of the 8 coastal counties in order to determine in which registry of deeds the island ~~shall~~must be registered. These lines ~~shall~~must be drawn in accordance with the corporate charters of the counties as amended. In instances in which the charter does not clearly specify the seaward boundaries of the counties, the boundaries ~~shall~~must be drawn in accordance with state law and the principles contained in the International Convention for the Contiguous and Territorial Sea in determining seaward boundaries between adjacent nation states.

Sec. KK-22. 35-A MRSA §3451, sub-§9, ¶H, as enacted by PL 2007, c. 661, Pt. A, §7, is amended to read:

H. Scenic viewpoints located in the coastal area, as defined by Title 38, section 1802, subsection 1, that are ranked as having state or national significance in terms of scenic quality in:

(1) One of the scenic inventories prepared for and published by the Executive Department, State Planning Office: "Method for Coastal Scenic Landscape Assessment with Field Results for Kittery to Scarborough and Cape Elizabeth to South Thomaston," Dominie, et al., October 1987; "Scenic Inventory Mainland Sites of Penobscot Bay," Dewan and Associates, et al., August 1990; or "Scenic Inventory: Islesboro, Vinalhaven, North Haven and Associated Offshore Islands," Dewan and Associates, June 1992; or

(2) A scenic inventory developed by or prepared for the Executive Department, former State Planning Office or the Department of Conservation in accordance with section 3457.

Sec. KK-23. 35-A MRSA §3457, sub-§2, as enacted by PL 2007, c. 661, Pt. A, §7, is amended to read:

2. Scenic inventory. ~~The Executive Department, State Planning Office~~Department of Conservation, Bureau of Geology, Natural Areas and Coastal Resources shall adopt rules regarding the methodology for conducting a scenic inventory of scenic resources of state or national significance that are located in the coastal area, as defined by Title 38, section 1802, subsection 1, in a manner comparable to that used for an inventory listed in section 3451, subsection 9, paragraph H, subparagraph (1). ~~The office~~Department of Conservation, Bureau of Geology, Natural Areas and Coastal Resources may contract with an outside entity for the preparation of a scenic inventory conducted pursuant to the methodology developed pursuant to this subsection.

Sec. KK-24. 38 MRSA §361-A, sub-§1-D, as amended by PL 1999, c. 556, §30, is further amended to read:

1-D. Aquifer. "Aquifer" means a geologic formation composed of rock or sand and gravel that stores and transmits significant quantities of recoverable water, as identified by the Bureau of Geology and Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Conservation.

Sec. KK-25. 38 MRSA §401, 7th ¶, as enacted by PL 1979, c. 472, §12, is amended to read:

It is the intention of the Legislature that the Bureau of Geology, Natural Areas and Coastal Resources provide coordination and develop programs for the collection and analysis of information relating to the nature, extent and quality of aquifers and aquifer recharge areas.

Sec. KK-26. 38 MRSA §402, as amended by PL 1999, c. 556, §31, is further amended to read:

§ 402. Research

The Bureau of Geology, Natural Areas and Coastal Resources in cooperation with the Department of Environmental Protection, is authorized to conduct research and studies to determine recharge and cleansing rates of ground water in different sand and gravel and bedrock formations.

The Bureau of Geology and Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Conservation in cooperation with other agencies as appropriate shall conduct a 3-year program to assess the impact of agricultural practices and chemicals on ground water quality in selected agricultural areas and selected aquifers. The program must evaluate the extent and level of contamination associated with pesticide use, the mechanisms by which pesticides move through the soil and into ground water supplies, the synergistic effects of these substances and their persistence in ground water.

The survey shall report annually its progress to the joint standing committee of the Legislature having jurisdiction over natural resources.

Sec. KK-27. 38 MRSA §410-I, sub-§1, as enacted by PL 1991, c. 345 and amended by PL 2003, c. 689, Pt. B, §7, is further amended to read:

1. Agency cooperation. The commissioner shall cooperate and coordinate with the Commissioner of Agriculture, Food and Rural Resources; the Commissioner of Conservation; the Commissioner of Transportation; the Commissioner of Economic and Community Development; the

Commissioner of Health and Human Services; and the Commissioner of Marine Resources;~~and the Director of the State Planning Office~~ to ensure a coordinated approach to nonpoint source pollution control for agriculture, forestry, transportation and development.

Sec. KK-28. 38 MRSA §546-B, sub-§1, as enacted by PL 1991, c. 454, §6, is amended to read:

1. Sensitive area identification and data management. The commissioner, in consultation with the Department of Marine Resources, the Department of Inland Fisheries and Wildlife, the Department of Conservation, ~~the State Planning Office~~, the United States Fish and Wildlife Service and other appropriate agencies and organizations, both public and private, shall assess the nature and extent of sensitive areas and resources in the marine environment that may be threatened by oil spills and develop a system to collect and maintain the necessary data. The commissioner shall ensure that the duplication of effort among agencies and creation of incompatible data and ~~data bases~~databases are minimized.

Sec. KK-29. 38 MRSA §549, as amended by PL 1999, c. 556, §36, is further amended to read:

§ 549. Personnel and equipment

The commissioner shall establish and maintain at such ports within the State, and other places as the commissioner determines, employees and equipment necessary to carry out this subchapter. The commissioner, subject to the Civil Service Law, may employ personnel necessary to carry out the purposes of this subchapter, and shall prescribe the duties of those employees. The salaries of those employees and the cost of that equipment must be paid from the Maine Coastal and Inland Surface Oil Clean-up Fund established by this subchapter. The commissioner and the Director of the Bureau of Geology and Natural Areas and Coastal Resources shall periodically consult with each other relative to procedures for the prevention of oil discharges into the coastal waters of the State from offshore drilling production facilities. Inspection and enforcement employees of the department in their line of duty under this subchapter have the powers of a constable.

Sec. KK-30. 38 MRSA §1804, as enacted by PL 2001, c. 595, §1, is amended to read:

§ 1804. Interagency review of coastal water access issues

The Executive Department, ~~State Planning Office~~of Conservation and the Department of Marine Resources, within existing budgeted resources, shall convene a working group of staff from all state agencies that deal with coastal water access issues to share data, program activities and areas for collaboration on coastal water access issues. Each agency shall identify the coastal water access data that the agency has, the coastal water access data that the agency needs and potential funding sources for the collection of the needed data. Other stakeholders may be included as appropriate. The ~~State Planning Office~~Department of Conservation and the Department of Marine Resources shall submit a report of the working group's activities, including how the agencies can work cooperatively to make creative use of available funds to address both recreational and commercial access needs and to optimize projects that are multiuse in nature to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of every odd-numbered year.

Sec. KK-31. 38 MRS §1905, sub-§1, as amended by PL 1999, c. 556, §40, is further amended to read:

1. Maps; coastal barriers identified. Maine's coastal barriers are identified on maps, available for public review, at the Department of Conservation, Bureau of Geology and Natural Areas and Coastal Resources, Maine Geological Survey office in Augusta. They are referred to as the Maine Coastal Barrier Resources Systems and are numbered consistent with the United States Coastal Barriers Resource Act.

Sec. KK-32. Transition provisions; Maine Coastal Program-related matters. The following provisions apply to reassignment of duties, responsibilities and activities regarding management and administration and implementation of aspects of the State's federally approved coastal zone management program from the Executive Department, State Planning Office to the Department of Conservation, Bureau of Geology, Natural Areas and Coastal Resources.

1. The Governor shall designate the Department of Conservation to receive and administer implementation grants for and serve as the state agency for federal consistency review as provided by the Maine Coastal Program approved by the National Oceanic and Atmospheric Administration in September 1978 and as subsequently amended in accordance with the federal Coastal Zone Management Act of 1972, 16 United States Code, Sections 1451 to 1466 (2012). No later than one year following the effective date of this section, the Department of Conservation shall submit to the National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management for its review and approval in accordance with 15 Code of Federal Regulations, Part 923 any changes to the Maine Coastal Program necessary to conform the program to the intent of this section.

2. Six authorized positions and incumbent personnel in the State Planning Office assigned to the Maine Coastal Program are transferred to the Department of Conservation, Bureau of Geology, Natural Areas and Coastal Resources. Those employees retain their accrued fringe benefits, including but not limited to vacation and sick leave, health and life insurance and retirement benefits.

3. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, the State Controller, upon request of the State Budget Officer and with the approval of the Governor, shall transfer to the proper account in the Department of Conservation all accrued expenditures, assets and liabilities, including but not limited to any contractual obligations, balances, appropriations, allocations, transfers, revenues and other available funds, in any account or subdivision of an account of the State Planning Office established for administration of funds related to management of coastal resources, including but not limited to grant funds from the National Oceanic and Atmospheric Administration pursuant to the federal Coastal Zone Management Act of 1972, 16 United States Code, Sections 1451 to 1466 (2012). Nothing in this section changes or is intended to change or otherwise affect the purposes or uses for which any funds transferred pursuant to this section may be expended.

Sec. KK-33. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 1, in the subchapter headnote, the words "bureau of geology and natural areas" are amended to read "bureau of geology, natural areas and coastal resources" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. KK-34. Effective date. This Part takes effect July 1, 2012.

PART LL

Sec. LL-1. 5 MRSA §7504, as enacted by PL 1995, c. 54, §1, is amended to read:

§ 7504. Staff and administrative services

The ~~State Planning Office~~Department of Education shall provide staff and administrative services as follows.

1. Executive director. The ~~Director of the State Planning Office with the advice and consent of~~Commissioner of Education, in consultation with the commission, shall hire an executive director as a member of the ~~State Planning Office~~Department of Education staff. The executive director oversees day-to-day operations of the commission, hires staff members with the approval of the commission and the ~~Director of the State Planning Office,~~Commissioner of Education and carries out other responsibilities as directed by the commission.

2. Administrative services. The ~~State Planning Office~~Department of Education shall provide the executive director and the commission with continuing administrative support as appropriate. The ~~State Planning Office~~Department of Education may establish a dedicated account on behalf of the commission to receive funds contributed by private and public agencies for use solely for commission purposes.

Sec. LL-2. Transition provisions; Maine Commission for Community Service matters. The following provisions apply to the reassignment of duties, responsibilities and activities of the Maine Commission for Community Service.

1. Five authorized positions and incumbent personnel in the Executive Department, State Planning Office assigned to the Maine Commission for Community Service are transferred to the Department of Education, Maine Commission for Community Service. These employees retain their accrued fringe benefits, including but not limited to vacation and sick leave, health and life insurance and retirement benefits.

2. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, the State Controller, upon request of the State Budget Officer and with the approval of the Governor, shall transfer to the proper account in the Department of Education, Maine Commission for Community Service program all accrued expenditures, assets and liabilities, including but not limited to any contractual obligations, balances, appropriations, allocations, transfers, revenues and other available funds, in any account or subdivision of an account of the State Planning Office established for funds administered by the Maine Commission for Community Service. Nothing in this section changes or is intended to change or otherwise affect the purposes or uses for which any funds transferred pursuant to this section may be expended.

Sec. LL-3. Effective date. This Part takes effect July 1, 2012.

