



125th MAINE LEGISLATURE

SECOND REGULAR SESSION-2012

Legislative Document

No. 1903

H.P. 1405

House of Representatives, March 28, 2012

An Act To Make Additional Supplemental Appropriations and Allocations and To Change Certain Provisions of the Law for the Fiscal Years Ending June 30, 2012 and June 30, 2013

(EMERGENCY)

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative FLOOD of Winthrop. (GOVERNOR'S BILL)
Cosponsored by Senator ROSEN of Hancock.

1 **Buildings and Grounds Operations 0080**

2 Initiative: Transfers one Space Management Specialist position and related All Other
3 costs from the Revenue Services - Bureau of program to the Buildings and Grounds
4 Operations program.

5	GENERAL FUND	2011-12	2012-13
6	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
7	Personal Services	\$0	\$72,430
8	All Other	\$0	\$1,735
9			
10	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$74,165</u>

11 **Buildings and Grounds Operations 0080**

12 Initiative: Provides funding for fuel for state-owned buildings due to the increase in the
13 contracted price.

14	GENERAL FUND	2011-12	2012-13
15	All Other	\$646,454	\$0
16			
17	GENERAL FUND TOTAL	<u>\$646,454</u>	<u>\$0</u>

18 **Departments and Agencies - Statewide 0016**

19 Initiative: Reduces funding based on savings achieved as a result of lowered costs of
20 business communications lines.

21	GENERAL FUND	2011-12	2012-13
22	All Other	(\$45,360)	(\$77,760)
23			
24	GENERAL FUND TOTAL	<u>(\$45,360)</u>	<u>(\$77,760)</u>

25 **Departments and Agencies - Statewide 0016**

26 Initiative: Adjusts funding to reflect projected savings to be achieved through a retirement
27 incentive program.

28	GENERAL FUND	2011-12	2012-13
29	Personal Services	\$420,154	(\$583,432)
30			
31	GENERAL FUND TOTAL	<u>\$420,154</u>	<u>(\$583,432)</u>

32 **Departments and Agencies - Statewide 0016**

1 Initiative: Reduces funding to reflect projected savings from the increase in the attrition
 2 rate from 5% to 6% for fiscal year 2012-13.

3	GENERAL FUND	2011-12	2012-13
4	Personal Services	\$0	(\$3,454,047)
5			
6	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$3,454,047)</u>

7 **Executive Branch Departments and Independent Agencies - Statewide 0017**

8 Initiative: Recognizes savings from implementing a decrease in charges made by the
 9 Division of Financial and Personnel Services in the Department of Administrative and
 10 Financial Services for its services.

11	GENERAL FUND	2011-12	2012-13
12	Personal Services	(\$835,588)	(\$1,134,518)
13			
14	GENERAL FUND TOTAL	<u>(\$835,588)</u>	<u>(\$1,134,518)</u>

15 **Financial and Personnel Services - Division of 0713**

16 Initiative: Transfers one vacant Marine Resources Scientist I position from the Bureau of
 17 Resource Management program in the Department of Marine Resources to the Financial
 18 and Personnel Services - Division of program in the Department of Administrative and
 19 Financial Services and reorganizes the position to one Senior Staff Accountant position.

20	FINANCIAL AND PERSONNEL SERVICES	2011-12	2012-13
21	FUND		
22	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
23	Personal Services	\$18,434	\$68,913
24			
25	FINANCIAL AND PERSONNEL SERVICES FUND	<u>\$18,434</u>	<u>\$68,913</u>
26	TOTAL		

27 **Purchases - Division of 0007**

28 Initiative: Transfers one Office Associate II position from the Administration - Human
 29 Resources program to the Purchases - Division of program to align workflow in the
 30 Department of Administrative and Financial Services.

31	GENERAL FUND	2011-12	2012-13
32	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
33	Personal Services	\$10,550	\$41,811
34			
35	GENERAL FUND TOTAL	<u>\$10,550</u>	<u>\$41,811</u>

1 **Revenue Services - Bureau of 0002**

2 Initiative: Transfers one Space Management Specialist position and related All Other
3 costs from the Revenue Services - Bureau of program to the Buildings and Grounds
4 Operations program.

5	GENERAL FUND	2011-12	2012-13
6	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
7	Personal Services	\$0	(\$72,430)
8	All Other	\$0	(\$1,735)
9			
10	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$74,165)</u>

11 **Revenue Services - Bureau of 0002**

12 Initiative: Reduces funding for database storage for the Maine Revenue Integrated Tax
13 System as a result of a reduced storage requirement for user acceptance testing.

14	GENERAL FUND	2011-12	2012-13
15	All Other	\$0	(\$120,000)
16			
17	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$120,000)</u>

18 **Revenue Services - Bureau of 0002**

19 Initiative: Eliminates one Office Assistant II position and related All Other savings in the
20 Revenue Services - Bureau of program resulting from internal reorganization efforts by
21 the bureau.

22	GENERAL FUND	2011-12	2012-13
23	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
24	Personal Services	\$0	(\$48,269)
25	All Other	\$0	(\$11,796)
26			
27	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$60,065)</u>

28 **Revenue Services - Bureau of 0002**

29 Initiative: Reduces funding through the conversion of 3 physical servers to virtual servers
30 in the Revenue Services - Bureau of program.

31	GENERAL FUND	2011-12	2012-13
32	All Other	\$0	(\$20,236)
33			
34	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$20,236)</u>

1 **Revenue Services - Bureau of 0002**
 2 Initiative: Reduces All Other funding as a result of the repeal of the annual pass-through
 3 entity information return filing requirement.

4	GENERAL FUND	2011-12	2012-13
5	All Other	\$0	(\$42,000)
6			
7	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$42,000)</u>

8 **Revenue Services - Bureau of 0002**
 9 Initiative: Eliminates one Office Assistant II position and related All Other costs as a
 10 result of discontinuing the printing and mailing of a sales tax form related to vehicle and
 11 equipment sales transactions.

12	GENERAL FUND	2011-12	2012-13
13	POSITIONS - LEGISLATIVE COUNT	0.000	(1,000)
14	Personal Services	\$0	(\$46,932)
15	All Other	\$0	(\$17,216)
16			
17	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$64,148)</u>

18 **Revenue Services - Bureau of 0002**
 19 Initiative: Provides funding necessary for computer changes as a result of the addition of
 20 commercial wood harvesting and horticulture as a sales tax exemption category.

21	GENERAL FUND	2011-12	2012-13
22	All Other	\$0	\$5,000
23			
24	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$5,000</u>

25	ADMINISTRATIVE AND FINANCIAL		
26	SERVICES, DEPARTMENT OF		
27	DEPARTMENT TOTALS	2011-12	2012-13
28			
29	GENERAL FUND	\$185,660	(\$5,551,206)
30	FINANCIAL AND PERSONNEL SERVICES	\$18,434	\$68,913
31	FUND		
32	ACCIDENT, SICKNESS AND HEALTH	\$0	\$0
33	INSURANCE INTERNAL SERVICE FUND		
34			
35	DEPARTMENT TOTAL - ALL FUNDS	<u>\$204,094</u>	<u>(\$5,482,293)</u>

1 **Sec. A-2. Appropriations and allocations.** The following appropriations and
2 allocations are made.

3 **AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

4 **Certified Seed Fund 0787**

5 Initiative: Continues one intermittent Agricultural Worker II position and reduces All
6 Other to fund the position. This position was previously authorized in Financial Order
7 005933 F0.

8	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
9	POSITIONS - FTE COUNT	0.000	0.188
10	Personal Services	\$0	\$11,249
11	All Other	\$0	(\$11,249)
12			
13	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>

14 **Certified Seed Fund 0787**

15 Initiative: Provides funding to increase the hours of one Office Associate II position from
16 64 hours to 80 hours biweekly and reduces All Other to fund the increased hours. Also
17 reallocates the cost of the position from 100% Certified Seed Fund program, Other
18 Special Revenue Funds to 50% Certified Seed Fund program, Other Special Revenue
19 Funds and 50% Division of Quality Assurance and Regulation program, Federal
20 Expenditures Fund.

21	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
22	Personal Services	\$0	(\$16,538)
23	All Other	\$0	(\$762)
24			
25	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$17,300)</u>

26 **Division of Agricultural Resource Development 0833**

27 Initiative: Transfers one Agricultural Promotional Coordinator position and related All
28 Other from the Office of the Commissioner program to the Division of Agricultural
29 Resource Development program.

30	GENERAL FUND	2011-12	2012-13
31	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
32	Personal Services	\$0	\$76,592
33	All Other	\$0	\$10,000
34			
35	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$86,592</u>

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	\$0	\$99,359
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$99,359</u>

5 **Division of Agricultural Resource Development 0833**

6 Initiative: Transfers one Agricultural Promotional Specialist position and related All
7 Other from the Harness Racing Commission program to the Division of Agricultural
8 Resource Development program.

9	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
10	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
11	Personal Services	\$0	\$57,088
12	All Other	\$0	\$15,487
13			
14	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$72,575</u>

15 **Division of Agricultural Resource Development 0833**

16 Initiative: Establishes one Consumer Protection Inspector position in the Division of
17 Quality Assurance and Regulation program funded 50% General Fund and 50% Federal
18 Expenditures Fund. Eliminates one Planning and Research Associate II position in the
19 Division of Agricultural Resource Development program funded 50% General Fund and
20 50% Federal Expenditures Fund to partially fund this action.

21	GENERAL FUND	2011-12	2012-13
22	Personal Services	\$0	(\$28,462)
23			
24	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$28,462)</u>

25	FEDERAL EXPENDITURES FUND	2011-12	2012-13
26	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
27	Personal Services	\$0	(\$28,463)
28			
29	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$28,463)</u>

30 **Division of Plant Industry 0831**

31 Initiative: Reallocates the cost of one Entomologist II position from 100% Federal
32 Expenditures Fund to 74% Federal Expenditures Fund and 26% General Fund in the
33 same program. Eliminates one intermittent Entomologist I position and uses a portion of
34 the General Fund savings to fund the reallocation.

1	GENERAL FUND	2011-12	2012-13
2	POSITIONS - FTE COUNT	0.000	(0,481)
3	Personal Services	\$0	(\$3,513)
4			
5	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$3,513)</u>
6	FEDERAL EXPENDITURES FUND	2011-12	2012-13
7	Personal Services	\$0	(\$18,449)
8	All Other	\$0	(\$849)
9			
10	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$19,298)</u>
11	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
12	Personal Services	\$0	(\$8,311)
13	All Other	\$0	(\$382)
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$8,693)</u>

16 **Division of Quality Assurance and Regulation 0393**

17 Initiative: Establishes one Consumer Protection Inspector position in the Division of
18 Quality Assurance and Regulation program funded 50% General Fund and 50% Federal
19 Expenditures Fund. Eliminates one Planning and Research Associate II position in the
20 Division of Agricultural Resource Development program funded 50% General Fund and
21 50% Federal Expenditures Fund to partially fund this action.

22	GENERAL FUND	2011-12	2012-13
23	Personal Services	\$0	\$29,329
24			
25	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$29,329</u>

26	FEDERAL EXPENDITURES FUND	2011-12	2012-13
27	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
28	Personal Services	\$0	\$29,332
29			
30	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$29,332</u>

31 **Division of Quality Assurance and Regulation 0393**

32 Initiative: Provides funding to increase the hours of one Office Associate II position from
33 64 hours to 80 hours biweekly and reduces All Other to fund the increased hours. Also
34 reallocates the cost of the position from 100% Certified Seed Fund program, Other
35 Special Revenue Funds to 50% Certified Seed Fund program, Other Special Revenue

1 Funds and 50% Division of Quality Assurance and Regulation program, Federal
2 Expenditures Fund.

		2011-12	2012-13
3	FEDERAL EXPENDITURES FUND		
4	Personal Services	\$0	\$27,095
5	All Other	\$0	(\$27,095)
6			
7	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$0</u>

8 **Harness Racing Commission 0320**

9 Initiative: Transfers one Agricultural Promotional Specialist position and related All
10 Other from the Harness Racing Commission program to the Division of Agricultural
11 Resource Development program.

		2011-12	2012-13
12	OTHER SPECIAL REVENUE FUNDS		
13	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
14	Personal Services	\$0	(\$57,088)
15	All Other	\$0	(\$15,487)
16			
17	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$72,575)</u>

18 **Harness Racing Commission 0320**

19 Initiative: Adjusts funding to align allocations with projected available resources
20 approved by the Revenue Forecasting Committee on March 1, 2012.

		2011-12	2012-13
21	OTHER SPECIAL REVENUE FUNDS		
22	All Other	(\$52,646)	(\$89,201)
23			
24	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$52,646)</u>	<u>(\$89,201)</u>

25 **Harness Racing Commission 0320**

26 Initiative: Reduces funding to align allocations with projected available resources
27 approved by the Revenue Forecasting Committee on December 1, 2011.

		2011-12	2012-13
28	OTHER SPECIAL REVENUE FUNDS		
29	All Other	(\$103,467)	(\$134,128)
30			
31	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$103,467)</u>	<u>(\$134,128)</u>

32 **Office of the Commissioner 0401**

1 Initiative: Transfers one Agricultural Promotional Coordinator position and related All
 2 Other from the Office of the Commissioner program to the Division of Agricultural
 3 Resource Development program.