PART MM

Sec. MM-1. 2 MRSA §9, sub-§§1 and 2, as enacted by PL 2007, c. 656, Pt. C, §1, are amended to read:

1. Office established. The Governor's ~~Office of Energy Independence and Security~~Office, referred to in this section as "the office," is established in the Executive Department to carry out responsibilities of the State relating to energy resources, planning and development. The office is directly responsible to the Governor.

2. Director. The office is under the control and supervision of the Director of the Governor's ~~Office of Energy Independence and Security~~Office, referred to in this section as "the director." The director is appointed by the Governor and serves at the pleasure of the Governor.

Sec. MM-2. 2 MRSA §9, sub-§2-A, as enacted by PL 2009, c. 372, Pt. H, §1, is repealed and the following enacted in its place:

2-A. Funding. The office is funded in accordance with this subsection.

A. The office is funded by federal funds that are available to and received by the office. Such federal funds may be applied to support the personal services and all other costs of the office.

B. To the extent federal funds are inadequate to meet the funding needs of the office, the office may receive funds from the Efficiency Maine Trust, established in Title 35-A, chapter 97, but only for that portion of the office's activities that support or reasonably relate to programs or activities of the Efficiency Maine Trust. The director shall keep an accounting of the office's resources devoted to its various duties and activities, including that portion of its resources devoted to activities in support of or reasonably related to programs or activities of the Efficiency Maine Trust. The office shall annually by January 15th provide the accounting to the joint standing committee of the Legislature having jurisdiction over energy matters. The joint standing committee of the Legislature having jurisdiction over energy matters shall make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs with regard to any proposed allocation of the Efficiency Maine Trust funds to support the office. In accordance with any legislative allocation or deallocation of Efficiency Maine Trust funds to support the office, the director shall request from the Efficiency Maine Trust and the trust shall provide the allocated resources to the office.

C. Any additional funding of the office must be provided from the General Fund or other available resources.

Sec. MM-3. 2 MRSA §9, sub-§3, ¶G, as enacted by PL 2007, c. 656, Pt. C, §1, is amended to read:

G. Seek, accept and administer funds and partnerships withfrom public and private sources and develop partnerships with public and private entities to support the goals of the office, including, but not limited to, promoting energy efficiency, demand-side management and distributed generation;

Sec. MM-4. 2 MRSA §9, sub-§§6 and 7 are enacted to read:

6. Maine Energy Resources Development Program. The Maine Energy Resources Development Program, referred to in this subsection as "the program," is established to promote energy research and demonstration activities related to both the use of indigenous, renewable resources and more efficient use of energy. The office, as funding allows, shall administer the program. The director may accept private money for the purpose of funding the program.

A. The director shall include, in the comprehensive state energy plan under subsection 3, paragraph C, a report that specifies, in regard to the program, the expenditure of program funds, the purposes for which the funds were used and the amount of the funds and the sources from which the funds were derived.

B. For all proposed program expenditures of \$10,000 or more, the director shall seek approval for those expenditures from the Governor. If the Governor approves, the director shall seek approval for those expenditures from the Legislature under the procedures authorizing the transfer of funds set forth in Title 5, section 1585.

7. Reporting of petroleum inventories and deliveries. The following provisions govern the reporting of petroleum inventories and deliveries.

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings:

(1) "Petroleum product" means propane; gasoline; unleaded gasoline; gasohol; kerosene; #2 heating oil; diesel fuel; kerosene-based jet fuel; aviation gasoline; #4, #5 and #6 residual oil for utility and nonutility uses; and Bunker C oil;

(2) "Primary storage facility" means a facility that receives petroleum products into the State by pipeline or by ship; and

(3) "Primary supplier" means a refiner, marketer, distributor, firm or person who makes the first sale of any petroleum product to resellers or consumers in this State.

B. Each owner or lessee of a primary storage facility in the State shall make an accurate report of petroleum inventories and deliveries on the first and 3rd Monday of each month to the office on a form provided by the director. The form must contain a conspicuous statement of the penalties provided in paragraph D and must require, with regard to the owner's or lessee's primary storage facility, the following information:

(1) The total inventory of each petroleum product stored in the State, as measured within not more than 3 working days prior to the reporting date; and

(2) The quantities of each petroleum product delivery expected into the State within 15 days of the reporting date or within any longer period established by the director.

C. Each primary supplier of petroleum products shall make an accurate report of actual and anticipated deliveries on the 3rd Monday of each month to the office on a form provided by the director, unless the report is already being submitted in accordance with federal regulations. The form must contain a conspicuous statement of the penalties provided in paragraph D and must require the following information:

(1) Actual deliveries of all petroleum products in this State during the preceding calendar month;

(2) Anticipated deliveries of all petroleum products in this State during the following calendar month or during any longer period established by the director; and

(3) Allocation fractions for all petroleum products for the following month or for any longer period established by the director.

D. A person who violates this subsection is subject to the following penalties.

(1) An owner or lessee of a primary storage facility or a primary supplier who fails to provide the information required by this subsection commits a Class D crime. Violation of this subparagraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

(2) An owner or lessee of a primary storage facility or a primary supplier who knowingly or recklessly supplies false or misleading information is guilty of a violation of Title 17-A, section 453. An owner or lessee of a primary storage facility who supplies false or misleading information commits a civil violation for which a fine of \$2,500 may be adjudged.

E. The office shall provide reports to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters as follows:

(1) If the office determines, based on available information, that there is or may be a significant shortfall in supply inventories or anticipated deliveries into the State of home heating oil or kerosene, the office shall provide a report including:

(a) The information that suggests a supply shortfall;

(b) Current and anticipated inventories of home heating oil and kerosene storage supplies;

(c) Any recommendations of the office for actions by the State in response to the anticipated supply shortfall; and

(d) A report on inventories, deliveries, curtailments, shortfalls or other matters relating to the availability of petroleum products in this State, at the request of the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

Sec. MM-5. 7 MRSA §2, 4th ¶, as amended by PL 1991, c. 9, Pt. I, §6, is further amended to read:

In addition, the commissioner shall be concerned with the quality of life of Maine farmers and rural communities. The commissioner shall promote: farm financing and rural development proposals; conservation and preservation of agricultural lands; increased and improved production of beef, poultry, sheep, dairy beef and other livestock; expanded and improved production of potatoes, fruits and other vegetables and horticultural ventures; coordinated foreign and domestic marketing of Maine agricultural products; in conjunction with the university, crop development and integrated pest management; and conservation of nonrenewable energy resources and utilization of renewable energy resources in conjunction with the ~~State Planning Office~~Governor's Energy Office. To accomplish these objectives, the commissioner is authorized for, or on behalf of, Maine's farmers and rural community: to engage in research and educational programs; to participate directly or indirectly in programs to encourage and enable individuals to enter agricultural or other rural enterprises; to institute litigation or upon request to represent farmers or other members of the rural community in litigation where the commissioner determines that such litigation may be beneficial to agricultural industry as a whole; and to exercise all other powers of an agency of State Government. The commissioner may study such issues and, consistent with statute, take such actions either individually, for, or on behalf of, the State's farmers or rural residents, or jointly with such other persons, agencies or organizations as the commissioner determines may benefit the State's farmers and rural communities. To further accomplish these objectives, the commissioner is authorized beginning July 1, 1991, on behalf of the State's rural community, to administer food assistance programs including the receipt, distribution and administration of federal and state funds, including block grants, for food assistance.

Sec. MM-6. 10 MRSA §1023-K, sub-§1, as amended by PL 2009, c. 124, §2, is further amended to read:

1. Established; fund administration. The Clean Fuel Vehicle Fund, referred to in this section as the "fund," is established under the jurisdiction of the authority to support production, distribution and consumption of clean fuels and biofuels. In administering the fund, the authority shall consult and provide opportunity for input from the ~~Governor's Office of Energy Independence and Security~~Office within the Executive Department.

Sec. MM-7. 10 MRSA §1023-K, sub-§3-B, as enacted by PL 2009, c. 124, §2, is amended to read:

3-B. Application of fund. The fund may be used in accordance with this subsection.

A. The fund may be applied to carry out any power of the authority under or in connection with section 1026-A, subsection 1, paragraph A, subparagraph (1), division (c), including, but not limited to, the pledge or transfer and deposit of money in the fund as security for and the application of the fund to pay principal, interest and other amounts due on insured loans.

B. The fund may be used for direct loans to finance all or part of any clean fuel or sustainable biofuel vehicle project when the authority determines that:

- (1) The applicant demonstrates a reasonable likelihood that the applicant will be able to repay the loan;
- (2) The project is technologically feasible; and
- (3) The project will contribute to a reduction of or more efficient use of fossil fuels.

C. The fund may be used for grants to support clean fuel and sustainable biofuel production, distribution and consumption. The authority, in consultation with the Governor's ~~Office of Energy Independence and Security~~Office within the Executive Department, shall establish a formula and method for the awarding of grants under this paragraph.

D. The fund may be used for reasonable development and administration costs for an online contribution process, in accordance with subsection 6.

E. The fund may be used for reasonable initial and ongoing administrative costs of the authority to implement this section.

The authority, in consultation with the Governor's ~~Office of Energy Independence and Security~~Office within the Executive Department, shall adopt rules for determining eligibility, project feasibility, terms, conditions and security for loans under this section. Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.

Sec. MM-8. 10 MRSA §1043, sub-§2, ¶O, as amended by PL 2011, c. 586, §3, is further amended to read:

O. In the case of an energy distribution system project regulated by the Public Utilities Commission with respect to rates or terms of service or that requires, for construction or operation, authorization or certification from the commission, the following conditions are met.

- (1) The energy distribution system project has received all authorizations or certifications from the Public Utilities Commission necessary for construction and operation of the project. The authority may issue a certificate of approval for a project that has received conditional approvals or certifications from the commission, except that the authority's certificate becomes legally effective only upon fulfillment of the conditional provisions of the commission's certificates

or approvals. If the commission has approved rates to be charged by the project or has issued a certificate of public convenience and necessity for the project, the authority shall take into consideration any findings and conclusions of law of the commission, including any findings and conclusions pertaining to the need for the project and the financial viability of the project.

(2) The authority has reviewed and considered any comments provided by the Director of the Governor's ~~Office of Energy Independence and Security~~Office and the Public Advocate.

(3) The authority has determined that the applicant is creditworthy and that there is a reasonable likelihood that the revenue obligation securities will be repaid through the revenues of the project and any other sources of revenues and collateral pledged to the repayment of those securities. In order to make these determinations, the authority shall consider such factors as it considers necessary and appropriate in light of the special purpose or other nature of the business entity owning the project and the specific purposes of the project to measure and evaluate the project and the sufficiency of the pledged revenues to repay the obligations, including, but not limited to:

(a) Whether the individuals or entities obligated to repay the obligations have demonstrated sufficient revenues from the project or from other sources to repay the obligations and a reasonable probability that those revenues will continue to be available for the term of the revenue obligation securities;

(b) Whether the applicant demonstrates a reasonable probability that the project will continue to operate and provide the public benefits projected to be created for the term of the revenue obligation securities;

(c) Whether the applicant's creditworthiness is demonstrated by factors such as its historical financial performance, management ability, plan for marketing its product or service and ability to access conventional financing;

(d) Whether the applicant meets or exceeds industry average financial performance ratios commonly accepted in determining creditworthiness in that industry;

(e) Whether the applicant demonstrates that the need for authority assistance is due to the reduced cost and increased flexibility of the financing for the project that result from authority assistance and not from an inability to obtain necessary financing without the capital reserve fund security provided by the authority;

- (f) Whether collateral securing the repayment obligation is reasonably sufficient under the circumstances;
- (g) Whether the proposed project enhances the opportunities for economic development;
- (h) The effect that the proposed project financing has on the authority's financial resources;
- (i) The financial performance of similar projects;
- (j) The need for the project, as determined by the Public Utilities Commission and as indicated by any comments provided by the Director of the Governor's ~~Office of Energy Independence and Security~~Office, other public officials and members of the public;
- (k) The nature and extent of customer commitment to use the project or the fuel or energy the project distributes or transmits;
- (l) The cost advantages to end users of the fuel or energy to be distributed or transmitted by the project, to the extent those advantages may affect market penetration by the project; and
- (m) The nature and extent of the applicant's equity contribution to payment of the costs of the project; such a contribution may not be less than 25% of the expected cost of the project.