4	GENERAL FUND	2011-12	2012-13
5	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
6	Personal Services	\$0	(\$76,592)
7	All Other	\$0	(\$10,000)
8			
9	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$86,592)</u>

10	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
11	All Other	\$0	(\$99,359)
12			
13	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$99,359)</u>

14	AGRICULTURE, FOOD AND RURAL		
15	RESOURCES, DEPARTMENT OF		
16	DEPARTMENT TOTALS	2011-12	2012-13
17			
18	GENERAL FUND	\$0	(\$2,646)
19	FEDERAL EXPENDITURES FUND	\$0	(\$18,429)
20	OTHER SPECIAL REVENUE FUNDS	(\$156,113)	(\$249,322)
21			
22	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$156,113)</u>	<u>(\$270,397)</u>

23 **Sec. A-3. Appropriations and allocations.** The following appropriations and
 24 allocations are made.

25 **ATTORNEY GENERAL, DEPARTMENT OF THE**
 26 **Administration - Attorney General 0310**

27 Initiative: Establishes one part-time Assistant Attorney General position to serve as an
 28 ombudsman and assist in compliance with the State's freedom of access laws in
 29 accordance with the Maine Revised Statutes, Title 5, section 200-I.

30	GENERAL FUND	2011-12	2012-13
31	POSITIONS - LEGISLATIVE COUNT	0.000	0.500
32	Personal Services	\$0	\$36,531
33			
34	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$36,531</u>

35 **Administration - Attorney General 0310**

1 Initiative: Adjusts funding to align allocations with projected available resources
 2 approved by the Revenue Forecasting Committee on March 1, 2012.

3	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
4	All Other	(\$17,110)	(\$17,110)
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$17,110)</u>	<u>(\$17,110)</u>

7 **Human Services Division 0696**

8 Initiative: Continues one Secretary Specialist position assigned to the United States Food
 9 and Drug Administration tobacco enforcement program that was originally established by
 10 financial order.

11	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
12	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
13	Personal Services	\$0	\$68,980
14	All Other	\$0	\$1,984
15			
16	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$70,964</u>

17 **Victims' Compensation Board 0711**

18 Initiative: Adjusts funding to align allocations with projected available resources
 19 approved by the Revenue Forecasting Committee on March 1, 2012.

20	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
21	All Other	(\$25,371)	(\$18,637)
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$25,371)</u>	<u>(\$18,637)</u>

24 **ATTORNEY GENERAL, DEPARTMENT OF**
 25 **THE**
 26 **DEPARTMENT TOTALS**

27		2011-12	2012-13
28	GENERAL FUND	\$0	\$36,531
29	OTHER SPECIAL REVENUE FUNDS	(\$42,481)	\$35,217
30			
31	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$42,481)</u>	<u>\$71,748</u>

32 **Sec. A-4. Appropriations and allocations.** The following appropriations and
 33 allocations are made.

34 **CHARTER SCHOOL COMMISSION, STATE**

1 **State Charter School Commission Z137**

2 Initiative: Provides funding to reimburse the State Charter School Commission members
 3 for travel expenses. The cost of this change is offset with savings from General Fund
 4 accounts in the Department of Education.

5	GENERAL FUND	2011-12	2012-13
6	All Other	\$10,000	\$20,000
7			
8	GENERAL FUND TOTAL	<u>\$10,000</u>	<u>\$20,000</u>

9 **State Charter School Commission Z137**

10 Initiative: Provides funding to cover costs for overseeing public charter schools.

11	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
12	All Other	\$0	\$500
13			
14	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$500</u>

15	CHARTER SCHOOL COMMISSION, STATE		
16	DEPARTMENT TOTALS	2011-12	2012-13
17			
18	GENERAL FUND	\$10,000	\$20,000
19	OTHER SPECIAL REVENUE FUNDS	\$0	\$500
20			
21	DEPARTMENT TOTAL - ALL FUNDS	<u>\$10,000</u>	<u>\$20,500</u>

22 **Sec. A-5. Appropriations and allocations.** The following appropriations and
 23 allocations are made.

24 **COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE**

25 **Maine Community College System - Board of Trustees 0556**

26 Initiative: Adjusts funding to align allocations with projected available resources
 27 approved by the Revenue Forecasting Committee on March 1, 2012.

28	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
29	All Other	(\$2,507)	(\$9,615)
30			
31	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$2,507)</u>	<u>(\$9,615)</u>

32 **Maine Community College System - Board of Trustees 0556**

1 Initiative: Reduces funding to align allocations with projected available resources
 2 approved by the Revenue Forecasting Committee on December 1, 2011.

3	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
4	All Other	(\$11,603)	\$0
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$11,603)</u>	<u>\$0</u>

7 **Maine Community College System - Board of Trustees 0556**

8 Initiative: Reduces funding for the Maine Community College System.

9	GENERAL FUND	2011-12	2012-13
10	All Other	\$0	(\$544,408)
11			
12	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$544,408)</u>

13 **COMMUNITY COLLEGE SYSTEM, BOARD OF**
 14 **TRUSTEES OF THE MAINE**
 15 **DEPARTMENT TOTALS**

16		2011-12	2012-13
17	GENERAL FUND	\$0	(\$544,408)
18	OTHER SPECIAL REVENUE FUNDS	(\$14,110)	(\$9,615)
19			
20	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$14,110)</u>	<u>(\$554,023)</u>

21 **Sec. A-6. Appropriations and allocations.** The following appropriations and
 22 allocations are made.

23 **CONSERVATION, DEPARTMENT OF**

24 **Geological Survey 0237**

25 Initiative: Transfers one Public Service Manager II position, one Public Service
 26 Coordinator I position, 2 Senior Planner positions, one Secretary Associate position and
 27 one Business Manager I position from the Planning Office program in the Executive
 28 Department to the Geological Survey program and Office of the Commissioner program
 29 in the Department of Conservation.

30	FEDERAL EXPENDITURES FUND	2011-12	2012-13
31	POSITIONS - LEGISLATIVE COUNT	0.000	5.000
32	Personal Services	\$0	\$355,941
33	All Other	\$0	\$1,006,242
34			
35	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$1,362,183</u>

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	\$0	\$500
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$500</u>

5 **Natural Areas Program 0821**

6 Initiative: Transfers one Public Service Manager I position from the Planning Office
7 program in the Executive Department to the Office of the Commissioner program in the
8 Department of Conservation and 3 Senior Planner positions and related All Other from
9 the Planning Office program in the Executive Department to the Natural Areas Program
10 in the Department of Conservation.

11	GENERAL FUND	2011-12	2012-13
12	All Other	\$0	\$183,516
13			
14	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$183,516</u>

15	FEDERAL EXPENDITURES FUND	2011-12	2012-13
16	POSITIONS - LEGISLATIVE COUNT	0.000	3.000
17	Personal Services	\$0	\$228,315
18	All Other	\$0	\$291,901
19			
20	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$520,216</u>

21 **Natural Areas Program 0821**

22 Initiative: Transfers one Senior Planner position from the Land for Maine's Future Fund
23 program in the Executive Department and 2 Senior Planner positions from the Planning
24 Office program in the Executive Department to the Natural Areas Program in the
25 Department of Conservation. Also transfers related All Other to the Natural Areas
26 Program.

27	GENERAL FUND	2011-12	2012-13
28	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
29	Personal Services	\$0	\$145,755
30	All Other	\$0	\$13,462
31			
32	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$159,217</u>

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
3	Personal Services	\$0	\$71,185
4	All Other	\$0	\$5,000
5			
6	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$76,185</u>

7	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
8	All Other	\$0	\$49,707
9			
10	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$49,707</u>

11 **Office of the Commissioner 0222**

12 Initiative: Transfers one Public Service Manager I position from the Planning Office
13 program in the Executive Department to the Office of the Commissioner program in the
14 Department of Conservation and 3 Senior Planner positions and related All Other from
15 the Planning Office program in the Executive Department to the Natural Areas Program
16 in the Department of Conservation.

17	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
18	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
19	Personal Services	\$0	\$87,508
20			
21	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$87,508</u>

22 **Office of the Commissioner 0222**

23 Initiative: Transfers one Public Service Manager II position, one Public Service
24 Coordinator I position, 2 Senior Planner positions, one Secretary Associate position and
25 one Business Manager I position from the Planning Office program in the Executive
26 Department to the Geological Survey program and the Office of the Commissioner
27 program in the Department of Conservation. Also transfers All Other funding for the
28 Maine Coastal Program function from the Planning Office program in the Executive
29 Department to the Geological Survey program and the Office of Commissioner program
30 in the Department of Conservation.

31	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
32	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
33	Personal Services	\$0	\$65,861
34	All Other	\$0	\$244,820
35			
36	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$310,681</u>

1	CONSERVATION, DEPARTMENT OF		
2	DEPARTMENT TOTALS	2011-12	2012-13
3			
4	GENERAL FUND	\$0	\$342,733
5	FEDERAL EXPENDITURES FUND	\$0	\$1,958,584
6	OTHER SPECIAL REVENUE FUNDS	\$0	\$448,396
7			
8	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$2,749,713

9 **Sec. A-7. Appropriations and allocations.** The following appropriations and
10 allocations are made.

11 **CORRECTIONS, DEPARTMENT OF**

12 **Administration - Corrections 0141**

13 Initiative: Reduces funding on a one-time basis for contracted housing and professional
14 contracts.

15	GENERAL FUND	2011-12	2012-13
16	All Other	(\$250,000)	\$0
17			
18	GENERAL FUND TOTAL	(\$250,000)	\$0

19 **Adult Community Corrections 0124**

20 Initiative: Reduces funding on a one-time basis for vehicle rentals, general operations and
21 contracted crisis intervention services.

22	GENERAL FUND	2011-12	2012-13
23	All Other	(\$138,000)	\$0
24			
25	GENERAL FUND TOTAL	(\$138,000)	\$0

26 **Correctional Medical Services Fund 0286**

27 Initiative: Eliminates one Correctional LPN position, one Public Service Manager III
28 position, one Nurse II position, one Nurse III position and 2 Clinical Social Worker
29 positions from the State Prison program and one Psychiatric Social Worker II position
30 effective in fiscal year 2011-12 and one Nurse III position effective in fiscal year 2012-13
31 from the Long Creek Youth Development Center program and transfers the savings to All
32 Other in the Correctional Medical Services Fund program.

33	GENERAL FUND	2011-12	2012-13
34	All Other	\$545,234	\$671,692
35			

1	GENERAL FUND TOTAL	\$545,234	\$671,692
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2 **Correctional Medical Services Fund 0286**

3 Initiative: Eliminates 6 medical positions in the State Prison program, 3 medical positions
 4 in the Mountain View Youth Development Center program and 6 medical positions in the
 5 Long Creek Youth Development Center program and transfers savings to All Other in the
 6 Correctional Medical Services Fund program. Details of the eliminated positions are on
 7 file with the Bureau of the Budget.

8	GENERAL FUND	2011-12	2012-13
9	All Other	\$0	\$1,419,028
10			
11	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$1,419,028</u>

12 **Juvenile Community Corrections 0892**

13 Initiative: Reduces funding on a one-time basis for minor equipment purchases, for social
 14 aid for juveniles in the community and for contracted services that were initiated later
 15 than anticipated.

16	GENERAL FUND	2011-12	2012-13
17	All Other	(\$112,000)	\$0
18			
19	GENERAL FUND TOTAL	<u>(\$112,000)</u>	<u>\$0</u>

20 **Long Creek Youth Development Center 0163**

21 Initiative: Eliminates one Correctional LPN position, one Public Service Manager III
 22 position, one Nurse II position, one Nurse III position and 2 Clinical Social Worker
 23 positions from the State Prison program and one Psychiatric Social Worker II position
 24 effective in fiscal year 2011-12 and one Nurse III position effective in fiscal year 2012-13
 25 from the Long Creek Youth Development Center program and transfers the savings to All
 26 Other in the Correctional Medical Services Fund program.

27	GENERAL FUND	2011-12	2012-13
28	POSITIONS - LEGISLATIVE COUNT	(1.000)	(2.000)
29	Personal Services	(\$63,539)	(\$148,314)
30			
31	GENERAL FUND TOTAL	<u>(\$63,539)</u>	<u>(\$148,314)</u>

32 **Long Creek Youth Development Center 0163**

33 Initiative: Eliminates 6 medical positions in the State Prison program, 3 medical positions
 34 in the Mountain View Youth Development Center program and 6 medical positions in the
 35 Long Creek Youth Development Center program and transfers savings to All Other in the

1 Correctional Medical Services Fund program. Details of the eliminated positions are on
2 file with the Bureau of the Budget.

3	GENERAL FUND	2011-12	2012-13
4	POSITIONS - LEGISLATIVE COUNT	0.000	(6.000)
5	Personal Services	\$0	(\$579,697)
6			
7	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$579,697)</u>

8 **Mountain View Youth Development Center 0857**

9 Initiative: Eliminates 6 medical positions in the State Prison program, 3 medical positions
10 in the Mountain View Youth Development Center program and 6 medical positions in the
11 Long Creek Youth Development Center program and transfers savings to All Other in the
12 Correctional Medical Services Fund program. Details of the eliminated positions are on
13 file with the Bureau of the Budget.

14	GENERAL FUND	2011-12	2012-13
15	POSITIONS - LEGISLATIVE COUNT	0.000	(3.000)
16	Personal Services	\$0	(\$365,966)
17			
18	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$365,966)</u>

19 **State Board of Corrections Investment Fund Z075**

20 Initiative: Transfers funding for appropriations made to the State Board of Corrections
21 Investment Fund program in the Department of Corrections in Public Law 2011, chapters
22 428, 448 and 455 that should have been appropriated to the State Board of Corrections
23 Investment Fund program in the State Board of Corrections.

24	GENERAL FUND	2011-12	2012-13
25	All Other	\$0	(\$9,396)
26			
27	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$9,396)</u>

28 **State Prison 0144**

29 Initiative: Eliminates one Correctional LPN position, one Public Service Manager III
30 position, one Nurse II position, one Nurse III position and 2 Clinical Social Worker
31 positions from the State Prison program and one Psychiatric Social Worker II position
32 effective in fiscal year 2011-12 and one Nurse III position effective in fiscal year 2012-13
33 from the Long Creek Youth Development Center program and transfers the savings to All
34 Other in the Correctional Medical Services Fund program.

1	GENERAL FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	(6,000)	(6,000)
3	Personal Services	(\$481,695)	(\$523,378)
4			
5	GENERAL FUND TOTAL	<u>(\$481,695)</u>	<u>(\$523,378)</u>

6 **State Prison 0144**

7 Initiative: Eliminates 6 medical positions in the State Prison program, 3 medical positions
8 in the Mountain View Youth Development Center program and 6 medical positions in the
9 Long Creek Youth Development Center program and transfers savings to All Other in the
10 Correctional Medical Services Fund program. Details of the eliminated positions are on
11 file with the Bureau of the Budget.

12	GENERAL FUND	2011-12	2012-13
13	POSITIONS - LEGISLATIVE COUNT	0.000	(6,000)
14	Personal Services	\$0	(\$473,365)
15			
16	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$473,365)</u>

17	CORRECTIONS, DEPARTMENT OF		
18	DEPARTMENT TOTALS	2011-12	2012-13
19			
20	GENERAL FUND	(\$500,000)	(\$9,396)
21			
22	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$500,000)</u>	<u>(\$9,396)</u>

23 **Sec. A-8. Appropriations and allocations.** The following appropriations and
24 allocations are made.

25 **CORRECTIONS, STATE BOARD OF**

26 **State Board of Corrections Investment Fund Z087**

27 Initiative: Transfers funding for appropriations made to the State Board of Corrections
28 Investment Fund program in the Department of Corrections in Public Law 2011, chapters
29 428, 448 and 455 that should have been appropriated to the State Board of Corrections
30 Investment Fund program in the State Board of Corrections.

31	GENERAL FUND	2011-12	2012-13
32	All Other	\$0	\$9,396
33			
34	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$9,396</u>

35 **State Board of Corrections Investment Fund Z087**

1 Initiative: Continues one Public Service Executive I position created by Financial Order
 2 006420F1 and reduces All Other to fund the position.

3	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
4	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
5	Personal Services	\$0	\$93,864
6	All Other	\$0	(\$93,864)
7			
8	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>

9 **State Board of Corrections Investment Fund Z087**

10 Initiative: Adjusts funding to align allocations with projected available resources
 11 approved by the Revenue Forecasting Committee on March 1, 2012.

12	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
13	All Other	(\$135,000)	(\$135,000)
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$135,000)</u>	<u>(\$135,000)</u>

16 **State Board of Corrections Investment Fund Z087**

17 Initiative: Adjusts funding to align allocations with projected available resources
 18 approved by the Revenue Forecasting Committee on December 1, 2011.

19	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
20	All Other	(\$48,000)	(\$48,000)
21			
22	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$48,000)</u>	<u>(\$48,000)</u>

23	CORRECTIONS, STATE BOARD OF		
24	DEPARTMENT TOTALS	2011-12	2012-13
25			
26	GENERAL FUND	\$0	\$9,396
27	OTHER SPECIAL REVENUE FUNDS	(\$183,000)	(\$183,000)
28			
29	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$183,000)</u>	<u>(\$173,604)</u>

30 **Sec. A-9. Appropriations and allocations.** The following appropriations and
 31 allocations are made.

32 **DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT**
 33 **OF**

34 **Administration - Maine Emergency Management Agency 0214**

1 Initiative: Transfers one Planner II position and 2 Senior Planner positions and All Other
 2 funds for general operations and technical assistance from the Planning Office program in
 3 the Executive Department to the Administration - Maine Emergency Management
 4 Agency program in the Department of Defense, Veterans and Emergency Management to
 5 support floodplain management.

6	GENERAL FUND	2011-12	2012-13
7	Personal Services	\$0	\$41,250
8	All Other	\$0	\$10,000
9			
10	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$51,250</u>

11	FEDERAL EXPENDITURES FUND	2011-12	2012-13
12	POSITIONS - LEGISLATIVE COUNT	0.000	3.000
13	Personal Services	\$0	\$184,532
14	All Other	\$0	\$64,472
15			
16	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$249,004</u>

17	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
18	All Other	\$0	\$500
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$500</u>

21 **Disaster Assistance 0841**

22 Initiative: Provides funding for the State's share of disaster assistance for previously
 23 declared disasters: Aroostook April and May Flood 2008, February and March Floods
 24 2010, December Rains Flood 2010 and Tropical Storm Irene 2011.

25	GENERAL FUND	2011-12	2012-13
26	All Other	\$700,000	\$0
27			
28	GENERAL FUND TOTAL	<u>\$700,000</u>	<u>\$0</u>

29 **Military Training and Operations 0108**

30 Initiative: Continues one Maintenance Mechanic position created by Financial Order
 31 006400F1 and continued through Financial Order 000219F2.

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
3	Personal Services	\$0	\$60,300
4			
5	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$60,300</u>

6 **Military Training and Operations 0108**

7 Initiative: Transfers funding from the All Other line category to the Personal Services line
8 category to fund additional use of active duty personnel.

9	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
10	Personal Services	\$0	\$28,000
11	All Other	\$0	(\$28,000)
12			
13	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>

14 **Military Training and Operations 0108**

15 Initiative: Establishes one Teacher, BS position.

16	FEDERAL EXPENDITURES FUND	2011-12	2012-13
17	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
18	Personal Services	\$28,164	\$91,200
19			
20	FEDERAL EXPENDITURES FUND TOTAL	<u>\$28,164</u>	<u>\$91,200</u>

21 **Military Training and Operations 0108**

22 Initiative: Establishes one Teacher Aide position.

23	FEDERAL EXPENDITURES FUND	2011-12	2012-13
24	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
25	Personal Services	\$13,758	\$55,378
26			
27	FEDERAL EXPENDITURES FUND TOTAL	<u>\$13,758</u>	<u>\$55,378</u>

28 **Military Training and Operations 0108**

29 Initiative: Establishes one Maintenance Mechanic position funded 25% General Fund and
30 75% Federal Expenditures Fund. The General Fund cost in fiscal year 2011-12 will be
31 funded through salary and benefits savings in the department.

1	GENERAL FUND	2011-12	2012-13
2	Personal Services	\$0	\$15,476
3			
4	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$15,476</u>

5	FEDERAL EXPENDITURES FUND	2011-12	2012-13
6	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
7	Personal Services	\$11,542	\$46,437
8			
9	FEDERAL EXPENDITURES FUND TOTAL	<u>\$11,542</u>	<u>\$46,437</u>

10 **Veterans Services 0110**
11 Initiative: Provides funding for leased space in Machias.

12	GENERAL FUND	2011-12	2012-13
13	All Other	\$0	\$6,600
14			
15	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$6,600</u>

16 **Veterans Services 0110**
17 Initiative: Provides funding for the approved reclassification of one Office Assistant II
18 position to an Office Associate II position. Funding for fiscal year 2011-12 will be
19 through salary and benefits savings in the department.

20	GENERAL FUND	2011-12	2012-13
21	Personal Services	\$0	\$2,412
22			
23	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$2,412</u>

24	DEFENSE, VETERANS AND EMERGENCY		
25	MANAGEMENT, DEPARTMENT OF		
26	DEPARTMENT TOTALS	2011-12	2012-13
27			
28	GENERAL FUND	\$700,000	\$75,738
29	FEDERAL EXPENDITURES FUND	\$53,464	\$502,319
30	OTHER SPECIAL REVENUE FUNDS	\$0	\$500
31			
32	DEPARTMENT TOTAL - ALL FUNDS	<u>\$753,464</u>	<u>\$578,557</u>

33 **Sec. A-10. Appropriations and allocations.** The following appropriations and
34 allocations are made.

1 **DIRIGO HEALTH**

2 **Dirigo Health Fund 0988**

3 Initiative: Provides funding for a federal grant anticipated to support continued progress
4 toward the planning and establishment of a state health insurance exchange.

5	FEDERAL EXPENDITURES FUND	2011-12	2012-13
6	All Other	\$5,877,676	\$0
7			
8	FEDERAL EXPENDITURES FUND TOTAL	<u>\$5,877,676</u>	<u>\$0</u>

9 **Sec. A-11. Appropriations and allocations.** The following appropriations and
10 allocations are made.

11 **ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

12 **Business Development 0585**

13 Initiative: Reallocates the cost of one Development Project Officer position from 50%
14 Business Development program, General Fund and 50% Community Development Block
15 Grant Program, General Fund to 100% Business Development program, General Fund to
16 recognize the duties assigned to this position.

17	GENERAL FUND	2011-12	2012-13
18	Personal Services	\$0	\$37,415
19			
20	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$37,415</u>

21 **Business Development 0585**

22 Initiative: Reorganizes one Development Project Officer position to a Public Service
23 Coordinator II position to serve as a Governor's Account Executive position and reduces
24 All Other to fund the reorganization.

25	GENERAL FUND	2011-12	2012-13
26	Personal Services	\$0	\$24,328
27	All Other	\$0	(\$24,328)
28			
29	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

30 **Community Development Block Grant Program 0587**

31 Initiative: Reallocates the cost of one Development Project Officer position from 50%
32 Business Development program, General Fund and 50% Community Development Block
33 Grant Program, General Fund to 100% Business Development program, General Fund to
34 recognize the duties assigned to this position.

1	GENERAL FUND	2011-12	2012-13
2	Personal Services	\$0	(\$37,415)
3			
4	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$37,415)</u>

5 **Community Development Block Grant Program 0587**

6 Initiative: Transfers one Public Service Coordinator I position and related All Other
7 funding to oversee the operation of state-owned landfills from the Planning Office
8 program in the Executive Department to the Community Development Block Grant
9 Program in the Department of Economic and Community Development.

10	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
11	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
12	Personal Services	\$0	\$87,691
13	All Other	\$0	\$81,215
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$168,906</u>

16 **Community Development Block Grant Program 0587**

17 Initiative: Transfers one Planner II position and All Other funds for general operation
18 from the Maine Code Enforcement Training and Certification Fund program in the
19 Executive Department to the Community Development Block Grant Program in the
20 Department of Economic and Community Development.

21	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
22	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
23	Personal Services	\$0	\$61,210
24	All Other	\$0	\$41,256
25			
26	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$102,466</u>

27 **Office of Tourism 0577**

28 Initiative: Reorganizes one Public Service Manager II position to a Public Service
29 Coordinator II position and reduces All Other to fund the reorganization.

30	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
31	Personal Services	\$891	\$3,566
32	All Other	(\$891)	(\$3,566)
33			
34	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>

1	ECONOMIC AND COMMUNITY		
2	DEVELOPMENT, DEPARTMENT OF		
3	DEPARTMENT TOTALS	2011-12	2012-13
4			
5	GENERAL FUND	\$0	\$0
6	OTHER SPECIAL REVENUE FUNDS	\$0	\$271,372
7			
8	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$271,372

9 **Sec. A-12. Appropriations and allocations.** The following appropriations and
10 allocations are made.

11 **EDUCATION, DEPARTMENT OF**

12 **Child Development Services 0449**

13 Initiative: Transfers funding from the General Purpose Aid for Local Schools program to
14 the Child Development Services program in order to provide services to children from
15 birth to 5 years of age.

16	GENERAL FUND	2011-12	2012-13
17	All Other	\$3,500,000	\$4,500,000
18			
19	GENERAL FUND TOTAL	\$3,500,000	\$4,500,000

20 **General Purpose Aid for Local Schools 0308**

21 Initiative: Transfers the head count for one Director of Planning and Management
22 Information position from the General Purpose Aid for Local Schools program to the
23 Leadership Team program in order to reflect the position in the appropriate account.

24	GENERAL FUND	2011-12	2012-13
25	POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
26			
27	GENERAL FUND TOTAL	\$0	\$0

28 **General Purpose Aid for Local Schools 0308**

29 Initiative: Transfers funding from the General Purpose Aid for Local Schools program to
30 the Child Development Services program in order to provide services to children from
31 birth to 5 years of age.

32	GENERAL FUND	2011-12	2012-13
33	All Other	(\$3,500,000)	(\$4,500,000)
34			
35	GENERAL FUND TOTAL	(\$3,500,000)	(\$4,500,000)

1 **Leadership Team Z077**
 2 Initiative: Reallocates 5% of the cost of one Public Service Manager II position and
 3 related All Other funding from the Leadership Team program to the PK-20, Adult
 4 Education and Federal Programs Team program to complete the reorganization included
 5 in Public Law 2011, chapter 380.

6	FEDERAL EXPENDITURES FUND	2011-12	2012-13
7	Personal Services	\$0	(\$5,109)
8	All Other	\$0	(\$675,110)
9			
10	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$680,219)</u>

11 **Leadership Team Z077**
 12 Initiative: Transfers the head count for one Director of Planning and Management
 13 Information position from the General Purpose Aid for Local Schools program to the
 14 Leadership Team program in order to reflect the position in the appropriate account.

15	GENERAL FUND	2011-12	2012-13
16	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
17			
18	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

19 **Leadership Team Z077**
 20 Initiative: Transfers one Regional Education Representative position from the PK-20,
 21 Adult Education and Federal Programs Team program to the Leadership Team program
 22 in order to reflect the position in the appropriate program.