This paragraph is repealed January 1, 2018.

Sec. MM-9. 10 MRSA §1492, sub-§1, as amended by PL 1989, c. 501, Pt. DD, §29, is further amended to read:

1. Solar energy equipment. "Solar energy equipment" means all controls, tanks, pumps, heat exchangers, collectors and all other equipment necessary for the collection, transfer and storage of solar energy, as determined by the ~~State Planning Office~~Governor's Energy Office. Passive solar energy systems or those systems using natural means to collect, store and transfer solar energy ~~shall~~may not be included under this chapter.

Sec. MM-10. 10 MRSA §9722, sub-§2, ¶I, as enacted by PL 2007, c. 699, §6, is amended to read:

I. An energy efficiency representative, recommended by the ~~director~~Director of the Governor's Office of Energy Independence and SecurityOffice within the Executive Department, who has experience or expertise in the design or implementation of energy codes or in the application of energy efficiency measures in residential or commercial construction;

Sec. MM-11. 12 MRSA §405-A, sub-§4, as enacted by PL 1987, c. 635, is amended to read:

4. Review. The ~~State Planning Office~~Governor's Energy Office shall review the status of hydropower development on the St. Croix River and shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resources by January 1, ~~1993~~2013 and every 5 years thereafter. The report ~~shall~~must include any recommendations for changes in the provisions of this section together with the justification for the changes. If the St. Croix River is included in any legislative Act or regulation ~~which~~that directly or indirectly has as its effect the essential prohibition of construction of new dams or development or redevelopment of existing dams on the St. Croix River, this section ~~shall be~~is repealed on the effective date of that Act or regulation.

Sec. MM-12. 22 MRSA §666, sub-§§1 and 2, as reenacted by PL 2007, c. 539, Pt. KK, §5, are amended to read:

1. Damages to public health and safety. If the State Nuclear Safety Inspector has reason to believe that any activity poses a danger to public health and safety, and after notifying the facility licensee and the United States Nuclear Regulatory Commission, the inspector shall immediately notify the Governor;and the Commissioner of Health and Human Services ~~and the State Nuclear Safety Advisor within the State Planning Office~~. This subsection may not be construed as precluding the State Nuclear Safety Inspector from discussing the safety inspector's concerns with the United States Nuclear Regulatory Commission or others before making a determination that any activity poses a danger to public health and safety.

2. Reports. The State Nuclear Safety Inspector, with the cooperation of the Director of Health Engineering, shall prepare a report of the safety inspector's activities under this chapter to be submitted July 1st of each year to the ~~State Nuclear Safety Advisor~~Governor's Energy Office and the Legislature. The State Nuclear Safety Inspector shall prepare monthly reports for the ~~State Nuclear Safety Advisor~~Governor's Energy Office, the President of the Senate and the Speaker of the House, with copies to the United States Nuclear Regulatory Commission and the facility licensee.

Sec. MM-13. 22 MRSA §676, sub-§6, as amended by PL 1989, c. 501, Pt. DD, §31, is further amended to read:

6. Energy. The ~~State Planning Office~~Governor's Energy Office shall serve as liaison with the United States Department of Energy.

Sec. MM-14. 35-A MRSA §122, sub-§1-B, ¶A, as enacted by PL 2009, c. 655, Pt. A, §2, is amended to read:

A. The panel includes the following members:

(1) The Director of the Governor's ~~Office of Energy Independence and Security~~Office within the Executive Department or the director's designee;

(2) The Commissioner of Administrative and Financial Services or the commissioner's designee;

(3) The commissioner of each department or the director of any other state agency or authority that owns or controls land or assets within the statutory corridor under consideration or that commissioner's or director's designee; and

(4) Four members of the public appointed by the Governor in accordance with this subparagraph, subject to review by the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and to confirmation by the Senate:

(a) One member with expertise in energy and utilities selected from candidates nominated by the President of the Senate;

(b) One member with expertise in real estate or finance selected from candidates nominated by the President of the Senate;

(c) One member representing industrial or commercial energy consumers selected from candidates nominated by the Speaker of the House; and

(d) One member representing residential energy consumers selected from candidates nominated by the Speaker of the House.

Public members serve 3-year terms, except that a vacancy must be filled for the unexpired portion of the term. A public member serves until a successor is appointed. A public member may serve a maximum of 2 consecutive terms. Compensation of public members is as provided in Title 5, section 12004-G, subsection 30-D.

Sec. MM-15. 35-A MRSA §122, sub-§2, ¶B, as amended by PL 2009, c. 655, Pt. A, §2, is further amended to read:

B. The commission may commence a proceeding to designate a petitioned corridor only upon the filing of a petition for the designation of a petitioned corridor by the Office of the Public Advocate, the Executive Department, Governor's ~~Office of Energy Independence and Security~~Office or a potential developer.

Sec. MM-16. 35-A MRSA §122, sub-§7, ¶C, as amended by PL 2009, c. 655, Pt. A, §2, is further amended to read:

C. The commission may take and hold by right of eminent domain lands and easements within an energy infrastructure corridor in accordance with this paragraph, notwithstanding any transmission and distribution utility ownership of the lands or easements.

(1) The commission may exercise the authority under this paragraph only in an adjudicatory proceeding upon a petition by the Office of the Public Advocate or the Executive Department, ~~Governor's Office of Energy Independence and Security~~Office demonstrating that such action is urgently needed to avoid substantial harm to electricity consumers regarding anticipated activity associated with an energy infrastructure corridor. A determination by the commission that the exercise of eminent domain under this paragraph is urgently needed to avoid substantial harm to electricity consumers regarding anticipated activity associated with an energy infrastructure corridor constitutes reviewable final agency action.

(2) The amount of any lands or easements taken by the commission pursuant to this subsection may be no greater than is required to avoid the harm to electricity consumers identified under subparagraph (1).

(3) The right of eminent domain granted in this paragraph does not apply to personal property, fixtures or improvements that constitute transmission and distribution plant or an energy transport pipeline.

(4) The commission may exercise the right of eminent domain for the purposes of this paragraph in the same manner and under the same conditions as set forth in chapter 65. For the purposes of the exercise of eminent domain authorized by this paragraph, the commission is both a person and the State.

(5) The commission is authorized to assess transmission and distribution utilities to the extent necessary to obtain sufficient funds to pay for lands and easements taken pursuant to this subsection.

(6) The commission, in an adjudicatory proceeding upon petition by the Office of the Public Advocate or the Executive Department, ~~Governor's Office of Energy Independence and Security~~Office, may transfer or convey to any person or state agency or authority lands and easements once acquired, except that a transmission and distribution utility or the owner of an energy transport pipeline whose lands or easements were taken pursuant to this paragraph must be given the first opportunity to acquire the lands or easements to the extent necessary or useful in the performance of its duties as a transmission and distribution utility or an owner of an energy transport pipeline.

(7) The commission shall report on the circumstances of any taking by eminent domain to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters during the next regular session of the Legislature following the acquisition of lands or easements by eminent domain.

Sec. MM-17. 35-A MRSA §4131, sub-§3, ¶C, as amended by PL 1995, c. 254, §12, is further amended to read:

C. The Director of the ~~State Planning Office~~Governor's Energy Office, or another employee of the ~~State Planning Office~~that office, as the director may from time to time designate in writing filed with the clerk of the agency, shall serve as a member of the board of directors.

Sec. MM-18. 35-A MRSA §10103, sub-§2, ¶A, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

A. The board consists of the following 9 voting members:

(1) The ~~director~~Director of the Governor's ~~Office of Energy Independence and Security~~Office;

(2) The director of the Maine State Housing Authority; and

(3) Seven members appointed by the Governor, reviewed by the joint standing committee of the Legislature having jurisdiction over energy matters and approved by the Senate. Among these 7 members must be persons who adequately represent the interests of commercial energy consumers, industrial energy consumers, small business energy consumers, residential energy consumers and low-income energy consumers; among these members must be persons with knowledge of and experience in financial matters and consumer advocacy and who possess substantial management expertise or knowledge of or experience with conservation fund programs, carbon reduction programs or energy efficiency or climate change policy. The requirements of this subparagraph may be met through the appointment of one or more persons who satisfy more than one of the requirements, as long as at any one time the 7 members include among them members who adequately represent the identified interests and who ~~posses~~possess the required knowledge, expertise and experience.

Appointed trustees serve 3-year terms. If an appointed trustee is unable to complete the term, the Governor shall appoint a replacement for the remainder of the unexpired term.

Sec. MM-19. 37-B MRSA §742, sub-§2, ¶B, as amended by PL 2005, c. 677, Pt. C, §2, is further amended to read:

B. Upon the issuance of an energy emergency proclamation and after consulting with the ~~Executive Department, State Planning Office~~Governor's Energy Office, the Governor may exercise all the powers granted in this chapter, except as specifically limited by paragraph C. The powers of the Governor include, without limitation, the authority to:

- (1) Establish and implement programs, controls, standards, priorities and quotas for the allocation, conservation and consumption of energy resources;
- (2) Regulate the hours and days during which nonresidential buildings may be open and the temperatures at which they may be maintained;
- (3) Regulate the use of gasoline and diesel-powered land vehicles, watercraft and aircraft;
- (4) After consulting, when appropriate, with the New England governors and upon the recommendations of the Public Utilities Commission, regulate the generation, distribution and consumption of electricity;
- (5) Establish temporary state and local boards and agencies;
- (6) Establish and implement programs and agreements for the purposes of coordinating the emergency energy response of the State with those of the Federal Government and of other states and localities;
- (7) Temporarily suspend truck weight and size regulations, but not in conflict with federal regulations;
- (8) Regulate the storage, distribution and consumption of home heating oil; and
- (9) If the energy emergency was caused by a lack of electric grid reliability in this State resulting from insufficient capacity resources, take appropriate action, in consultation with the Public Utilities Commission, to procure sufficient capacity resources including generation capacity and interruptible, demand response or energy efficiency capacity resources.