23	GENERAL FUND	2011-12	2012-13
24	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
25	Personal Services	\$95,013	\$95,045
26			
27	GENERAL FUND TOTAL	<u>\$95,013</u>	<u>\$95,045</u>

28 **Maine Community Services Z134**
 29 Initiative: Transfers one Public Service Manager I position, 3 Senior Planner positions
 30 and one Planning and Research Associate I position from the Planning Office program in
 31 the Executive Department to the Maine Community Services program in the Department
 32 of Education.

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	5.000
3	Personal Services	\$0	\$327,549
4	All Other	\$0	\$976,963
5			
6	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$1,304,512</u>

7	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
8	All Other	\$0	\$100,000
9			
10	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$100,000</u>

11 **PK-20, Adult Education and Federal Programs Team Z081**

12 Initiative: Eliminates funding in the Learning Connections account in the PK-20, Adult
 13 Education and Federal Programs Team program. The department no longer receives
 14 funding from the learn and serve America school-based and community-based program
 15 grant.

16	FEDERAL EXPENDITURES FUND	2011-12	2012-13
17	All Other	(\$425,289)	(\$425,289)
18			
19	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$425,289)</u>	<u>(\$425,289)</u>

20 **PK-20, Adult Education and Federal Programs Team Z081**

21 Initiative: Reallocates 5% of the cost of one Public Service Manager II position and
 22 related All Other funding from the Leadership Team program to the PK-20, Adult
 23 Education and Federal Programs Team program to complete the reorganization included
 24 in Public Law 2011, chapter 380.

25	FEDERAL EXPENDITURES FUND	2011-12	2012-13
26	Personal Services	\$0	\$5,109
27	All Other	\$0	\$675,110
28			
29	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$680,219</u>

30 **PK-20, Adult Education and Federal Programs Team Z081**

31 Initiative: Provides funding for the purpose of assisting homeless youth to attend school
 32 through the federal McKinney-Vento Homeless Assistance Act grant.

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	All Other	\$0	\$32,792
3			
4	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$32,792</u>

5 **PK-20, Adult Education and Federal Programs Team Z081**

6 Initiative: Transfers one Regional Education Representative position from the PK-20,
7 Adult Education and Federal Programs Team program to the Leadership Team program
8 in order to reflect the position in the appropriate program.

9	GENERAL FUND	2011-12	2012-13
10	POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
11	Personal Services	(\$95,013)	(\$95,045)
12			
13	GENERAL FUND TOTAL	<u>(\$95,013)</u>	<u>(\$95,045)</u>

14 **School Finance and Operations Z078**

15 Initiative: Provides funding to match available federal funds in the National School
16 Lunch Program under 7 Code of Federal Regulations, Part 210 (2007).

17	GENERAL FUND	2011-12	2012-13
18	All Other	\$0	\$20,046
19			
20	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$20,046</u>

21	EDUCATION, DEPARTMENT OF		
22	DEPARTMENT TOTALS	2011-12	2012-13
23			
24	GENERAL FUND	\$0	\$20,046
25	FEDERAL EXPENDITURES FUND	(\$425,289)	\$912,015
26	OTHER SPECIAL REVENUE FUNDS	\$0	\$100,000
27			
28	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$425,289)</u>	<u>\$1,032,061</u>

29 **Sec. A-13. Appropriations and allocations.** The following appropriations and
30 allocations are made.

31 **EFFICIENCY MAINE TRUST**

32 **Efficiency Maine Trust Z100**

33 Initiative: Eliminates one Public Service Coordinator II position and one Public Service
34 Coordinator III position no longer needed since those Efficiency Maine Trust employees
35 who had elected to remain state employees in accordance with Public Law 2009, chapter

1 372, Part C have retired. Also adjusts Personal Services allocation to ensure funds are
 2 available to meet remaining payroll obligations for fiscal year 2011-12. Transfers the
 3 Personal Services savings to All Other.

4	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
5	POSITIONS - LEGISLATIVE COUNT	(2,000)	(2,000)
6	Personal Services	(\$107,696)	(\$180,749)
7	All Other	\$107,696	\$180,749
8			
9	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>

10 **Efficiency Maine Trust Z100**

11 Initiative: Provides funding to bring the All Other allocation up to the level of anticipated
 12 transfers and revenues.

13	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
14	All Other	\$28,786	\$38,263
15			
16	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$28,786</u>	<u>\$38,263</u>

17 **Efficiency Maine Trust Z100**

18 Initiative: Provides funding for an increase on a one-time basis for alternative compliance
 19 mechanism payments in fiscal year 2011-12.

20	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
21	All Other	\$12,537	\$0
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$12,537</u>	<u>\$0</u>

24 **Efficiency Maine Trust Z100**

25 Initiative: Adjusts funding to fund a transfer of one Economic Analyst position from the
 26 Public Advocate program in the Executive Department to the Governor's Energy Office
 27 program in the Executive Department.

28	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
29	All Other	\$0	(\$124,613)
30			
31	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$124,613)</u>

1	EFFICIENCY MAINE TRUST		
2	DEPARTMENT TOTALS	2011-12	2012-13
3			
4	OTHER SPECIAL REVENUE FUNDS	\$41,323	(\$86,350)
5			
6	DEPARTMENT TOTAL - ALL FUNDS	\$41,323	(\$86,350)

7 **Sec. A-14. Appropriations and allocations.** The following appropriations and
8 allocations are made.

9 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**
10 **Administration - Environmental Protection 0251**

11 Initiative: Reorganizes one Office Specialist I position to an Office Specialist II position
12 and transfers the position from the Remediation and Waste Management program, Other
13 Special Revenue Funds to the Administration - Environmental Protection program, Other
14 Special Revenue Funds. Reduces All Other to fund the position.

15	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
16	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
17	Personal Services	\$63,394	\$65,731
18	All Other	(\$63,394)	(\$65,731)
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

21 **Performance Partnership Grant 0851**

22 Initiative: Provides funding for the reclassification of one Environmental Technician
23 position to a Geology Technician II position and reduces All Other to fund the
24 reclassification.

25	FEDERAL EXPENDITURES FUND	2011-12	2012-13
26	Personal Services	\$294	\$1,255
27	All Other	(\$294)	(\$1,255)
28			
29	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

30 **Remediation and Waste Management 0247**

31 Initiative: Reorganizes one Office Specialist I position to an Office Specialist II position
32 and transfers the position from the Remediation and Waste Management program, Other
33 Special Revenue Funds to the Administration - Environmental Protection program, Other
34 Special Revenue Funds. Reduces All Other to fund the position.

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
3	Personal Services	(\$60,078)	(\$62,244)
4	All Other	(\$1,697)	(\$1,758)
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	(\$61,775)	(\$64,002)

7 **Remediation and Waste Management 0247**

8 Initiative: Transfers funding for All Other costs from the Planning Office program in the
9 Executive Department to the Remediation and Waste Management program in the
10 Department of Environmental Protection for general operations and technical assistance
11 to support recycling and waste management functions.

12	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
13	All Other	\$0	\$447,738
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$447,738

16	ENVIRONMENTAL PROTECTION,		
17	DEPARTMENT OF		
18	DEPARTMENT TOTALS	2011-12	2012-13
19			
20	FEDERAL EXPENDITURES FUND	\$0	\$0
21	OTHER SPECIAL REVENUE FUNDS	(\$61,775)	\$383,736
22			
23	DEPARTMENT TOTAL - ALL FUNDS	(\$61,775)	\$383,736

24 **Sec. A-15. Appropriations and allocations.** The following appropriations and
25 allocations are made.

26 **EXECUTIVE DEPARTMENT**

27 **Floodplain Mapping Fund Z116**

28 Initiative: Transfers one Planner II position and 2 Senior Planner positions and All Other
29 funds for general operations and technical assistance from the Planning Office program in
30 the Executive Department to the Administration - Maine Emergency Management
31 Agency program in the Department of Defense, Veterans and Emergency Management to
32 support floodplain management.

33	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
34	All Other	\$0	(\$500)
35			
36	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$500)

1 **Governor's Energy Office Z122**

2 Initiative: Transfers one Senior Planner position and transfers and reallocates the cost of
 3 one Senior Planner position from 60% General Fund and 40% Federal Expenditures Fund
 4 to 100% Federal Expenditures Fund from the Planning Office program to the Governor's
 5 Energy Office program.

6	FEDERAL EXPENDITURES FUND	2011-12	2012-13
7	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
8	Personal Services	\$0	\$138,482
9	All Other	\$0	\$1,644,074
10			
11	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$1,782,556</u>

12	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
13	All Other	\$0	\$100,000
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$100,000</u>

16 **Governor's Energy Office Z122**

17 Initiative: Transfers one Economic Analyst position from the Public Advocate program to
 18 the Governor's Energy Office program and reorganizes the position to a Governor's
 19 Special Assistant position.

20	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
21	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
22	Personal Services	\$0	\$124,613
23			
24	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$124,613</u>

25 **Land for Maine's Future Fund 0060**

26 Initiative: Transfers one Senior Planner position from the Land for Maine's Future Fund
 27 program and 2 Senior Planner positions from the Planning Office program in the
 28 Executive Department to the Natural Areas Program in the Department of Conservation.
 29 Also transfers related All Other to the Natural Areas Program in the Department of
 30 Conservation.

31	GENERAL FUND	2011-12	2012-13
32	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
33	Personal Services	\$0	(\$72,650)
34	All Other	\$0	(\$4,962)
35		<u></u>	<u></u>

1	GENERAL FUND TOTAL	\$0	(\$77,612)
2	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
3	All Other	\$0	(\$49,707)
4			
5	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$49,707)</u>

6 **Maine Code Enforcement Training and Certification Fund Z093**

7 Initiative: Transfers one Planner II position and All Other funds for general operations
8 from the Maine Code Enforcement Training and Certification Fund program in the
9 Executive Department to the Community Development Block Grant Program in the
10 Department of Economic and Community Development. Further eliminates one vacant
11 Planner II position in the Maine Code Enforcement Training and Certification Fund
12 program in the Executive Department.

13	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
14	POSITIONS - LEGISLATIVE COUNT	0.000	(2.000)
15	Personal Services	\$0	(\$127,041)
16	All Other	\$0	(\$8,922)
17			
18	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$135,963)</u>

19 **Office of Policy and Management Z135**

20 Initiative: Establishes one Director, Governor's Office of Policy and Management
21 position in fiscal year 2011-12, transfers one Public Service Executive II position and one
22 Economist position and transfers General Fund savings in Personal Services and All
23 Other from the Planning Office program reorganization in the Executive Department to
24 establish the new oversight agency, the Governor's Office of Policy and Management.

25	GENERAL FUND	2011-12	2012-13
26	POSITIONS - LEGISLATIVE COUNT	1.000	3.000
27	Personal Services	\$21,696	\$659,834
28	All Other	\$5,000	\$113,641
29			
30	GENERAL FUND TOTAL	<u>\$26,696</u>	<u>\$773,475</u>

31 **Planning Office 0082**

32 Initiative: Eliminates one Director, State Planning Office position, 3 Public Service
33 Executive I positions and one Secretary Associate position in the Planning Office
34 program. Additionally, transfers one Public Service Executive II position and one
35 Economist position from the Planning Office program to the new oversight agency, the
36 Governor's Office of Policy and Management. Further transfers General Fund savings in

1 the elimination of positions and programs to establish the new oversight agency, the
 2 Governor's Office of Policy and Management.

	2011-12	2012-13
3 GENERAL FUND		
4 POSITIONS - LEGISLATIVE COUNT	0.000	(7.000)
5 Personal Services	(\$21,696)	(\$615,801)
6 All Other	(\$5,000)	(\$113,641)
7		
8 GENERAL FUND TOTAL	<u>(\$26,696)</u>	<u>(\$729,442)</u>

9 **Planning Office 0082**

10 Initiative: Transfers one Senior Planner position and transfers and reallocates the cost of
 11 one Senior Planner position from 60% General Fund, 40% Federal Expenditures Fund to
 12 100% Federal Expenditures Fund from the Planning Office program to the Governor's
 13 Energy Office program.

	2011-12	2012-13
14 GENERAL FUND		
15 POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
16 Personal Services	\$0	(\$44,033)
17		
18 GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$44,033)</u>

	2011-12	2012-13
19 FEDERAL EXPENDITURES FUND		
20 POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
21 Personal Services	\$0	(\$94,449)
22 All Other	\$0	(\$1,688,107)
23		
24 FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$1,782,556)</u>

	2011-12	2012-13
25 OTHER SPECIAL REVENUE FUNDS		
26 All Other	\$0	(\$100,000)
27		
28 OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$100,000)</u>

29 **Planning Office 0082**

30 Initiative: Eliminates one Senior Planner position and 2 Planner II positions in the
 31 Planning Office program in the Executive Department and transfers one Public Service
 32 Coordinator I position from the Planning Office program in the Executive Department to
 33 the Community Development Block Grant Program in the Department of Economic and
 34 Community Development. Further transfers All Other funds for general operations and
 35 technical assistance to the Remediation and Waste Management program in the
 36 Department of Environmental Protection and the Community Development Block Grant

1 Program in the Department of Economic and Community Development to support
 2 recycling and waste management functions and landfill oversight, respectively.