Sec. MM-20. 38 MRS §480-HH, sub-§3, ¶H, as enacted by PL 2009, c. 270, Pt. A, §2, is amended to read:

H. Documentation that, in developing each plan required under paragraphs E to G, the applicant consulted with: the Department of Marine Resources, the Department of Inland Fisheries and Wildlife and the Department of Conservation; the Maine Land Use Regulation Commission and the ~~Executive Department, State Planning Office~~ Governor's Energy Office; the United States Army Corps of Engineers, the United States Coast Guard, the National Marine Fisheries Service, the National Park Service and the United States Fish and Wildlife Service; the lobster management policy council established under Title 12, section 6447 for the lobster management zone in which the offshore wind energy demonstration project is proposed; each municipality in which or adjacent

to which the project is proposed; and any other local, state or federal agency the applicant considers appropriate. This documentation must include copies of these agencies' comments and recommendations on the plan, if any, and specific descriptions of how the agencies' comments are accommodated by the plan, including the applicant's reasons, based on project-specific information, for any agency recommendation not adopted. The applicant shall allow a minimum of 60 days for the agencies to review and make comments and recommendations on each draft plan before it is filed with the department. No more than 30 days prior to its initiation, the applicant shall notify each municipality within or adjacent to which it intends to site and operate an offshore wind energy demonstration project and invite its participation in the consultation required under this paragraph;

Sec. MM-21. 38 MRSA §634, sub-§3, as amended by PL 1989, c. 501, Pt. DD, §46 and affected by c. 890, Pt. A, §40 and amended by Pt. B, §183, is further amended to read:

3. Application review. Within 10 working days of receiving a completed application, the commissioner shall notify the applicant of the official date on which the application was accepted.

The commissioner shall circulate the application among the Department of Environmental Protection, Department of Conservation, Department of Inland Fisheries and Wildlife, Department of Marine Resources, Department of Transportation, Maine Historic Preservation Commission, ~~State Planning Office~~Governor's Energy Office, Public Utilities Commission and the municipal officials of the municipality in which the project is located. The ~~State Planning Office~~Governor's Energy Office and the Public Utilities Commission shall submit written comments on section 636, subsection 7, paragraph F. For projects within the jurisdiction of the Maine Land Use Regulation Commission, the director may request and obtain technical assistance and recommendations from the staff of the department. The Commissioner of Environmental Protection shall respond to the requests in a timely manner. The recommendations of the Commissioner of Environmental Protection must be considered by the commission in acting upon a project application.

Sec. MM-22. 38 MRSA §640, first ¶, as enacted by PL 1989, c. 453, §2, is amended to read:

Unless otherwise provided in accordance with regulations promulgated by the Federal Energy Regulatory Commission, for all existing hydropower projects located in Maine currently licensed under the Federal Power Act, and for all proposed hydropower projects requiring a license to operate under the Federal Power Act, all state agencies that review, comment on and consult in the proposed studies, plans, terms and conditions in the course of licensing or relicensing these projects, including the ~~State Planning Office~~Department of Conservation, the Governor's Energy Office, the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, shall cooperatively take the following steps to ensure that interested members of the public are informed of, and allowed to participate in, the review and comment process.

Sec. MM-23. 38 MRSA §1480-A, as amended by PL 1995, c. 642, §19 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

§ 1480-A. Joint hearings; intervention

The Department of Health and Human Services or the ~~State Planning Office~~ Governor's Energy Office may intervene in any federal licensing proceeding to carry out the purpose of this chapter.

Sec. MM-24. Rename Governor's Office of Energy Independence and Security program. Notwithstanding any other provision of law, the Governor's Office of Energy Independence and Security program within the Executive Department is renamed the Governor's Energy Office program.

Sec. MM-25. Transition provisions; Governor's Energy Office matters. The following provisions apply to the reassignment of energy policy-related duties and responsibilities of the Executive Department, State Planning Office to the Governor's Energy Office.

1. Two authorized positions and incumbent personnel in the State Planning Office currently assigned to duties and responsibilities of the Governor's Energy Office are transferred to the Governor's Energy Office. Those employees retain their accrued fringe benefits, including but not limited to vacation and sick leave, health and life insurance and retirement benefits.

2. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, the State Controller, upon request of the State Budget Officer and with the approval of the Governor, shall transfer to the proper account in the Governor's Energy Office all accrued expenditures, assets and liabilities, including but not limited to any contractual obligations, balances, appropriations, allocations, transfers, revenues and other available funds, in any account or subdivision of an account of the State Planning Office established for administration of grant funds previously allocated to the Governor's Energy Office. Nothing in this section changes or is intended to change or otherwise affect the purposes or uses for which any funds transferred pursuant to this section may be expended.

Sec. MM-26. Effective date. This Part takes effect July 1, 2012.

PART NN

Sec. NN-1. General transition provisions. The following provisions apply to the reassignment of duties and responsibilities and transfer of personnel of the Executive Department, State Planning Office to other agencies as provided in this Act.

1. By December 1, 2013, the Director of the Governor's Office of Policy and Management within the Executive Department shall submit legislation to the First Regular Session of the 126th Legislature to revise remaining references, if any, to the State Planning Office in the Maine Revised Statutes and to make any additional technical changes to the law needed to effectuate the intent of this Act. All references to the State Planning Office that are in the Maine Revised Statutes, private and special laws, resolves, rules, procedures, ordinances or plans that are in effect, in operation or are adopted by a state agency or other instrumentality of the State following the effective date of this Act must be construed to refer to the appropriate state agency, instrumentality or other entity in accordance with the terms and intent of this Act.

2. All rules and procedures that have been adopted by the State Planning Office and that are in effect on July 1, 2012 remain in effect until rescinded, revised or amended by the appropriate authority in accordance with this Act and other applicable state law. Nothing in this section is intended to increase, diminish or otherwise affect the rule-making authority of any agency or other instrumentality of State Government.

3. All personal property and equipment previously belonging to or allocated for the use of a program of the State Planning Office must be transferred to the agency to which that program is transferred by this Act. The Department of Administrative and Financial Services shall oversee and resolve any questions regarding such transfer in accordance with the intent of this Act.

4. Records of the State Planning Office that are needed for continued performance of a duty or function previously assigned to the State Planning Office must be transferred to the agency to which that duty or function is assigned by this Act. Other essential records of the State Planning Office must be transferred to the Department of Administrative and Financial Services to be maintained and stored pursuant to standard procedure.

5. The transfer of all personal property, equipment, records and personnel under this Act, except where provided otherwise, is effective July 1, 2012.

Sec. NN-2. Effective date. This Part takes effect July 1, 2012.

PART OO

Sec. OO-1. 20-A MRSA §7001, sub-§1-A, as enacted by PL 2005, c. 662, Pt. A, §15, is amended to read:

1-A. Child Development Services System. "Child Development Services System" means ~~regional sites, or their successor sites, and the state intermediate educational unit under section 7209, subsection 3, or its successor, established~~ and any regional sites it chooses to establish and maintain, to ensure the provision of child find activities, early intervention services and free, appropriate public education services to eligible children.

Sec. OO-2. 20-A MRSA §7001, sub-§2-B, as enacted by PL 2005, c. 662, Pt. A, §15, is amended to read:

2-B. Intermediate educational unit. "Intermediate educational unit" means an entity that meets the definition of intermediate educational unit in the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1402, (23) as in effect prior to June 4, 1997 and that is a public authority, other than a local educational agency, under the general supervision of the department, that is established for the purpose of providing free public education on a regional basis and that provides special education and related services to children with disabilities within the State. An intermediate educational unit is considered a local educational agency under federal law. ~~The Child Development Services System regional sites are organized as intermediate educational units.~~ In this State, a local educational agency is a school administrative unit. For purposes of this chapter all references to school administrative units include intermediate educational units.

Sec. OO-3. 20-A MRSA §7001, sub-§4-A, as enacted by PL 2005, c. 662, Pt. A, §15, is repealed.

Sec. OO-4. 20-A MRSA §7209, as amended by PL 2007, c. 530, §1 and c. 572, Pt. B, §§1 to 4, is further amended to read:

§ 7209. General administration and supervision

1. Department of Education. The department shall serve as the lead agency for the statewide system pursuant to 20 United States Code, Section 1435, including the identification and coordination of all available resources within the State for services to eligible children from birth to under 3 years of age, and shall exercise general supervisory authority over child find as provided in 20 United States Code, Section 1412 (a) (3) and the provision of a free, appropriate public education to children at least 3 years of age and under 6 years of age.

A. The commissioner ~~or the commissioner's designee~~ is responsible for developing and adopting rules necessary to carry out the provisions of the federal Individuals with Disabilities Education Act, Part B, Section 619 and Part C, 20 United States Code, Section 1400 et seq.

B-1. The commissioner or the commissioner's designee is responsible for developing and implementing a funding mechanism for the operation of the state intermediate educational unit established pursuant to subsection 3 and the delivery of services to eligible children with disabilities from birth to under 6 years of age.

C. The commissioner or the commissioner's designee is responsible for ensuring legal and policy compliance throughout the early childhood special education program by reviewing or performing regular audits of program records.

D. The commissioner or the commissioner's designee is responsible for ensuring fiscal compliance throughout the early childhood special education program by reviewing or performing regular audits of program records.

E. The department, ~~in consultation with regional sites,~~ shall develop ana corrective action plan with timelines to achieve compliance with federal or state law. ~~The department may assume temporary responsibility for operations at a regional site that fails to meet compliance requirements.~~ The department shall report at least quarterly to the state interagency coordinating council described in 20 United States Code, Section 1441, to the state advisory panel described in 34 Code of Federal Regulations, Sections 300.167 to 300.169 and to other advisory bodies that may be appropriate about individual regional sites that are under ana corrective action plan ~~and about individual regional sites for whose operations the department has taken temporary responsibility.~~ These reports must describe any progress or slippage by individual regional sites in meeting compliance requirements. For an individual regional site under ana corrective action plan, the reports must describe how long the department expects the regional site to remain under ana corrective action plan. ~~For an individual regional site for whose operation the department has taken temporary responsibility, the reports must describe when the department expects to return responsibility to the regional site.~~

3. State intermediate educational unit establishment; administrative functions.

The commissioner shall establish and supervise the state intermediate educational unit. The state intermediate educational unit is established as a body corporate and politic and as a public instrumentality of the State for the purpose of conducting child find activities as provided in 20 United States Code, Section 1412 (a) (3) for children from birth to under 6 years of age, ensuring the provision of early intervention services for eligible children from birth to under 3 years of age and ensuring a free, appropriate public education for eligible children at least 3 years of age and under 6 years of age. The state intermediate educational unit shall perform the following statewide coordination and administration functions:

A. Establish standard policies and procedures for a statewide salary and benefits administration system, including personnel classifications, position descriptions and salary ranges, and a standard package of health, retirement and other fringe benefits for Child Development Services System personnel, ~~which must be included in the annual entitlement plan described in subsection 1~~ beginning in fiscal year 2006-07;

B. Develop a statewide salary and benefits administration system and perform the payroll functions for Child Development Services System personnel;

B-1. Bargain collectively under Title 26, chapter 9-A if the employees of the regional sites choose to be represented by an agent for purposes of collective bargaining. In such circumstances, the state intermediate educational unit must be considered the public employer for purposes of collective bargaining;

C. Establish a centralized system for statewide fiscal administration to be implemented by September 1, 2006. The state intermediate educational unit shall establish internal controls and implement accounting policies and procedures in accordance with standards set forth by the State Controller;

D. Develop and implement a centralized data management system to be fully operational beginning July 1, 2007;

E. Establish a standard, statewide template for regional site contracts with therapeutic service providers, including policies and procedures for the review of contracts, ~~that must be included in the annual entitlement plan described in subsection 1~~, beginning in fiscal year 2006-07;

F. Refine program accountability standards for compliance with federal mandates ~~that must be included in the annual entitlement plan described in subsection 1~~, including the development of a performance review system to monitor and improve regional site performance through the use of efficiency ratings aligned with the accountability standards and through a compliance plan that requires the regional site to address the unmet needs of eligible children in accordance with specific targets and time frames;

G. Design and implement a statewide plan to provide professional development and training to Child Development Services System personnel;

H. Employ professional and other personnel at the state level and at the regional sites, including those necessary to ensure the implementation of the centralized fiscal and data management systems. All state intermediate educational unit employees are employees for the purposes of the Maine Tort Claims Act; and

I. Enter into contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under this chapter.

3-A. State intermediate educational unit; program functions. The state intermediate educational unit established pursuant to subsection 3, through a network of regional sites as appropriate, shall:

A. Engage in child find activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

B. Engage in child count activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

C. Engage in appropriate data collection, training, staff development and direct service provision to eligible children with disabilities, from birth to under 3 years of age, in accordance with Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

D. Ensure that eligible children with disabilities, from birth to under 3 years of age, receive early intervention services, in accordance with the payment provisions established by the State;

E. Ensure that eligible children with disabilities, from 3 years of age to under 6 years of age, receive free, appropriate public education services;

F. Coordinate with eligible families the development of individualized family service plans for children with disabilities from birth to 2 years of age or coordinate an individualized education program for a child 3 years of age to under 6 years of age; and

G. Ensure that children from birth until 6 years of age who are referred to the Child Development Services System also receive appropriate referrals for support outside of the system, including appropriate public and private programmatic resources, regardless of a child's eligibility for early intervention or free, appropriate public education.

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

A. To administer the state intermediate educational unit established under subsection 3. The director shall develop operating policies and establish organizational and operational procedures that include supervision, monitoring, data and accountability structures;

A-1. To oversee the operation of the regional sites;

B. To develop statewide policies and procedures for carrying out federal and state laws and rules relating to child find, early intervention services and the provision of a free, appropriate public education to children from birth to under 6 years of age;

C. To provide training in federal and state laws, regulations, rules and policies relating to child find as provided in 20 United States Code, Section 1412 (a) (3), early intervention services and the provision of a free, appropriate public education to children from birth to under 6 years of age and to conduct regular file reviews to determine compliance with federal and state laws, regulations, rules and policies and conduct training and provide technical assistance where deficiencies are found; and

D. To report annually to the council and to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the performance of the Child Development Services System. This report may include information on any expansions of the connections of child find and service delivery with school administrative units, with the Department of Health and Human Services and with medical providers. This report may include information on any expansion of the connection of child find with nurse midwives. This report may include information on the number of children screened in the programs in Title 22, sections 1532, 8824 and 8943, the number of such children referred to the Child Development Services System who were found eligible for early intervention and the number of such children referred to the Child Development Services System who were found ineligible for early intervention. This report may also include information on annual performance over at least a 5-year period of each individual regional site and of the entire Child Development Services System; may benchmark performance against state and national standards; may include information about performance in child find, service delivery, service coordination, eligibility and exit data for children leaving the Child Development Services System; and may describe strategies that the Child Development Services System has undertaken to maximize the usage of a broad base of community resources including private providers, public schools, resources from other agencies and other available resources serving children and families. The report must be publicly posted on the website of the department.

5. Regional site board of directors. ~~A board of directors of a regional site is responsible for governance of its activities, including the management and oversight of its general operations. Membership must include representatives of the regional offices of the Department of Health and Human Services, representatives of participating school administrative units, parents of children with disabilities and other community members as determined appropriate. A regional site board member or a board member's employer may not, during the term for which the member serves on the board, derive any revenue from work performed for the Child Development Services System. A representative of a participating school administrative unit whose participation in the Child Development Services System is limited to work performed for the school administrative unit is exempt from the requirements of this subsection. Terms of membership and methods of appointment or election for each board of directors must be determined by the board of directors' bylaws, subject to approval by the department.~~

6. Regional site board of directors; annual entitlement plan; site budget approval. ~~A board of directors of a regional site is entitled to receive annual grant award allocations that are approved by the department in accordance with the approval provisions for the annual entitlement plan and the budget for a regional site pursuant to subsection 1, paragraph B.~~

7. Regional site; administration. ~~A board of directors of a regional site shall:~~

- ~~A. Hire, fire and supervise the staff of the regional site according to the job classifications, pay scales and personnel policies established by the state intermediate educational unit established under subsection 3;~~
- ~~B. Enter into contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under this chapter, using forms and procedures developed by the department;~~
- ~~C. Ensure data entry and reporting; and~~
- ~~D. Provide fiscal management of money allocated to it, in compliance with federal and state laws and subject to proof of an annual audit.~~

8. Regional site; duties and obligations. ~~A board of directors of a regional site shall:~~

- ~~A. Ensure provision of child find activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;~~
- ~~B. Ensure provision of childecount activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;~~
- ~~C. Ensure appropriate data collection, training, staff development and direct service provision to eligible children with disabilities, from birth to under 3 years of age, in accordance with Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;~~
- ~~D. Ensure that eligible children with disabilities, from birth to under 3 years of age, receive early intervention services, in accordance with the payment provisions established by the State;~~
- ~~E. Ensure that eligible children with disabilities, from 3 years of age to under 6 years of age, receive free, appropriate public education services, in collaboration with school administrative units when possible;~~
- ~~F. Coordinate with eligible families the development of individualized family service plans for children with disabilities from birth to 2 years of age or coordinate an individualized education program for a child 3 years of age to under 6 years of age unless an individualized family service plan is preferred;~~
- ~~G. Designate local personnel for training to commit funds for free, appropriate public education. Personnel who commit funds for free, appropriate public education must be trained and certified by the state intermediate educational unit established under subsection 3. The board of directors of a regional site shall determine and designate which trained and certified personnel may commit funds; and~~

~~H. Ensure that children from birth until 6 years of age who are referred to the Child Development Services System also receive appropriate referrals for support outside of the system, including appropriate public and private programmatic resources, regardless of the child's eligibility for early intervention or free, appropriate public education.~~

~~All regional site employees and board of directors members of a regional intermediate education unit are employees for purposes of the Maine Tort Claims Act.~~

PART PP

Sec. PP-1. 36 MRSA §1752, sub-§8-C is enacted to read:

8-C. Positive airway pressure equipment and supplies. "Positive airway pressure equipment and supplies" means continuous positive air pressure and bilevel positive air pressure equipment and supplies, and repair and replacement parts for such equipment, used in respiratory ventilation.

Sec. PP-2. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2011, c. 209, §1 and affected by §5, is further amended to read:

B. "Retail sale" does not include:

- (1) Any casual sale;
- (2) Any sale by a personal representative in the settlement of an estate unless the sale is made through a retailer or the sale is made in the continuation or operation of a business;
- (3) The sale, to a person engaged in the business of renting automobiles, of automobiles, integral parts of automobiles or accessories to automobiles, for rental or for use in an automobile rented for a period of less than one year. For the purposes of this subparagraph, "automobile" includes a pickup truck or van with a gross vehicle weight of less than 26,000 pounds;
- (4) The sale, to a person engaged in the business of renting video media and video equipment, of video media or video equipment for rental;
- (5) The sale, to a person engaged in the business of renting or leasing automobiles, of automobiles for rental or lease for one year or more;
- (6) The sale, to a person engaged in the business of providing cable or satellite television services, of associated equipment for rental or lease to subscribers in conjunction with a sale of extended cable or extended satellite television services;

(7) The sale, to a person engaged in the business of renting furniture or audio media and audio equipment, of furniture, audio media or audio equipment for rental pursuant to a rental-purchase agreement as defined in Title 9-A, section 11-105;

(8) The sale of loaner vehicles to a new vehicle dealer licensed as such pursuant to Title 29-A, section 953;

(9) The sale of automobile repair parts used in the performance of repair services on an automobile pursuant to an extended service contract sold on or after September 20, 2007 that entitles the purchaser to specific benefits in the service of the automobile for a specific duration;

(10) The sale, to a retailer that has been issued a resale certificate pursuant to section 1754-B, subsection 2-B or 2-C, of tangible personal property for resale in the form of tangible personal property, except resale as a casual sale;

(11) The sale, to a retailer that has been issued a resale certificate pursuant to section 1754-B, subsection 2-B or 2-C, of a taxable service for resale, except resale as a casual sale;

(12) The sale, to a retailer that is not required to register under section 1754-B, of tangible personal property for resale outside the State in the form of tangible personal property, except resale as a casual sale;

(13) The sale, to a retailer that is not required to register under section 1754-B, of a taxable service for resale outside the State, except resale as a casual sale; ~~or~~

(14) The sale of repair parts used in the performance of repair services on telecommunications equipment as defined in section 2551, subsection 19 pursuant to an extended service contract that entitles the purchaser to specific benefits in the service of the telecommunications equipment for a specific duration; or

(15) The sale of positive airway pressure equipment and supplies for rental for personal use to a person engaged in the business of renting positive airway pressure equipment.

Sec. PP-3. 36 MRSA §1760, sub-§94 is enacted to read:

94. Positive airway pressure equipment and supplies. Positive airway pressure equipment and supplies sold or leased for personal use.

Sec. PP-4. Retroactivity. Those sections of this Part that enact the Maine Revised Statutes, section 1752, subsection 8-C and section 1760, subsection 94 and amend section 1752, subsection 11, paragraph B apply retroactively to sales occurring on or after January 1, 2012.

PART QQ

Sec. QQ-1. 36 MRSA §111, sub-§7, as amended by PL 1997, c. 526, §6, is further amended to read:

7. Taxpayer. "Taxpayer" means any person required to file a return under this Title or to pay, withhold and pay over or collect and pay over any tax imposed by this Title. For the purposes of sections 171, 175-A and 176-A, "taxpayer" also means any person obligated to the State for the payment of a fee, fine, penalty or other obligation to the State provided for by law, if this obligation is subject to collection by the assessor pursuant to an agreement entered into by the bureau and another agency of the State. "Taxpayer" also means any pass-through entity doing business in the State or having a Maine resident member, including an S corporation, general partnership, limited partnership, limited liability partnership, limited liability company or similar entity, that is not taxed as a C corporation for federal tax purposes.

Sec. QQ-2. 36 MRSA §187-B, sub-§1-A, as enacted by PL 2007, c. 437, §3 and affected by §22, is repealed.