3	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
4	POSITIONS - LEGISLATIVE COUNT	0.000	(4.000)
5	Personal Services	\$0	(\$315,254)
6	All Other	\$0	(\$361,616)
7			
8	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$676,870)</u>

9 **Planning Office 0082**

10 Initiative: Transfers one Public Service Manager I position, 3 Senior Planner positions
 11 and one Planning and Research Associate I position from the Planning Office program in
 12 the Executive Department to the Maine Community Services program in the Department
 13 of Education.

14	GENERAL FUND	2011-12	2012-13
15	All Other	\$0	(\$40,000)
16			
17	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$40,000)</u>

18	FEDERAL EXPENDITURES FUND	2011-12	2012-13
19	POSITIONS - LEGISLATIVE COUNT	0.000	(5.000)
20	Personal Services	\$0	(\$331,669)
21	All Other	\$0	(\$972,843)
22			
23	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$1,304,512)</u>

24	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
25	All Other	\$0	(\$100,000)
26			
27	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$100,000)</u>

28 **Planning Office 0082**

29 Initiative: Transfers one Planner II position and All Other funds for general operations
 30 from the Maine Code Enforcement Training and Certification Fund program in the
 31 Executive Department to the Community Development Block Grant Program in the
 32 Department of Economic and Community Development. Further eliminates one vacant
 33 Planner II position in the Maine Code Enforcement Training and Certification Fund
 34 program in the Executive Department.

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	\$0	(\$72,466)
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$72,466)</u>

5 **Planning Office 0082**

6 Initiative: Transfers one Planner II position and 2 Senior Planner positions and All Other
7 funds for general operations and technical assistance from the Planning Office program in
8 the Executive Department to the Administration - Maine Emergency Management
9 Agency program in the Department of Defense, Veterans and Emergency Management to
10 support floodplain management.

11	GENERAL FUND	2011-12	2012-13
12	Personal Services	\$0	(\$40,425)
13	All Other	\$0	(\$10,000)
14			
15	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$50,425)</u>

16	FEDERAL EXPENDITURES FUND	2011-12	2012-13
17	POSITIONS - LEGISLATIVE COUNT	0.000	(3.000)
18	Personal Services	\$0	(\$181,394)
19	All Other	\$0	(\$64,472)
20			
21	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$245,866)</u>

22 **Planning Office 0082**

23 Initiative: Transfers one Public Service Manager I position from the Planning Office
24 program in the Executive Department to the Office of the Commissioner program in the
25 Department of Conservation and 3 Senior Planner positions and related All Other from
26 the Planning Office program in the Executive Department to the Natural Areas Program
27 in the Department of Conservation.

28	GENERAL FUND	2011-12	2012-13
29	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
30	Personal Services	\$0	(\$88,906)
31	All Other	\$0	(\$183,516)
32			
33	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$272,422)</u>

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	(3.000)
3	Personal Services	\$0	(\$230,217)
4	All Other	\$0	(\$283,218)
5			
6	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$513,435)</u>

7 **Planning Office 0082**

8 Initiative: Transfers one Senior Planner position from the Land for Maine's Future Fund
9 program and 2 Senior Planner positions from the Planning Office program in the
10 Executive Department to the Natural Areas Program in the Department of Conservation.
11 Also transfers related All Other to the Natural Areas Program in the Department of
12 Conservation.

13	GENERAL FUND	2011-12	2012-13
14	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
15	Personal Services	\$0	(\$74,373)
16	All Other	\$0	(\$8,500)
17			
18	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$82,873)</u>

19	FEDERAL EXPENDITURES FUND	2011-12	2012-13
20	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
21	Personal Services	\$0	(\$71,819)
22	All Other	\$0	(\$2,790)
23			
24	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$74,609)</u>

25 **Planning Office 0082**

26 Initiative: Transfers one Public Service Manager II position, one Public Service
27 Coordinator I position, 2 Senior Planner positions, one Secretary Associate position and
28 one Business Manager I position from the Planning Office program in the Executive
29 Department to the Geological Survey program and the Office of the Commissioner
30 program in the Department of Conservation. Further transfers All Other funding for the
31 Maine Coastal program function from the Planning Office program in the Executive
32 Department to the Geological Survey program and the Office of the Commissioner
33 program in the Department of Conservation.

34	FEDERAL EXPENDITURES FUND	2011-12	2012-13
35	POSITIONS - LEGISLATIVE COUNT	0.000	(5.000)
36	Personal Services	\$0	(\$359,111)
37	All Other	\$0	(\$598,646)

1			
2	FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$957,757)
3	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
4	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
5	Personal Services	\$0	(\$66,495)
6	All Other	\$0	(\$170,176)
7			
8	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$236,671)
9	Planning Office 0082		
10	Initiative: Eliminates one vacant Senior Planner position, one Secretary Specialist		
11	position and one vacant Development Program Manager position. Also eliminates		
12	Planning Office program All Other funds.		
13	FEDERAL EXPENDITURES FUND	2011-12	2012-13
14	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
15	Personal Services	\$0	(\$79,725)
16			
17	FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$79,725)
18	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
19	POSITIONS - LEGISLATIVE COUNT	0.000	(2.000)
20	Personal Services	\$0	(\$146,808)
21	All Other	\$0	(\$838,299)
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$985,107)
24	Public Advocate 0410		
25	Initiative: Transfers one Economic Analyst position from the Public Advocate program to		
26	the Governor's Energy Office program and reorganizes it to a Governor's Special		
27	Assistant position.		
28	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
29	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
30	Personal Services	\$0	(\$124,613)
31			
32	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$124,613)

1	EXECUTIVE DEPARTMENT		
2	DEPARTMENT TOTALS	2011-12	2012-13
3			
4	GENERAL FUND	\$0	(\$523,332)
5	FEDERAL EXPENDITURES FUND	\$0	(\$3,175,904)
6	OTHER SPECIAL REVENUE FUNDS	\$0	(\$2,257,284)
7			
8	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$5,956,520)

9 **Sec. A-16. Appropriations and allocations.** The following appropriations and
10 allocations are made.

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

12 **Developmental Services - Community 0122**

13 Initiative: Provides funding for contracted dental services through a transfer of resources
14 from the Dorothea Dix Psychiatric Center program.

15	GENERAL FUND	2011-12	2012-13
16	All Other	\$0	\$500,000
17			
18	GENERAL FUND TOTAL	\$0	\$500,000

19 **Developmental Services Waiver - Supports Z006**

20 Initiative: Adjusts funding to align allocations with projected available resources
21 approved by the Revenue Forecasting Committee on March 1, 2012.

22	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
23	All Other	(\$26,792)	\$0
24			
25	OTHER SPECIAL REVENUE FUNDS TOTAL	(\$26,792)	\$0

26 **Disproportionate Share - Dorothea Dix Psychiatric Center 0734**

27 Initiative: Eliminates 91 positions effective May 1, 2012, eliminates outpatient
28 medication management services, transfers funding for contracted dental services to the
29 Developmental Services - Community program, reduces capacity, restructures Dorothea
30 Dix Psychiatric Center expenses to achieve \$2,500,000 in General Fund savings
31 identified in Public Law 2011, chapter 380, Part A and offsets the deappropriation
32 included in that law. Position detail is on file in the Bureau of the Budget.

33	GENERAL FUND	2011-12	2012-13
34	Personal Services	(\$332,335)	(\$2,017,523)
35	Unallocated	\$0	\$2,500,000

1	GENERAL FUND	2011-12	2012-13
2	All Other	\$0	\$325,844
3			
4	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$325,844</u>

5 **Disproportionate Share - Riverview Psychiatric Center 0733**

6 Initiative: Transfers positions and adjusts funding to restructure the financing of the
7 Riverview Psychiatric Center. This initiative will result in General Fund undedicated
8 revenue of \$9,175,775.

9	GENERAL FUND	2011-12	2012-13
10	Personal Services	\$0	(\$7,463,333)
11	All Other	\$0	(\$3,195,156)
12			
13	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$10,658,489)</u>

14 **Dorothea Dix Psychiatric Center 0120**

15 Initiative: Eliminates 91 positions effective May 1, 2012, eliminates outpatient
16 medication management services, transfers funding for contracted dental services to the
17 Developmental Services - Community program, reduces capacity, restructures Dorothea
18 Dix Psychiatric Center expenses to achieve \$2,500,000 in General Fund savings
19 identified in Public Law 2011, chapter 380, Part A and offsets the deappropriation
20 included in that law. Position detail is on file in the Bureau of the Budget.

21	GENERAL FUND	2011-12	2012-13
22	All Other	\$150,000	(\$694,811)
23			
24	GENERAL FUND TOTAL	<u>\$150,000</u>	<u>(\$694,811)</u>

25	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
26	POSITIONS - LEGISLATIVE COUNT	(88.500)	(88.500)
27	POSITIONS - FTE COUNT	(0.240)	(0.240)
28	Personal Services	(\$312,947)	(\$3,475,927)
29	All Other	(\$2,600)	(\$945,282)
30			
31	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$315,547)</u>	<u>(\$4,421,209)</u>

32 **Dorothea Dix Psychiatric Center 0120**

33 Initiative: Adjusts funding to reflect correct reimbursements to Dorothea Dix Psychiatric
34 Center from Medicare and other 3rd-party payers and to ensure that sufficient resources
35 are available to provide the appropriate level of General Fund match.

1	GENERAL FUND	2011-12	2012-13
2	All Other	\$0	\$900,000
3			
4	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$900,000</u>

5	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
6	All Other	\$0	(\$900,000)
7			
8	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$900,000)</u>

9 **Dorothea Dix Psychiatric Center 0120**

10 Initiative: Adjusts funding to reflect correct reimbursements to Riverview Psychiatric
 11 Center and Dorothea Dix Psychiatric Center from MaineCare and to ensure that sufficient
 12 resources are available to provide the appropriate level of General Fund match.

13	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
14	All Other	\$0	(\$156,701)
15			
16	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$156,701)</u>

17 **Dorothea Dix Psychiatric Center 0120**

18 Initiative: Transfers positions and adjusts funding to restructure the financing of the
 19 Riverview Psychiatric Center. This initiative will result in General Fund undedicated
 20 revenue of \$9,175,775.

21	GENERAL FUND	2011-12	2012-13
22	All Other	\$0	\$281,657
23			
24	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$281,657</u>

25	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
26	All Other	\$0	(\$281,657)
27			
28	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$281,657)</u>

29 **Dorothea Dix Psychiatric Center 0120**

30 Initiative: Transfers positions and adjusts funding to restructure the financing of the
 31 Dorothea Dix Psychiatric Center. This initiative will result in General Fund undedicated
 32 revenue of \$11,577,783.

1	GENERAL FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	192.500
3	Personal Services	\$0	\$14,050,841
4	All Other	\$0	\$2,876,807
5			
6	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$16,927,648</u>

7	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
8	POSITIONS - LEGISLATIVE COUNT	0.000	(192.500)
9	Personal Services	\$0	(\$8,984,328)
10	All Other	\$0	(\$2,410,458)
11			
12	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$11,394,786)</u>

13 **Forensic Services Z123**

14 Initiative: Transfers funding from the Office of Management and Budget program to the
15 Forensic Services program in the General Fund and provides funding for the Forensic
16 Services program in the Other Special Revenue Funds.

17	GENERAL FUND	2011-12	2012-13
18	All Other	\$0	\$70,914
19			
20	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$70,914</u>

21	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
22	All Other	\$0	\$17,172
23			
24	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$17,172</u>

25 **Medicaid Services - Developmental Services 0705**

26 Initiative: Reduces funding to align allocations with projected available resources
27 approved by the Revenue Forecasting Committee on December 1, 2011.

28	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
29	All Other	(\$192,266)	\$0
30			
31	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$192,266)</u>	<u>\$0</u>

32 **Medicaid Services - Developmental Services 0705**

33 Initiative: Adjusts funding to align allocations with projected available resources
34 approved by the Revenue Forecasting Committee on March 1, 2012.

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	\$188,216	\$0
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$188,216</u>	<u>\$0</u>

5 **Mental Health Services - Community Medicaid 0732**

6 Initiative: Reduces funding to align allocations with projected available resources
7 approved by the Revenue Forecasting Committee on December 1, 2011.

8	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
9	All Other	(\$268,333)	\$0
10			
11	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$268,333)</u>	<u>\$0</u>

12 **Mental Health Services - Community Medicaid 0732**

13 Initiative: Adjusts funding to align allocations with projected available resources
14 approved by the Revenue Forecasting Committee on March 1, 2012.

15	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
16	All Other	\$6,352	\$0
17			
18	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$6,352</u>	<u>\$0</u>

19 **Office of Substance Abuse - Medicaid Seed 0844**

20 Initiative: Reduces funding to align allocations with projected available resources
21 approved by the Revenue Forecasting Committee on December 1, 2011.

22	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
23	All Other	(\$52,628)	\$0
24			
25	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$52,628)</u>	<u>\$0</u>

26 **Office of Substance Abuse - Medicaid Seed 0844**

27 Initiative: Adjusts funding to align allocations with projected available resources
28 approved by the Revenue Forecasting Committee on March 1, 2012.

29	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
30	All Other	\$1,431	\$0
31			

1 OTHER SPECIAL REVENUE FUNDS TOTAL \$1,431 \$0

2 **Residential Treatment Facilities Assessment 0978**

3 Initiative: Reduces funding to align allocations with projected available resources
4 approved by the Revenue Forecasting Committee on December 1, 2011.

5	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
6	All Other	\$204,998	\$0
7			
8	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$204,998</u>	<u>\$0</u>

9 **Residential Treatment Facilities Assessment 0978**

10 Initiative: Adjusts funding to align allocations with projected available resources
11 approved by the Revenue Forecasting Committee on March 1, 2012.

12	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
13	All Other	(\$38,644)	\$0
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$38,644)</u>	<u>\$0</u>

16 **Riverview Psychiatric Center 0105**

17 Initiative: Transfers positions and adjusts funding based on the correct allocation of
18 positions.

19	GENERAL FUND	2011-12	2012-13
20	Personal Services	\$0	\$102,468
21			
22	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$102,468</u>

23	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
24	Personal Services	\$0	(\$67,062)
25			
26	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$67,062)</u>

27 **Riverview Psychiatric Center 0105**

28 Initiative: Adjusts funding to reflect correct reimbursements to Riverview Psychiatric
29 Center and Dorothea Dix Psychiatric Center from MaineCare and to ensure that sufficient
30 resources are available to provide the appropriate level of General Fund match.

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	\$0	(\$325,844)
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$325,844)</u>

5 **Riverview Psychiatric Center 0105**

6 Initiative: Transfers positions and adjusts funding to restructure the financing of the
7 Riverview Psychiatric Center. This initiative will result in General Fund undedicated
8 revenue of \$9,175,775.

9	GENERAL FUND	2011-12	2012-13
10	POSITIONS - LEGISLATIVE COUNT	0.000	318.500
11	POSITIONS - FTE COUNT	0.000	0.360
12	Personal Services	\$0	\$20,893,901
13	All Other	\$0	\$9,477,471
14			
15	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$30,371,372</u>

16	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
17	POSITIONS - LEGISLATIVE COUNT	0.000	(318.500)
18	POSITIONS - FTE COUNT	0.000	(0.360)
19	Personal Services	\$0	(\$13,470,800)
20	All Other	\$0	(\$6,593,944)
21			
22	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$20,064,744)</u>

23	HEALTH AND HUMAN SERVICES,		
24	DEPARTMENT OF (FORMERLY BDS)		
25	DEPARTMENT TOTALS	2011-12	2012-13
26			
27	GENERAL FUND	(\$182,335)	\$33,098,762
28	OTHER SPECIAL REVENUE FUNDS	(\$493,213)	(\$37,594,831)
29			
30	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$675,548)</u>	<u>(\$4,496,069)</u>

31 **Sec. A-17. Appropriations and allocations.** The following appropriations and
32 allocations are made.

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

34 **Bureau of Family Independence - Regional 0453**

35 Initiative: Reallocates 50% of the cost of 15 limited-period Customer Service
36 Representative Associate II positions from the Federal Expenditures Fund in the Bureau

1 of Medical Services program to the Other Special Revenue Funds in the Bureau of
2 Family Independence - Regional program.

		2011-12	2012-13
3	OTHER SPECIAL REVENUE FUNDS		
4	Personal Services	\$0	\$305,431
5	All Other	\$0	\$41,453
6			
7	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$346,884</u>

8 **Bureau of Family Independence - Regional 0453**

9 Initiative: Transfers one Customer Representative Associate II - Human Services position
10 and related All Other from 50% General Fund and 50% Other Special Revenue Funds in
11 the Bureau of Family Independence - Regional program to 50% General Fund and 50%
12 Other Special Revenue Funds in the Office for Family Independence program.

		2011-12	2012-13
13	GENERAL FUND		
14	Personal Services	\$0	(\$20,845)
15	All Other	\$0	(\$1,803)
16			
17	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$22,648)</u>

		2011-12	2012-13
18	OTHER SPECIAL REVENUE FUNDS		
19	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
20	Personal Services	\$0	(\$20,846)
21	All Other	\$0	(\$1,803)
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$22,649)</u>

24 **Bureau of Medical Services 0129**

25 Initiative: Transfers funding for consulting services from the Bureau of Medical Services
26 program to the Division of Licensing and Regulatory Services program.

		2011-12	2012-13
27	GENERAL FUND		
28	All Other	\$0	(\$114,312)
29			
30	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$114,312)</u>

31 **Bureau of Medical Services 0129**

32 Initiative: Reallocates 50% of the cost of one Auditor II position and related All Other
33 funding from the Federal Expenditures Fund in the Bureau of Medical Services program
34 to the Other Special Revenue Funds in the Office of Management and Budget program.

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	Personal Services	\$0	(\$66,388)
3	All Other	\$0	(\$3,903)
4			
5	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$70,291)</u>

6 **Bureau of Medical Services 0129**

7 Initiative: Reallocates 50% of the cost of 15 limited-period Customer Service
8 Representative Associate II positions from the Federal Expenditures Fund in the Bureau
9 of Medical Services program to the Other Special Revenue Funds in the Bureau of
10 Family Independence - Regional program.

11	FEDERAL EXPENDITURES FUND	2011-12	2012-13
12	Personal Services	\$0	(\$305,431)
13	All Other	\$0	(\$41,453)
14			
15	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$346,884)</u>

16 **Bureau of Medical Services 0129**

17 Initiative: Reallocates 12.5% of the cost of one Social Services Program Specialist I
18 position from the Federal Expenditures Fund in the Bureau of Medical Services program
19 to the General Fund in the Office of Elder Services Central Office program and reduces
20 All Other to fund the reallocation.

21	FEDERAL EXPENDITURES FUND	2011-12	2012-13
22	Personal Services	(\$7,177)	(\$7,463)
23			
24	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$7,177)</u>	<u>(\$7,463)</u>

25 **Bureau of Medical Services 0129**

26 Initiative: Provides funding to allow staff time spent on the State Children's Health
27 Insurance Program to be charged to the appropriate funding source.

28	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
29	Personal Services	\$0	\$200,000
30			
31	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>\$200,000</u>

32 **Bureau of Medical Services 0129**

33 Initiative: Transfers funding for translation and interpretation services from the Medical
34 Care - Payment to Providers program to the Bureau of Medical Services program.

1	GENERAL FUND	2011-12	2012-13
2	All Other	\$0	\$213,000
3			
4	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$213,000</u>

5	FEDERAL EXPENDITURES FUND	2011-12	2012-13
6	All Other	\$0	\$639,000
7			
8	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$639,000</u>

9 **Bureau of Medical Services 0129**

10 Initiative: Transfers funding for the patient-centered medical home incentive payment
11 program from the Medical Care - Payment to Providers program to the Bureau of Medical
12 Services program.

13	GENERAL FUND	2011-12	2012-13
14	All Other	\$611,797	\$646,920
15			
16	GENERAL FUND TOTAL	<u>\$611,797</u>	<u>\$646,920</u>

17	FEDERAL EXPENDITURES FUND	2011-12	2012-13
18	All Other	\$1,059,780	\$1,114,365
19			
20	FEDERAL EXPENDITURES FUND TOTAL	<u>\$1,059,780</u>	<u>\$1,114,365</u>

21 **Bureau of Medical Services 0129**

22 Initiative: Transfers one Office Assistant II position funded 50% General Fund and 50%
23 Federal Expenditures Fund from the Bureau of Medical Services program to the Office
24 for Family Independence program, funded 50% General Fund and 50% Other Special
25 Revenue Funds and adjusts All Other for related overhead costs.

26	GENERAL FUND	2011-12	2012-13
27	Personal Services	\$0	(\$27,209)
28	All Other	\$0	(\$870)
29			
30	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$28,079)</u>

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	(1,000)
3	Personal Services	\$0	(\$27,213)
4	All Other	\$0	(\$1,646)
5			
6	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$28,859)</u>

7 **Dental Disease Prevention 0486**

8 Initiative: Transfers one Health Program Manager position and one Public Health
9 Educator III position from the Federal Block Grant Fund in the Dental Disease
10 Prevention program to the Federal Expenditures Fund in the Health - Bureau of program.

11	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
12	POSITIONS - LEGISLATIVE COUNT	0.000	(2,000)
13	Personal Services	\$0	(\$152,791)
14	All Other	\$0	(\$7,085)
15			
16	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>(\$159,876)</u>

17 **Division of Data, Research and Vital Statistics Z037**

18 Initiative: Transfers one Planning and Research Assistant position and related All Other
19 from the Health - Bureau of program to the Division of Data, Research and Vital
20 Statistics program.

21	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
22	POSITIONS - LEGISLATIVE COUNT	0.000	1,000
23	Personal Services	\$0	\$51,335
24	All Other	\$0	\$4,028
25			
26	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$55,363</u>

27 **Division of Data, Research and Vital Statistics Z037**

28 Initiative: Continues one limited-period Planning and Research Associate I position
29 originally established by financial order with an end date of June 15, 2013 and provides
30 related All Other funding.

31	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
32	Personal Services	\$0	\$62,436
33	All Other	\$0	\$1,725
34			
35	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$64,161</u>

36 **Division of Licensing and Regulatory Services Z036**

1 Initiative: Transfers funding for consulting services from the Bureau of Medical Services
 2 program to the Division of Licensing and Regulatory Services program.

3	GENERAL FUND	2011-12	2012-13
4	All Other	\$0	\$114,312
5			
6	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$114,312</u>

7 **Division of Licensing and Regulatory Services Z036**

8 Initiative: Provides funding for a new grant award for the statewide program for national
 9 and state background checks for direct patient access employees of long-term care
 10 facilities and providers.

11	FEDERAL EXPENDITURES FUND	2011-12	2012-13
12	All Other	\$0	\$625,000
13			
14	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$625,000</u>

15 **Division of Licensing and Regulatory Services Z036**

16 Initiative: Provides funding for travel and general operations.

17	GENERAL FUND	2011-12	2012-13
18	All Other	\$382,710	\$765,420
19			
20	GENERAL FUND TOTAL	<u>\$382,710</u>	<u>\$765,420</u>

21 **Division of Purchased Services Z035**

22 Initiative: Transfers one Procurement Contract Specialist position and related All Other
 23 from 100% General Fund in the Health - Bureau of program to 66% General Fund and
 24 34% Other Special Revenue Funds in the Division of Purchased Services program.

25	GENERAL FUND	2011-12	2012-13
26	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
27	Personal Services	\$0	\$36,367
28	All Other	\$0	\$1,444
29			
30	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$37,811</u>

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	Personal Services	\$0	\$18,732
3	All Other	\$0	\$746
4			
5	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$19,478</u>

6 **Drinking Water Enforcement 0728**

7 Initiative: Transfers one Environmental Specialist III position and one Assistant
8 Environmental Engineer position and related All Other from the Other Special Revenue
9 Funds in the Drinking Water Enforcement program to the Federal Expenditures Fund in
10 the Health - Bureau of program.

11	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
12	POSITIONS - LEGISLATIVE COUNT	0.000	(2.000)
13	Personal Services	\$0	(\$140,649)
14	All Other	\$0	(\$8,498)
15			
16	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$149,147)</u>

17 **FHM - Bureau of Health 0953**

18 Initiative: Reduces funding through salary and benefit savings.

19	FUND FOR A HEALTHY MAINE	2011-12	2012-13
20	Personal Services	(\$154,000)	(\$48,000)
21			
22	FUND FOR A HEALTHY MAINE TOTAL	<u>(\$154,000)</u>	<u>(\$48,000)</u>

23 **Food Supplement Administration Z019**

24 Initiative: Transfers funding for the Supplemental Nutrition Assistant Program nutrition
25 education grant from the Health - Bureau of program to the Food Supplement
26 Administration program.

27	FEDERAL EXPENDITURES FUND	2011-12	2012-13
28	All Other	\$0	\$4,557,844
29			
30	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$4,557,844</u>

31 **Food Supplement Administration Z019**

32 Initiative: Continues one limited-period Family Independence Unit Supervisor position
33 originally established by Financial Order 00674 F12. This position will end September
34 30, 2013.

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	Personal Services	\$0	\$69,396
3	All Other	\$0	\$2,740
4			
5	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$72,136</u>

6 **General Assistance - Reimbursement to Cities and Towns 0130**

7 Initiative: Provides funding for general assistance benefits.

8	GENERAL FUND	2011-12	2012-13
9	All Other	\$3,991,196	\$2,668,697
10			
11	GENERAL FUND TOTAL	<u>\$3,991,196</u>	<u>\$2,668,697</u>

12 **General Assistance - Reimbursement to Cities and Towns 0130**

13 Initiative: Provides funding in the General Assistance - Reimbursement to Cities and
14 Towns program to bring allocations into line with anticipated resources.

15	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
16	All Other	\$0	\$449,846
17			
18	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$449,846</u>

19 **Health - Bureau of 0143**

20 Initiative: Transfers one Procurement Contract Specialist position and related All Other
21 from 100% General Fund in the Health - Bureau of program to 66% General Fund and
22 34% Other Special Revenue Funds in the Division of Purchased Services program.

23	GENERAL FUND	2011-12	2012-13
24	POSITIONS - LEGISLATIVE COUNT	0.000	(1,000)
25	Personal Services	\$0	(\$55,099)
26	All Other	\$0	(\$2,188)
27			
28	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$57,287)</u>

29 **Health - Bureau of 0143**

30 Initiative: Transfers funding for the Supplemental Nutrition Assistant Program nutrition
31 education grant from the Health - Bureau of program to the Food Supplement
32 Administration program.

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	All Other	\$0	(\$4,557,844)
3			
4	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$4,557,844)</u>

5 **Health - Bureau of 0143**

6 Initiative: Transfers one Planning and Research Assistant position and related All Other
7 from the Health - Bureau of program to the Division of Data, Research and Vital
8 Statistics program.

9	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
10	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
11	Personal Services	\$0	(\$51,335)
12	All Other	\$0	(\$4,028)
13			
14	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$55,363)</u>

15 **Health - Bureau of 0143**

16 Initiative: Transfers one Public Health Nurse Consultant position and related All Other
17 from the Federal Block Grant Fund in the Tuberculosis Control Program to the Federal
18 Expenditures Fund in the Health - Bureau of program.