Sec. QQ-3. 36 MRSA §187-B, sub-§7, as amended by PL 2011, c. 380, Pt. L, §1, is further amended to read:

7. Reasonable cause. The assessor shall waive or abate or, in the case of those penalties that do not accrue automatically under subsection 6, refrain from imposing any penalty imposed by subsection 1, ~~1-A~~, 2, 4-A, 4-B, 5-A or 5-B or by the terms of the International Fuel Tax Agreement if grounds constituting reasonable cause are established by the taxpayer or if the assessor determines that grounds constituting reasonable cause are otherwise apparent. Reasonable cause includes, but is not limited to, the following circumstances:

- A. The failure to file or pay resulted directly from erroneous information provided by the Bureau of Revenue Services;
- B. The failure to file or pay resulted directly from the death or serious illness of the taxpayer or a member of the taxpayer's immediate family;
- C. The failure to file or pay resulted directly from a natural disaster;
- D. A return that was due monthly was filed and paid less than one month late and all of the taxpayer's returns and payments during the preceding 12 months were timely;
- E. A return that was due other than monthly was filed and paid less than one month late and all of the taxpayer's returns and payments during the preceding 3 years were timely;
- F. The taxpayer has supplied substantial authority justifying the failure to file or pay; or

G. The amount subject to a penalty imposed by subsection 1, 2, 4-A or 5-A is de minimis when considered in relation to the amount otherwise properly paid, the reason for the failure to file or pay and the taxpayer's compliance history.

Absent a determination by the assessor that grounds constituting reasonable cause are otherwise apparent, the burden of establishing grounds for waiver or abatement is on the taxpayer.

Sec. QQ-4. 36 MRSA §5102, sub-§10, as amended by PL 1999, c. 414, §39, is further amended to read:

10. Taxable corporation. "Taxable corporation" means, for any taxable year, a corporation that, at any time during that taxable year, realized Maine net income. ~~"Taxable corporation" and includes any S corporation that is required by section 5241 to file a return and with realized Maine net income~~ that is subject to federal tax under the Code, Section 1374 and 1375.

Sec. QQ-5. 36 MRSA §5222, sub-§6, as enacted by P&SL 1969, c. 154, §F, is repealed.

Sec. QQ-6. 36 MRSA §5241, as amended by PL 1997, c. 746, §23 and affected by §24, is repealed.

Sec. QQ-7. 36 MRSA §5245, as amended by PL 2011, c. 1, Pt. CC, §4 and affected by §5, is repealed.

Sec. QQ-8. Application. This Part applies to tax years beginning on or after January 1, 2012.

PART RR

Sec. RR-1. Calculation and transfer; General Fund; business communications lines savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 2 of this Part that applies against each General Fund account for executive branch departments and agencies statewide and the judicial branch as a result of lowered costs of business communications lines. 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 2011-12 and 2012-13. The State Budget Officer shall provide a report of the transferred amounts to the Joint Standing Committee on Appropriations and Financial Affairs no later than October 1, 2012.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Reduces funding based on savings achieved as a result of lowered costs of business communications lines.

GENERAL FUND

2011-12

2012-13

All Other	(\$45,360)	(\$77,760)
GENERAL FUND TOTAL	<hr/> (\$45,360)	<hr/> (\$77,760)

PART SS

Sec. SS-1. 5 MRSA §943, sub-§1, ¶E, as amended by PL 1983, c. 862, §15, is further amended to read:

E. ~~Assistant to the Commissioner for Public~~Director of Legislative Affairs;

Sec. SS-2. 26 MRSA §1401-B, sub-§1, ¶B, as amended by PL 2007, c. 1, Pt. D, §4, is further amended to read:

B. The commissioner shall appoint to serve at the commissioner's pleasure:

(2) ~~Assistant to the Commissioner for Public~~Director of Legislative Affairs;

(3) Deputy Commissioner;

(4) Director, Bureau of Labor Standards;

(5) Beginning April 15, 1996, Executive Director, Bureau of Employment Services;

(6) Executive Director, Office of Operations; and

(7) Director, Bureau of Rehabilitation Services.

PART TT

Sec. TT-1. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account. On or before August 1, 2012, the State Controller shall transfer \$32,555 from the Carrying Balances - Inland Fisheries and Wildlife program, General Fund account in the Department of Inland Fisheries and Wildlife to the Resource Management Services - Inland Fisheries and Wildlife program, General Fund account in the Department of Inland Fisheries and Wildlife and transfer \$32,555 from the Carrying Balances - Inland Fisheries and Wildlife program, General Fund account in the Department of Inland Fisheries and Wildlife to the Fisheries and Hatcheries Operations program, General Fund account in the Department of Inland Fisheries and Wildlife to partially fund the reorganization of 3 positions that are included in the retirement incentive program to Biologist II positions.

PART UU

Sec. UU-1. Lapsed balances; Veterans' Organization Tax Reimbursement program; General Fund account. Notwithstanding any other provision of law, \$55,798 of unencumbered balance forward in the All Other line category in the Veterans' Organization Tax Reimbursement program, General Fund account in the Department of Administrative and Financial Services lapses to the General Fund in fiscal year 2011-12.

Sec. UU-2. Lapsed balances; Veterans' Organization Tax Reimbursement program; General Fund account. Notwithstanding any other provision of law, \$5,766 of unencumbered balance forward in the All Other line category in the Veterans' Organization Tax Reimbursement program, General Fund account in the Department of Administrative and Financial Services lapses to the General Fund in fiscal year 2011-12.

PART VV

Sec. VV-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 section 2 of this Part that applies against each General Fund account for executive branch departments and independent agencies statewide from implementing a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services. 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 2011-12 and 2012-13. The State Budget Officer shall provide a report of the transferred amounts to the Joint Standing Committee on Appropriations and Financial Affairs no later than October 1, 2012.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Recognizes savings from implementing a decrease in charges made by the Division of Financial and Personnel Services in the Department of Administrative and Financial Services for its services.

GENERAL FUND	2011-12	2012-13
Personal Services	\$0	(\$1,134,518)
GENERAL FUND TOTAL	\$0	(\$1,134,518)

PART WW

Sec. WW-1. 25 MRSA §2396, first ¶, as amended by PL 1997, c. 728, §17, is further amended to read:

The Office of the State Fire Marshal is established as a bureau within the Department of Public Safety. The Commissioner of Public Safety, with the advice and consent of the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over public safety matters and to confirmation by the Legislature, shall appoint as State Fire Marshal a person experienced in fire prevention work, ~~who may be removed for cause by the commissioner~~ to serve for a term of 4 years coterminous with the Governor. The State Fire Marshal may be removed by impeachment or by the Governor on the address of both branches of the Legislature. The Commissioner of Public Safety or the commissioner's designee shall appoint, subject to the Civil Service Law, such investigators, inspectors and other employees as are necessary to carry out the duties assigned to the office. The State Fire Marshal and the Commissioner of Public Safety or the commissioner's designee have all of the duties and responsibilities assigned to the office.

PART XX

Sec. XX-1. Personal Services savings; transfer to General Fund undedicated revenue. Notwithstanding the Maine Revised Statutes, Title 5, section 1582, subsection 4 or any other provision of law, the State Controller is authorized to transfer the first \$6,000,000 of unexpended Personal Services appropriations that would otherwise lapse to the Salary Plan program in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund at the close of fiscal year 2011-12.

Sec. XX-2. General Fund Salary Plan; transfer to General Fund undedicated revenue. Notwithstanding any other provision of law, the State Controller is authorized to transfer up to \$6,000,000 from the Salary Plan program in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund at the close of fiscal year 2011-12 in the event that the total savings in section 1 of this Part are not achieved.

PART YY

Sec. YY-1. Lapsed balances; Agricultural Vitality Program - Carrying Account; General Fund. Notwithstanding any other provision of law, \$6,072 of unencumbered balance forward in the All Other line category in the Agricultural Vitality Program - Carrying Account, General Fund account in the Department of Agriculture, Food and Rural Resources lapses to the General Fund in fiscal year 2011-12.

PART ZZ

Sec. ZZ-1. Attrition savings. Notwithstanding any other provision of law, the attrition rate for fiscal year 2012-13 only is increased from 5% to 6% for executive branch departments and agencies and the judicial branch.

Sec. ZZ-2. Calculation and transfer; General Fund; attrition savings.

Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 3 of this Part that applies against each General Fund account for executive branch departments and agencies statewide and the judicial branch as a result of attrition 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 year 2012-13. The State Budget Officer shall provide a report of the transferred amounts to the Joint Standing Committee on Appropriations and Financial Affairs no later than October 1, 2012.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide 0016

Initiative: Reduces funding to reflect projected savings from the increase in the attrition rate from 5% to 6% for fiscal year 2012-13.

GENERAL FUND	2011-12	2012-13
Personal Services	\$0	(\$3,454,047)
GENERAL FUND TOTAL	\$0	(\$3,454,047)

PART AAA

Sec. AAA-1. Department of Health and Human Services; state psychiatric centers; transfers and adjustments to position count. The Commissioner of Health and Human Services shall review the current organizational structure of the State's psychiatric centers to improve organizational efficiency and cost-effectiveness within the centers. Notwithstanding any other provision of law, the State Budget Officer is authorized to transfer position counts and available balances by financial order in order to achieve the purposes of this section. In accordance with the requirements of the Maine Revised Statutes, Title 5, section 1585, a financial order describing such a transfer must be submitted by the Department of Administrative and Financial Services, Bureau of the Budget to the Office of Fiscal and Program Review 30 days before a transfer is to be implemented. In the case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Any transfer or adjustment pursuant to this section that would result in a program or mission change must be reported to the joint standing committee of the Legislature having jurisdiction over health and human services matters for review before the associated financial order is submitted to the Governor for approval. These transfers made prior to September 1, 2012 are considered adjustments to authorized position count, appropriations and allocations in fiscal year 2012-13. On or before June 30, 2013, the

commissioner and the State Budget Officer shall provide the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs a report on the authorized position count and appropriations and allocations transferred.

Sec. AAA-2. Riverview Psychiatric Center; calculation and transfer.

Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of Unallocated funding appropriated in section 3 of this Part that applies against each line category in the Riverview Psychiatric Center program, General Fund account and transfer those amounts by financial order upon the approval of the Governor. The State Budget Officer shall determine the authorized position count related to the amount transferred to the Personal Services line category and transfer those positions from the Riverview Psychiatric Center program, Other Special Revenue Funds account to the Riverview Psychiatric Center program, General Fund account by financial order upon the approval of the Governor. These transfers are considered adjustments to authorized position count and appropriations and allocations in fiscal year 2012-13. The State Budget Officer shall submit a report on the authorized position count and amounts transferred to the Joint Standing Committee on Appropriations and Financial Affairs on September 1, 2012.

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Riverview Psychiatric Center 0105

Initiative: Provides funding to offset a reduction in disproportionate share payments for individuals transferred from jails or prisons, for individuals for whom the court has ordered evaluations and for individuals determined to be incompetent to stand trial.

GENERAL FUND	2011-12	2012-13
Unallocated	\$0	\$3,176,972
GENERAL FUND TOTAL	\$0	\$3,176,972

PART BBB

Sec. BBB-1. Review of Maine Public Broadcasting Network. The Commissioner of Administrative and Financial Services shall consult with the Maine Public Broadcasting Network and the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency and other state agencies as needed on the following matters:

1. A determination of the cost incurred by the Maine Public Broadcasting Network to provide emergency broadcasting services to the State on a fee-for-service basis;
2. A survey of other ways in which Maine Public Broadcasting Network assets may be available to the State for technical support, bandwidth and other data transmission services on a contractual basis;

3. A report from the Maine Public Broadcasting Network on the status of its strategic plan and the launch of a campaign to raise capital; and

4. A plan whereby, over the next 5 years, the appropriation provided by the State to the Maine Public Broadcasting Network for the purpose of providing a statewide public broadcasting network is gradually reduced and replaced by a fee-for-service contract to be agreed upon by the State and the Maine Public Broadcasting Network.