19	FEDERAL EXPENDITURES FUND	2011-12	2012-13
20	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
21	Personal Services	\$0	\$89,769
22	All Other	\$0	\$4,029
23			
24	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$93,798</u>

25 **Health - Bureau of 0143**

26 Initiative: Transfers one Environmental Specialist III position and one Assistant
27 Environmental Engineer position and related All Other from the Other Special Revenue
28 Funds in the Drinking Water Enforcement program to the Federal Expenditures Fund in
29 the Health - Bureau of program.

30	FEDERAL EXPENDITURES FUND	2011-12	2012-13
31	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
32	Personal Services	\$0	\$140,649
33	All Other	\$0	\$11,966
34			
35	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$152,615</u>

36 **Health - Bureau of 0143**

1 Initiative: Transfers one Health Program Manager position and one Public Health
 2 Educator III position from the Federal Block Grant Fund in the Dental Disease
 3 Prevention program to the Federal Expenditures Fund in the Health - Bureau of program.

4	FEDERAL EXPENDITURES FUND	2011-12	2012-13
5	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
6	Personal Services	\$0	\$152,791
7	All Other	\$0	\$8,056
8			
9	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$160,847</u>

10 **Health - Bureau of 0143**

11 Initiative: Transfers one Epidemiologist position and related All Other from the Federal
 12 Block Grant Fund to the Federal Expenditures Fund and reallocates 50% of its cost from
 13 the Federal Block Grant Fund to the Federal Expenditures Fund in the Health - Bureau of
 14 program.

15	FEDERAL EXPENDITURES FUND	2011-12	2012-13
16	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
17	Personal Services	\$0	\$37,561
18	All Other	\$0	\$2,015
19			
20	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$39,576</u>

21	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
22	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
23	Personal Services	\$0	(\$37,561)
24	All Other	\$0	(\$1,692)
25			
26	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>(\$39,253)</u>

27 **Health - Bureau of 0143**

28 Initiative: Transfers one Senior Health Program Manager position from 100% Federal
 29 Block Grant Fund in the Risk Reduction program to 100% Federal Expenditures Fund in
 30 the Health - Bureau of program and adjusts related All Other funding.

31	FEDERAL EXPENDITURES FUND	2011-12	2012-13
32	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
33	Personal Services	\$0	\$90,478
34	All Other	\$0	\$6,538
35			
		<u> </u>	<u> </u>

1 FEDERAL EXPENDITURES FUND TOTAL \$0 \$97,016

2 **Health - Bureau of 0143**

3 Initiative: Transfers one Office Associate II position and related All Other from the
4 Federal Block Grant Fund in the Tuberculosis Control Program to the Federal
5 Expenditures Fund in the Health - Bureau of program and reallocates 55% of the cost
6 from the Federal Block Grant Fund in the Tuberculosis Control Program to the Federal
7 Expenditures Fund in the Health - Bureau of program.

8	FEDERAL EXPENDITURES FUND	2011-12	2012-13
9	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
10	Personal Services	\$0	\$29,274
11	All Other	\$0	\$2,215
12			
13	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$31,489</u>

14 **Health - Bureau of 0143**

15 Initiative: Reallocates 50% of the cost of one Planning and Research Associate I position
16 and related All Other from the Federal Expenditures Fund to the Other Special Revenue
17 Funds in the Health - Bureau of program.

18	FEDERAL EXPENDITURES FUND	2011-12	2012-13
19	Personal Services	\$0	(\$30,316)
20	All Other	\$0	(\$1,095)
21			
22	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$31,411)</u>

23	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
24	Personal Services	\$0	\$30,316
25	All Other	\$0	\$2,015
26			
27	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$32,331</u>

28 **Health - Bureau of 0143**

29 Initiative: Transfers one Comprehensive Health Planner II position and related All Other
30 from the Federal Block Grant Fund in the Risk Reduction program to the Federal
31 Expenditures Fund in the Health - Bureau of program and reallocates the cost from 100%
32 Federal Block Grant Fund in the Risk Reduction program to 65% Federal Expenditures
33 Fund and 35% Other Special Revenue Funds in the Health - Bureau of program.

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
3	Personal Services	\$0	\$49,072
4	All Other	\$0	\$2,619
5			
6	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$51,691</u>
7	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
8	Personal Services	\$0	\$26,425
9	All Other	\$0	\$1,410
10			
11	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$27,835</u>
12	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
13	Personal Services	\$0	(\$18,872)
14			
15	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>(\$18,872)</u>

16 **Health - Bureau of 0143**

17 Initiative: Reallocates 10% of the cost of one Office Associate II position and related All
18 Other from the Federal Expenditures Fund to the Other Special Revenue Funds in the
19 Health - Bureau of program.

20	FEDERAL EXPENDITURES FUND	2011-12	2012-13
21	Personal Services	\$0	(\$5,113)
22	All Other	\$0	(\$402)
23			
24	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$5,515)</u>
25	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
26	Personal Services	\$0	\$5,113
27	All Other	\$0	\$402
28			
29	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$5,515</u>

30 **Health - Bureau of 0143**

31 Initiative: Transfers one Comprehensive Health Planner II position and related All Other
32 from the Federal Block Grant Fund to the Federal Expenditures Fund in the Health -
33 Bureau of program and reallocates its costs to 75% Federal Expenditures Fund in the
34 Health - Bureau of program and 25% Federal Block Grant Fund in the Maternal and
35 Child Health program.

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
3	Personal Services	\$0	\$56,343
4	All Other	\$0	\$3,022
5			
6	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$59,365</u>

7	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
8	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
9	Personal Services	\$0	(\$75,121)
10	All Other	\$0	(\$2,702)
11			
12	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>(\$77,823)</u>

13 **Health - Bureau of 0143**

14 Initiative: Reallocates the cost of one Public Health Physician position and related All
15 Other from 20% Federal Expenditures Fund and 80% Other Special Revenue Funds to
16 60% Federal Expenditures Fund and 40% Other Special Revenue Funds in the same
17 program.

18	FEDERAL EXPENDITURES FUND	2011-12	2012-13
19	Personal Services	\$0	\$51,631
20	All Other	\$0	\$2,418
21			
22	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$54,049</u>

23	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
24	Personal Services	\$0	(\$51,631)
25	All Other	\$0	(\$2,418)
26			
27	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$54,049)</u>

28 **Health - Bureau of 0143**

29 Initiative: Transfers one Office Associate I position and related All Other from the
30 Plumbing - Control Over program to the Health - Bureau of program and reallocates 50%
31 of its cost from the Plumbing - Control Over program to the Health - Bureau of program.

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
3	Personal Services	\$0	\$50,843
4	All Other	\$0	\$2,015
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$52,858

7 **Health - Bureau of 0143**

8 Initiative: Reallocates 50% of the cost of one Epidemiologist position and related All
9 Other from Other Special Revenue Funds to the Federal Expenditures Fund in the same
10 program.

11	FEDERAL EXPENDITURES FUND	2011-12	2012-13
12	Personal Services	\$0	\$37,692
13	All Other	\$0	\$2,015
14			
15	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$39,707

16	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
17	Personal Services	\$0	(\$37,692)
18	All Other	\$0	(\$1,853)
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$39,545)

21 **Health - Bureau of 0143**

22 Initiative: Transfers and reallocates 25% of the cost of one Office Specialist Manager
23 position and related All Other from the Federal Block Grant Fund in the Tuberculosis
24 Control Program to the Federal Expenditures Fund in the Health - Bureau of program.

25	FEDERAL EXPENDITURES FUND	2011-12	2012-13
26	Personal Services	\$0	\$16,493
27	All Other	\$0	\$1,008
28			
29	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$17,501

30 **Health - Bureau of 0143**

31 Initiative: Reallocates 50% of the cost of one Office Associate I position and related All
32 Other from the Federal Expenditures Fund in the Health - Bureau of program to the
33 Federal Block Grant Fund in the Special Children's Services program.

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	Personal Services	\$0	(\$24,830)
3	All Other	\$0	(\$2,015)
4			
5	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$26,845)</u>

6 **Health - Bureau of 0143**

7 Initiative: Continues one Public Service Manager II position that was originally
8 established by financial order and provides related All Other funding. The new
9 legislative head count is offset by the elimination of one Office Assistant II position in
10 the Federal Block Grant Fund in the same program.

11	FEDERAL EXPENDITURES FUND	2011-12	2012-13
12	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
13	Personal Services	\$37,396	\$88,149
14	All Other	\$0	\$2,189
15			
16	FEDERAL EXPENDITURES FUND TOTAL	<u>\$37,396</u>	<u>\$90,338</u>

17	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
18	POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
19	Personal Services	(\$19,901)	(\$46,919)
20			
21	FEDERAL BLOCK GRANT FUND TOTAL	<u>(\$19,901)</u>	<u>(\$46,919)</u>

22 **Health - Bureau of 0143**

23 Initiative: Continues one Planning and Research Associate II position originally
24 established by financial order and provides related All Other funding. The new
25 legislative head count is offset by the elimination of one Public Health Educator III
26 position in the Federal Expenditures Fund in the same program.

27	GENERAL FUND	2011-12	2012-13
28	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
29	Personal Services	\$0	\$64,183
30	All Other	\$0	\$2,189
31			
32	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$66,372</u>

33	FEDERAL EXPENDITURES FUND	2011-12	2012-13
34	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
35	Personal Services	\$0	(\$66,392)

1	All Other	\$0	(\$2,189)
2			
3	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$68,581)</u>

4 **Long Term Care - Human Services 0420**

5 Initiative: Transfers funding from the Medical Care - Payment to Providers program to
6 the Long Term Care - Human Services program based on the unbundling of rates as
7 required by the Maine Integrated Health Management Solution system.

8	GENERAL FUND	2011-12	2012-13
9	All Other	\$15,517	\$15,517
10			
11	GENERAL FUND TOTAL	<u>\$15,517</u>	<u>\$15,517</u>

12 **Maternal and Child Health 0191**

13 Initiative: Provides funding for new federal grant awards.

14	FEDERAL EXPENDITURES FUND	2011-12	2012-13
15	All Other	\$0	\$6,373,261
16			
17	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$6,373,261</u>

18 **Maternal and Child Health 0191**

19 Initiative: Transfers one Comprehensive Health Planner II position and related All Other
20 from the Federal Block Grant Fund to the Federal Expenditures Fund in the Health -
21 Bureau of program and reallocates its costs to 75% Federal Expenditures Fund in the
22 Health - Bureau of program and 25% Federal Block Grant Fund in the Maternal and
23 Child Health program.

24	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
25	Personal Services	\$0	\$18,778
26	All Other	\$0	\$1,008
27			
28	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>\$19,786</u>

29 **Maternal and Child Health 0191**

30 Initiative: Reorganizes one Health Program Manager position to a Public Service
31 Manager I position and provides All Other funding for STA-CAP expenses.

1	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
2	Personal Services	\$0	\$7,936
3	All Other	\$0	\$100
4			
5	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>\$8,036</u>

6 **Medical Care - Payments to Providers 0147**

7 Initiative: Transfers funding for translation and interpretation services from the Medical
8 Care - Payment to Providers program to the Bureau of Medical Services program.

9	GENERAL FUND	2011-12	2012-13
10	All Other	\$0	(\$213,000)
11			
12	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$213,000)</u>

13	FEDERAL EXPENDITURES FUND	2011-12	2012-13
14	All Other	\$0	(\$639,000)
15			
16	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$639,000)</u>

17 **Medical Care - Payments to Providers 0147**

18 Initiative: Transfers funding for the patient-centered medical home incentive payment
19 program from the Medical Care - Payment to Providers program to the Bureau of Medical
20 Services program.

21	GENERAL FUND	2011-12	2012-13
22	All Other	(\$611,797)	(\$646,920)
23			
24	GENERAL FUND TOTAL	<u>(\$611,797)</u>	<u>(\$646,920)</u>

25	FEDERAL EXPENDITURES FUND	2011-12	2012-13
26	All Other	(\$1,059,780)	(\$1,114,365)
27			
28	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$1,059,780)</u>	<u>(\$1,114,365)</u>

29 **Medical Care - Payments to Providers 0147**

30 Initiative: Transfers funding from the Medical Care - Payment to Providers program to
31 the Long Term Care - Human Services program based on the unbundling of rates as
32 required by the Maine Integrated Health Management Solution system.

1	GENERAL FUND	2011-12	2012-13
2	All Other	(\$15,517)	(\$15,517)
3			
4	GENERAL FUND TOTAL	<u>(\$15,517)</u>	<u>(\$15,517)</u>

5 **Medical Care - Payments to Providers 0147**

6 Initiative: Adjusts funding to align allocations with projected available resources
7 approved by the Revenue Forecasting Committee on March 1, 2012.

8	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
9	All Other	(\$290,945)	\$0
10			
11	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$290,945)</u>	<u>\$0</u>

12 **Medical Care - Payments to Providers 0147**

13 Initiative: Reduces funding to align allocations with projected available resources
14 approved by the Revenue Forecasting Committee on December 1, 2011.

15	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
16	All Other	(\$1,214,669)	\$0
17			
18	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$1,214,669)</u>	<u>\$0</u>

19 **Nursing Facilities 0148**

20 Initiative: Adjusts funding to align allocations with projected available resources
21 approved by the Revenue Forecasting Committee on March 1, 2012.