Sec. BBB-2. Report. The Commissioner of Administrative and Financial Services shall submit a report, together with any necessary implementing legislation, to the Joint Standing Committee on Appropriations and Financial Affairs by September 15, 2012. The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs may report out a bill to the First Regular Session of the 126th Legislature.

PART CCC

Sec. CCC-1. Debt Service - Government Facilities Authority program; balance transfer. Notwithstanding any other provision of law, any balance remaining in the Debt Service - Government Facilities Authority program at the end of fiscal year 2011-12 is transferred to the Capital Construction/Repairs/Improvements - Administration program in the Department of Administrative and Financial Services.

PART DDD

Sec. DDD-1. PL 2011, c. 380, Pt. JJJ, §1, as amended by PL 2011, c. 477, Pt. HH, §1, is further amended to read:

Sec. JJJ-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 ~~\$103,500,000~~\$91,000,000 on June 30, 2012 from Other Special Revenue Funds to the unappropriated surplus of the General Fund. On July 1, 2012, the State Controller shall transfer ~~\$103,500,000~~\$91,000,000 from the General Fund unappropriated surplus to Other Special Revenue Funds as repayment. This transfer is considered an interfund advance.

PART EEE

Sec. EEE-1. 34-A MRS §1218 is enacted to read:

§ 1218. Electronic Monitoring Fund

The Electronic Monitoring Fund is established in the department as an Other Special Revenue Funds program to provide funding for the expanded use of electronic monitoring in cases involving domestic violence.

1. Commissioner's powers. The commissioner may receive and use money donated for the purpose of this section.

2. Electronic Monitoring Fund. All funds received for the purpose of this section must be credited to the Electronic Monitoring Fund.

Sec. EEE-2. Electronic monitoring in cases involving domestic violence. The Commissioner of Corrections shall consult with the Maine Commission on Domestic and Sexual Abuse established pursuant to the Maine Revised Statutes, Title 19-A, section 4013 and other interested parties to develop a plan to expand the use of electronic monitoring in cases involving domestic violence, subject to the availability of donations made to the Electronic Monitoring Fund established in Title 34-A, section 1218.

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

CORRECTIONS, DEPARTMENT OF

Electronic Monitoring Fund (N141)

Initiative: Allocates funds to establish the Electronic Monitoring Fund.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	<hr/> \$0	\$500

PART FFF

Sec. FFF-1. Savings. Notwithstanding any other provision of law, the Commissioner of Education and the Commissioner of Labor shall work together to identify \$287,541 in efficiencies and savings within existing General Fund programs of the Department of Education and the Department of Labor in order to support the cost of one full-time Blindness and Rehabilitation Specialist position in the Department of Labor, Division for the Blind and Visually Impaired; one Teacher of Visually Impaired Children contracted position; and 2 Vision Rehabilitation Therapist contracted positions to provide services to blind and visually impaired children and adults.

Sec. FFF-2. Report. No later than September 15, 2012, the Commissioner of Education and the Commissioner of Labor shall present their findings to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Labor, Commerce, Research and Economic Development along with a plan to apply the identified savings to support the positions identified in section 1.

PART GGG

Sec. GGG-1. Health insurance premium payments for certain otherwise ineligible employees. Notwithstanding any other provision of law, an employee who has less than 10 years of state service but who is otherwise eligible to retire under the Maine Public Employees Retirement System as a state employee, whose position is eliminated pursuant to Part A, section 7 and who is unable to find employment in another position in state service is entitled to continued coverage under the state employee health insurance program under the Maine Revised Statutes, Title 5, section 285, and the State shall continue to pay that employee's premium. Such an employee, for the sole purpose of receiving retiree health insurance under the state employee health insurance program, is deemed to have retired from state service.

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

SUMMARY

PART A

This Part makes appropriations and allocations.

PART B

This Part makes allocations of funds for approved reclassifications.

PART C

This Part does the following.

1. It amends the law regarding general purpose aid for local schools to reflect the reduced appropriation for the state agency client budget. As a result of a spending trend analysis for state agency client special education services, a savings in the 2011-12 state agency client budget is expected because expenditures will be less than originally anticipated. The actual minimum teacher salary adjustment was less than anticipated.

2. It establishes the total cost of education from kindergarten to grade 12 for the state contribution and the annual target state share percentage for fiscal year 2012-13.

3. It allows the Department of Education to expend state subsidy on behalf of a school administrative unit to purchase items on statewide contracts to take advantage of lower prices for these items.

PART D

This Part makes certain communications and other positions within the Department of Education, the Department of Inland Fisheries and Wildlife and the Department of Labor part of the unclassified service and subject to the appointment of the commissioners of the respective departments. It also clarifies that employees of the Governor's Office of Communications and the Governor's Energy Office are unclassified employees.

PART E

This Part clarifies that municipal school units have the authority to commit property taxes.

PART F

This Part authorizes the Commissioner of Education to establish a program for increasing the state share of the cost of approved bus refurbishing.

PART G

This Part authorizes the Commissioner of Education, for fiscal years 2011-12 and 2012-13, to transfer funds to the State Charter School Commission program in order to provide funding for start-up costs for the oversight of public charter schools.

PART H

This Part lapses \$10,009,774 of the unencumbered balance forward from the Department of Education, General Purpose Aid for Local Schools program to the General Fund.

PART I

This Part does the following.

It creates a new Associate Commissioner for Tax Policy position that is within the Department of Administrative and Financial Services, Bureau of Revenue Services, within salary range 90, but that reports directly to the Commissioner of Administrative and Financial Services.

It eliminates the existing Director of Econometric Research position, a salary range 89 position within Bureau of Revenue Services that reports to the State Tax Assessor.

It amends the membership of the Revenue Forecasting Committee by replacing the State Tax Assessor with the Associate Commissioner for Tax Policy.

It identifies the qualifications and duties of the new Associate Commissioner for Tax Policy.

It establishes a new Office of Tax Policy within the Bureau of Revenue Services.

It clarifies for purposes of authorized disclosures of confidential taxpayer information that the Bureau of Revenue Services's enforcement of the tax laws includes all aspects of administering the tax laws.

PART J

This Part corrects the program number identified for the State Board of Corrections Investment Fund program in Public Law 2011, chapter 428, Public Law 2011, chapter 448 and Public Law 2011, chapter 455.

PART K

This Part exempts financial orders that allot funds to pay death benefits for law enforcement officers, firefighters and emergency medical services persons who die while in the line of duty from legislative review and from provisions requiring a 30-day wait before taking effect.

PART L

This Part amends the consensus revenue forecasting process to eliminate the provision that requires the Revenue Forecasting Committee to exclude revenue that accrues from the Pine Tree Development Zone program from the revenue forecast and repeals the provision requiring that all revenue attributable to the Pine Tree Development Zone program be set aside in a separate fund to pay the benefits. This Part also repeals the law that establishes the Pine Tree Development Zone Reserve Fund and fixes a cross-reference.

PART M

This Part authorizes the State Budget Officer to adjust allocations in Fund for a Healthy Maine program accounts to address Personal Services shortfalls that occur as a result of allocation reductions for projected vacancies. Funds available from balances in the Fund for a Healthy Maine program in the Department of Administrative and Financial Services or from accrued salary savings in other Fund for a Healthy Maine programs may be transferred by financial order subject to the review of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

PART N

This Part reduces the amount of funding required to be provided to the University of Maine System in its baseline budget for debt service to support a 10-year revenue bond.

PART O

This Part authorizes the State Controller to transfer up to \$1,000,000 from the Maine Budget Stabilization Fund to the Department of Defense, Veterans and Emergency Management if necessary to allow the department to fulfill its responsibilities under the emergency management assistance compact or the International Emergency Management Assistance Compact. Any amounts transferred must be returned to the fund when reimbursement for services is received.

PART P

This Part eliminates the position of Economic Analyst from the Office of the Public Advocate.

PART Q

This Part requires any General Fund balances remaining in the Administration - Executive - Governor's Office, Blaine House, Governor's Office of Communications, Office of Policy and Management and Governor's Energy Office programs to be carried forward for use in the next fiscal year.

PART R

This Part does the following.

1. For the period from July 1, 2012 to June 30, 2013, it reduces general assistance maximum levels of assistance by 10% from levels in effect on April 1, 2012.
2. It restricts housing assistance in the municipal general assistance program to no more than 9 months during the calendar year for the period from July 1, 2012 to June 30, 2013.

3. For the period from July 1, 2012 to June 30, 2013, it reduces the state reimbursement rate for a municipality that incurs net general assistance costs in a fiscal year in excess of .0003 of that municipality's most recent state valuation to 85%.

4. It directs the Commissioner of Health and Human Services to convene and make appointments to a working group to review and make recommendations related to the general assistance program.

5. It directs the Commissioner of Health and Human Services to establish a pilot program to reduce General Fund costs and general assistance program costs by maximizing access to federal assistance programs for which applicants for or recipients of general assistance may be eligible.

PART S

This Part does the following.

It eliminates the requirement that the Department of Health and Human Services provide limited transitional food benefits to ASPIRE-TANF program recipients who lose TANF eligibility due to employment earnings.

It authorizes the Department of Health and Human Services to provide limited transitional food benefits to working families who are food supplement benefit recipients with dependent children.

PART T

This Part repeals the provision of law that requires nursing facilities to submit payment to the Department of Health and Human Services equal to 50% of Medicaid savings due the State pursuant to the principles of reimbursement. The department no longer calculates these savings.

PART U

This Part requires remaining balances of funds appropriated for state supplemental income benefits to be carried forward from year to year.

PART V

This Part requires that any remaining funds in the Department of Health and Human Services, Mental Health Services - Community program appropriated for rental assistance and shelter services be carried forward to the next fiscal year to be used for the same purpose.

PART W

This Part amends the law that authorizes the Chief Justice of the Supreme Judicial Court to approve financial orders to further authorize revisions of and increases to allotment within the judicial branch. The procedure for judicial financial orders must follow the same procedures as the executive branch.

PART X

This Part authorizes the transfer of year-end balances in the Personal Services line category to the Capital Construction/Repairs/Improvements - Corrections program after all financial commitments and budgetary adjustments are made.

PART Y

This Part transfers \$600,000 from the unappropriated surplus of the General Fund to the Criminal Justice Academy program, Other Special Revenue Funds account within the Department of Public Safety.

PART Z

This Part directs the State Controller to transfer \$700,000 from the unappropriated surplus of the General Fund to the Fire Marshal - Office of program, Other Special Revenue Funds account within the Department of Public Safety.

PART AA

This Part requires the State Controller to transfer \$1,300,000 on or before June 30, 2012 and \$950,000 on or before June 30, 2013 from the Commission on Governmental Ethics and Election Practices program, Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

PART BB

This Part provides that the unencumbered balance forward from the Department of Labor, Governor's Training Initiative Program, General Fund account lapses to the General Fund in fiscal year 2011-12.

PART CC

This Part implements the recommendations of the working group established by Public Law 2011, chapter 380, Part FF regarding transfer of duties and responsibilities of the State Planning Office to other state departments and agencies.

This Part abolishes the State Planning Office.

PART DD

This Part establishes in the Executive Department the Governor's Office of Policy and Management whose primary mission is to facilitate achievement of long-term state economic goals and objectives and improvement of efficiency and effectiveness with which State Government performs its functions and delivers services. The office's duties include a number of economic policy-related functions for which the Executive Department, State Planning Office has been responsible.

This Part incorporates the recommendations of the Joint Standing Committee on Judiciary, but adds that the court may issue the subpoena requested by the Governor's Office of Policy and Management only with specific findings of fact. The committee's recommendations include removing references to investigations and audits from the responsibilities of the Director of the Governor's Office of Policy and Management and changing those responsibilities to conducting research, reviews and studies. These recommendations also include changing the access to confidential records provisions of the office to provisions consistent with that of the State Auditor.

It also limits the number of temporary positions that may be created by financial order in the new office to a maximum of 4. This Part also establishes reporting provisions on the creation of the temporary positions to the chairs of the Joint Standing Committee on Appropriations and Financial Affairs within

30 days of creation. Only one of the positions may be an attorney performing the duties of an attorney admitted to the bar.

It also requires the director to report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the receipt of any outside sources of funding received and on any contracts awarded. The reports are due within 30 days of the receipt of funding or the award of a contract.

PART EE

This Part amends laws regarding state boards and commissions and natural resources-related planning functions to reflect the elimination of the Executive Department, State Planning Office and eliminates several boards and commissions for which the State Planning Office has provided support.

PART FF

This Part transfers the Executive Department, State Planning Office's duties and responsibilities regarding training and certification for municipal code enforcement officers to the Department of Economic and Community Development, Office of Community Development.

It also adds a requirement that the Commissioner of Economic and Community Development and the Commissioner of Conservation submit a report to the Joint Standing Committee on Appropriations and Financial Affairs by November 15, 2012 on the status of the integration of the training and certification of code enforcement officers into the Department of Economic and Community Development and recommend any necessary changes.

PART GG

This Part transfers the Executive Department, State Planning Office's duties and responsibilities regarding solid waste management and recycling policy to the Department of Environmental Protection and transfers ownership of state-owned landfills and related management duties and responsibilities to the Department of Administrative and Financial Services, Bureau of General Services.

PART HH

This Part transfers the Executive Department, State Planning Office's duties and responsibilities as the state coordinating agency for the National Flood Insurance Program to the Department of Conservation.

PART II

This Part transfers the duties, responsibilities and activities of the Executive Department, State Planning Office regarding provision of staff support for the Land for Maine's Future program to the Department of Conservation, Natural Areas Program.

PART JJ

This Part transfers the Executive Department, State Planning Office's duties and responsibilities regarding planning and land use regulation to the Department of Conservation.

This Part retains the requirement that the Department of Conservation work with the Land and Water Resources Council.

It also directs the Commissioner of Conservation to designate the Director of Land Use Planning to coordinate technical assistance and provide guidance for state agencies and local and regional comprehensive plans. The director may be assigned other duties by the Commissioner of Conservation.

It also requires the Commissioner of Conservation to designate the Director of the Land for Maine's Future program within the office of the commissioner.

PART KK

This Part transfers the Executive Department, State Planning Office's duties and responsibilities as lead agency for the Maine Coastal Program to the Department of Conservation's Bureau of Geology and Natural Areas, renamed, accordingly, the Bureau of Geology, Natural Areas and Coastal Resources.

PART LL

This Part transfers the Executive Department, State Planning Office's duties, responsibilities and activities regarding provision of administrative support for the Maine Commission for Community Service to the Department of Education.

PART MM

This Part transfers the Executive Department, State Planning Office's duties and responsibilities regarding various energy policy-related matters to the Governor's Energy Office.

This Part also changes the name of the Governor's Office of Energy Independence and Security to the Governor's Energy Office. It also fixes cross-references to reflect the name change.

This Part also specifies that the Governor's Energy Office is funded by federal funds that are available to and received by the office. If federal funds are inadequate to meet the office's funding needs, the office may receive funds from the Efficiency Maine Trust but only for that portion of the office's activities that support or reasonably relate to the programs or activities of the Efficiency Maine Trust. Any additional funding of the office must be provided from the General Fund or other available resources.

PART NN

This Part contains general transition provisions regarding transfer of the Executive Department, State Planning Office's duties, responsibilities and property to the other units of State Government as provided in the bill.

PART OO

This Part amends the special education laws by:

1. Giving the Commissioner of Education, or the commissioner's designee, responsibility for developing and implementing a funding mechanism for the operation of the state intermediate educational unit and the delivery of services to eligible children with disabilities from birth to under 6 years of age;

2. Placing sole responsibility for the development and adoption of rules necessary to carry out the federal Individuals with Disabilities Education Act on the Commissioner of Education;

3. Requiring the Department of Education to develop a corrective action plan to achieve compliance with federal or state law; and

4. Eliminating regional sites as locally governed regional intermediate educational units established to ensure the provision of services to children with disabilities and instead allowing the state intermediate educational unit to establish and maintain regional sites, the operation of which will be overseen by the director of early childhood special education.

PART PP

This Part enacts a new sales and use tax exemption for positive airway pressure equipment used in respiratory ventilation and for supplies and repair and replacement parts for such equipment.

PART QQ

This Part repeals the filing requirement of information returns by partnerships and S corporations. It also amends the definition of "taxpayer" to include pass-through entities in order to provide the State Tax Assessor the ability to audit a pass-through entity even if the entity does not have a Maine filing requirement. This is especially needed in cases when the owners of an entity have a Maine filing obligation. This Part also makes technical changes to reflect the proposed changes. This Part applies to tax years beginning on or after January 1, 2012.

PART RR

This Part requires the State Budget Officer to calculate the savings in this Part related to lowered costs of business communications lines and transfer the savings by financial order upon approval of the Governor and report on the amounts transferred. It also adds an appropriations and allocations section.

PART SS

This Part changes the position title for the Assistant to the Commissioner for Public Affairs to the Director of Legislative Affairs within the Department of Labor.

PART TT

This Part authorizes the State Controller to transfer funds from the Carrying Balances - Inland Fisheries and Wildlife program, General Fund account to partially fund the reorganization of 3 positions that were included in the retirement incentive program.

PART UU

This Part does the following.

1. It lapses \$55,798 from the unencumbered balance of the Veterans' Organization Tax Reimbursement program, General Fund account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2011-12.

2. It lapses \$5,766 from the unencumbered balance in the Veterans' Organization Tax Reimbursement program, General Fund account in the Department of Administrative and Financial Services to the General Fund in fiscal year 2011-12.

PART VV

This Part requires the State Budget Officer to calculate the savings from a decrease in charges made by the Department of Administrative and Financial Services, Division of Financial and Personnel Services for its services and transfer those savings by financial order upon the approval of the Governor and report on the amounts transferred. It also includes an appropriations and allocations section.

PART WW

This Part amends the provisions for the appointment of the State Fire Marshal so that the appointment is made with the consent of the Governor, for a term of 4 years coterminous with the Governor, subject to confirmation by the Legislature. It further clarifies circumstances for removal of the State Fire Marshal from office.

PART XX

This Part requires the State Controller to transfer the first \$6,000,000 of unexpended Personal Services appropriations that would otherwise lapse to the Salary Plan program in the Department of Administrative and Financial Services to General Fund unappropriated surplus at the close of fiscal year 2011-12. This Part also allows the State Controller to transfer funding from the Salary Plan program to General Fund unappropriated surplus in the event that the full \$6,000,000 of Personal Services savings in this Part is not achieved.

PART YY

This Part lapses \$6,072 from the unencumbered balance of the Agricultural Vitality Program - Carrying Account, General Fund account in the Department of Agriculture, Food and Rural Resources to the General Fund in fiscal year 2011-12.

PART ZZ

This Part increases the attrition rate for fiscal year 2012-13 only from 5% to 6%. It also requires the State Budget Officer to calculate the savings and transfer the savings by financial order upon approval of the Governor and to report on the amounts transferred. It also includes an appropriations and allocations section.

PART AAA

This Part does the following.

It requires the Commissioner of Health and Human Services to identify improvements to the organizational efficiency and cost-effectiveness of the state psychiatric centers. It provides the authority to transfer positions and funding by financial order and specifies that only transfers made before September 1, 2012 are considered adjustments to authorized position count, appropriations and allocations. It also includes a reporting requirement.

This Part appropriates Unallocated funds for the Riverview Psychiatric Center and provides authority for the State Budget Officer to make necessary transfers of the funds and any affected positions by financial order upon approval of the Governor. It also requires a report on position count and amounts transferred.

PART BBB

This Part requires the Commissioner of Administrative and Financial Services to consult with the Maine Public Broadcasting Network and the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency and other state agencies as needed regarding the costs incurred by the Maine Public Broadcasting Network to provide statewide emergency broadcasting services on a fee-for-service basis and a plan to reduce the appropriation provided by the State over the next 5 years, gradually shifting to a fee-for-service contract.

This Part requires the Commissioner of Administrative and Financial Services to submit a report, together with any necessary implementing legislation, to the Joint Standing Committee on Appropriations and Financial Affairs by September 15, 2012 and allows the joint standing committee to report out a bill to the First Regular Session of the 126th Legislature.

PART CCC

This Part transfers any balance in the Debt Service - Government Facilities Authority program at the end of fiscal year 2011-12 to the Capital Construction/Repairs/Improvements - Administration program in the Department of Administrative and Financial Services.

PART DDD

This Part reduces the interfund advance from Other Special Revenue Funds to the General Fund unappropriated surplus required for one day at the end of fiscal year 2011-12 from \$103,500,000 to \$91,000,000.

PART EEE

This Part establishes the Electronic Monitoring Fund within the Department of Corrections. It requires the Commissioner of Corrections to consult with the Maine Commission on Domestic and Sexual Abuse and other interested parties to develop a plan to expand the use of electronic monitoring in cases involving domestic violence, subject to the availability of donations made to the Electronic Monitoring Fund. It also includes a \$500 Other Special Revenue Funds allocation in fiscal year 2012-13.

PART FFF

This Part requires the Commissioner of Education and the Commissioner of Labor to work together to identify \$287,541 in efficiencies and savings within existing General Fund programs of the Department of Education and the Department of Labor in order to support the cost of one full-time Blindness and Rehabilitation Specialist position within the Department of Labor, Division for the Blind and Visually Impaired; one Teacher of Visually Impaired Children contracted position; and 2 Vision Rehabilitation Therapist contracted positions to provide services to blind and visually impaired children and adults.

The Part also requires the Commissioner of Education and the Commissioner of Labor to present their findings no later than September 15, 2012 to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Labor, Commerce, Research and Economic Development along with a plan to apply the identified savings to support the positions.

PART GGG

This Part provides that an employee whose position is eliminated pursuant to Part A who, but for having less than 10 years of state service, is eligible for retirement and who is unable to find employment in another position in state service is entitled to continued coverage under the state employee health insurance program and the State is required to continue to pay that employee's premium.

FISCAL NOTE REQUIRED

(See attached)