22	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
23	All Other	(\$236,062)	\$0
24			
25	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$236,062)</u>	<u>\$0</u>

26 **Nursing Facilities 0148**

27 Initiative: Reduces funding to align allocations with projected available resources
28 approved by the Revenue Forecasting Committee on December 1, 2011.

29	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
30	All Other	(\$224,754)	\$0
31			
32	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$224,754)</u>	<u>\$0</u>

33 **Office for Family Independence Z020**

1 Initiative: Transfers one Community Services Manager position and reallocates the cost
 2 from 50% General Fund and 50% Other Special Revenue Funds in the Office for Family
 3 Independence program to 60% General Fund and 40% Other Special Revenue Funds in
 4 the Office of Management and Budget program and adjusts related All Other funding.

5	GENERAL FUND	2011-12	2012-13
6	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
7	Personal Services	\$0	(\$52,610)
8	All Other	\$0	(\$1,851)
9			
10	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$54,461)</u>

11	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
12	Personal Services	\$0	(\$52,606)
13	All Other	\$0	(\$1,851)
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$54,457)</u>

16 **Office for Family Independence Z020**

17 Initiative: Provides funding for food supplement bonus money.

18	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
19	All Other	\$900,000	\$900,000
20			
21	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$900,000</u>	<u>\$900,000</u>

22 **Office for Family Independence Z020**

23 Initiative: Transfers one Customer Representative Associate II - Human Services position
 24 and related All Other from 50% General Fund and 50% Other Special Revenue Funds in
 25 the Bureau of Family Independence - Regional program to 50% General Fund and 50%
 26 Other Special Revenue Funds in the Office for Family Independence program.

27	GENERAL FUND	2011-12	2012-13
28	Personal Services	\$0	\$20,845
29	All Other	\$0	\$1,803
30			
31	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$22,648</u>

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
3	Personal Services	\$0	\$20,846
4	All Other	\$0	\$1,965
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$22,811</u>

7 **Office for Family Independence Z020**

8 Initiative: Reallocates the cost of all positions in the OMB Division of Regional Business
9 Operations program from 55% General Fund and 45% Other Special Revenue Funds to
10 64% General Fund and 36% Other Special Revenue Funds. The position detail is on file
11 in the Bureau of the Budget. The additional General Fund Personal Services cost will be
12 offset by reducing All Other in the Office for Family Independence program. These
13 adjustments to 2 of the department's cost-allocated programs are intended to ensure that
14 sufficient funds are available for the required state match for the federally approved cost
15 allocation plan for these programs.

16	GENERAL FUND	2011-12	2012-13
17	All Other	\$0	(\$837,692)
18			
19	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$837,692)</u>

20 **Office for Family Independence Z020**

21 Initiative: Transfers one Office Assistant II position funded 50% General Fund and 50%
22 Federal Expenditures Fund from the Bureau of Medical Services program to the Office
23 for Family Independence program, funded 50% General Fund and 50% Other Special
24 Revenue Funds and adjusts All Other for related overhead costs.

25	GENERAL FUND	2011-12	2012-13
26	Personal Services	\$0	\$27,209
27	All Other	\$0	\$870
28			
29	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$28,079</u>

30	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
31	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
32	Personal Services	\$0	\$27,213
33	All Other	\$0	\$1,646
34			
35	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$28,859</u>

36 **Office for Family Independence Z020**

1 Initiative: Continues one limited-period Social Services Program Specialist II position
 2 originally established by Financial Order 00673 F12. This position ends August 17,
 3 2013.

4	FEDERAL EXPENDITURES FUND	2011-12	2012-13
5	Personal Services	\$0	\$72,027
6	All Other	\$0	\$2,740
7			
8	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$74,767</u>

9 **Office of Elder Services Central Office 0140**

10 Initiative: Continues one limited-period Public Service Coordinator I position originally
 11 established by financial order until March 19, 2016 and provides All Other for a new
 12 grant award from the federal Centers for Medicare and Medicaid Services.

13	FEDERAL EXPENDITURES FUND	2011-12	2012-13
14	Personal Services	\$0	\$96,030
15	All Other	\$0	\$478,856
16			
17	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$574,886</u>

18 **Office of Elder Services Central Office 0140**

19 Initiative: Reallocates 12.5% of the cost of one Social Services Program Specialist I
 20 position from the Federal Expenditures Fund in the Bureau of Medical Services program
 21 to the General Fund in the Office of Elder Services Central Office program and reduces
 22 All Other to fund the reallocation.

23	GENERAL FUND	2011-12	2012-13
24	Personal Services	\$7,180	\$7,462
25	All Other	(\$7,180)	(\$7,462)
26			
27	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

28	FEDERAL EXPENDITURES FUND	2011-12	2012-13
29	Personal Services	(\$3)	\$1
30			
31	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$3)</u>	<u>\$1</u>

32 **Office of Elder Services Central Office 0140**

33 Initiative: Continues one limited-period Nursing Education Consultant position originally
 34 established by financial order and provides related All Other funding. This position will
 35 end on September 29, 2013.

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	Personal Services	\$0	\$81,154
3	All Other	\$0	\$658,000
4			
5	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$739,154</u>

6 **Office of Elder Services Central Office 0140**

7 Initiative: Provides funding to increase the hours of a part-time Legal Services Consultant
8 position to full time and for related All Other costs.

9	FEDERAL EXPENDITURES FUND	2011-12	2012-13
10	POSITIONS - LEGISLATIVE COUNT	0.000	0.500
11	Personal Services	\$0	\$32,763
12	All Other	\$0	\$1,277
13			
14	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$34,040</u>

15 **Office of Management and Budget 0142**

16 Initiative: Transfers funding from the Office of Management and Budget program to the
17 Forensic Services program.

18	GENERAL FUND	2011-12	2012-13
19	All Other	\$0	(\$70,914)
20			
21	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$70,914)</u>

22 **Office of Management and Budget 0142**

23 Initiative: Transfers one Community Services Manager position and reallocates the cost
24 from 50% General Fund and 50% Other Special Revenue Funds in the Office for Family
25 Independence program to 60% General Fund and 40% Other Special Revenue Funds in
26 the Office of Management and Budget program and adjusts related All Other funding.

27	GENERAL FUND	2011-12	2012-13
28	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
29	Personal Services	\$0	\$63,130
30	All Other	\$0	\$1,372
31			
32	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$64,502</u>

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	Personal Services	\$0	\$42,086
3	All Other	\$0	\$1,784
4			
5	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$43,870</u>

6 **Office of Management and Budget 0142**

7 Initiative: Reallocates the cost of 3 Public Service Coordinator I positions and one
8 Management Analyst II position and related All Other from 60% General Fund and 40%
9 Other Special Revenue Funds to 50% General Fund and 50% Other Special Revenue
10 Funds in the same program.

11	GENERAL FUND	2011-12	2012-13
12	Personal Services	\$0	(\$33,744)
13	All Other	\$0	(\$875)
14			
15	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$34,619)</u>

16	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
17	Personal Services	\$0	\$33,744
18	All Other	\$0	\$875
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$34,619</u>

21 **Office of Management and Budget 0142**

22 Initiative: Reallocates 50% of the cost of one Auditor II position and related All Other
23 funding from the Bureau of Medical Services program, Federal Expenditures Fund to the
24 Office of Management and Budget program, Other Special Revenue Funds.

25	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
26	Personal Services	\$0	\$66,388
27	All Other	\$0	\$3,903
28			
29	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$70,291</u>

30 **Office of Management and Budget 0142**

31 Initiative: Transfers positions and adjusts funding to restructure the financing of the
32 Riverview Psychiatric Center.

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	\$0	(\$329,236)
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$329,236)

5 **Office of Management and Budget 0142**

6 Initiative: Transfers positions and adjusts funding to restructure the financing of the
7 Dorothea Dix Psychiatric Center.

8	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
9	All Other	\$0	(\$309,066)
10			
11	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$309,066)

12 **Office of Management and Budget 0142**

13 Initiative: Continues one limited-period Public Service Executive II position originally
14 established by financial order and provides related All Other funding to continue the
15 work necessary to coordinate statewide health information technology and health
16 information exchange policy. This position will end on February 7, 2014.

17	FEDERAL EXPENDITURES FUND ARRA	2011-12	2012-13
18	Personal Services	\$0	\$118,879
19	All Other	\$0	\$4,324
20			
21	FEDERAL EXPENDITURES FUND ARRA TOTAL	\$0	\$123,203

22 **OMB Division of Regional Business Operations 0196**

23 Initiative: Reallocates the cost of all positions in the OMB Division of Regional Business
24 Operations program from 55% General Fund and 45% Other Special Revenue Funds to
25 64% General Fund and 36% Other Special Revenue Funds. The position detail is on file
26 in the Bureau of the Budget. The additional General Fund Personal Services cost will be
27 offset by reducing All Other in the Office for Family Independence program. These
28 adjustments to 2 of the department's cost-allocated programs are intended to ensure that
29 sufficient funds are available for the required state match for the federally approved cost
30 allocation plan for these programs.

31	GENERAL FUND	2011-12	2012-13
32	Personal Services	\$0	\$837,692
33			
34	GENERAL FUND TOTAL	\$0	\$837,692

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	Personal Services	\$0	(\$837,692)
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$837,692)</u>

5 **Plumbing - Control Over 0205**

6 Initiative: Transfers one Office Associate I position and related All Other from the
7 Plumbing - Control Over program to the Health - Bureau of program and reallocates 50%
8 of its cost from the Plumbing - Control Over program to the Health - Bureau of program.

9	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
10	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
11	Personal Services	\$0	(\$50,843)
12	All Other	\$0	(\$2,015)
13			
14	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$52,858)</u>

15 **Plumbing - Control Over 0205**

16 Initiative: Reduces funding for training and certification of local plumbing inspectors.

17	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
18	All Other	\$0	(\$30,829)
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$30,829)</u>

21 **Risk Reduction 0489**

22 Initiative: Transfers one Senior Health Program Manager position from 100% Federal
23 Block Grant Fund in the Risk Reduction program to 100% Federal Expenditures Fund in
24 the Health - Bureau of program and adjusts related All Other funding.

25	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
26	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
27	Personal Services	\$0	(\$90,478)
28	All Other	\$0	(\$3,250)
29			
30	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>(\$93,728)</u>

31 **Risk Reduction 0489**

32 Initiative: Transfers one Comprehensive Health Planner II position and related All Other
33 from the Federal Block Grant Fund in the Risk Reduction program to the Federal
34 Expenditures Fund in the Health - Bureau of program and reallocates the cost from 100%
35 Federal Block Grant Fund in the Risk Reduction program to 65% Federal Expenditures
36 Fund and 35% Other Special Revenue Funds in the Health - Bureau of program.

1	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
3	Personal Services	\$0	(\$56,625)
4	All Other	\$0	(\$2,927)
5			
6	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>(\$59,552)</u>

7 **Special Children's Services 0204**

8 Initiative: Reallocates 50% of the cost of one Office Associate I position and related All
9 Other from the Federal Expenditures Fund in the Health - Bureau of program to the
10 Federal Block Grant Fund in the Special Children's Services program.

11	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
12	Personal Services	\$0	\$24,830
13	All Other	\$0	\$2,015
14			
15	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>\$26,845</u>

16 **State-funded Foster Care/Adoption Assistance 0139**

17 Initiative: Provides funding for a new grant award for preventive intervention, foster care
18 placement, reunification and adoption assistance. The initiative also reduces funding in
19 the Personal Services line category to bring the allocation to zero.

20	FEDERAL EXPENDITURES FUND	2011-12	2012-13
21	Personal Services	(\$220)	(\$231)
22	All Other	\$495,620	\$1,176,147
23			
24	FEDERAL EXPENDITURES FUND TOTAL	<u>\$495,400</u>	<u>\$1,175,916</u>

25 **Tuberculosis Control Program 0497**

26 Initiative: Transfers one Public Health Nurse Consultant position and related All Other
27 from the Federal Block Grant Fund in the Tuberculosis Control Program to the Federal
28 Expenditures Fund in the Health - Bureau of program.

29	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
30	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
31	Personal Services	\$0	(\$89,769)
32	All Other	\$0	(\$3,706)
33			
34	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>(\$93,475)</u>

35 **Tuberculosis Control Program 0497**

1 Initiative: Transfers one Office Associate II position and related All Other from the
 2 Federal Block Grant Fund in the Tuberculosis Control Program to the Federal
 3 Expenditures Fund in the Health - Bureau of program and reallocates 55% of the cost
 4 from the Federal Block Grant Fund in the Tuberculosis Control Program to the Federal
 5 Expenditures Fund in the Health - Bureau of program.

6	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
7	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
8	Personal Services	\$0	(\$29,274)
9	All Other	\$0	(\$1,786)
10			
11	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>(\$31,060)</u>

12 **Tuberculosis Control Program 0497**

13 Initiative: Transfers and reallocates 25% of the cost of one Office Specialist Manager
 14 position and related All Other from the Federal Block Grant Fund in the Tuberculosis
 15 Control Program to the Federal Expenditures Fund in the Health - Bureau of program.

16	FEDERAL BLOCK GRANT FUND	2011-12	2012-13
17	Personal Services	\$0	(\$16,493)
18	All Other	\$0	(\$777)
19			
20	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>(\$17,270)</u>

21 **Wild Mushroom Harvesting Fund Z128**

22 Initiative: Provides funding for program operations.

23	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
24	All Other	\$0	\$5,780
25			
26	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$5,780</u>

27 **HEALTH AND HUMAN SERVICES,**
 28 **DEPARTMENT OF (FORMERLY DHS)**
 29 **DEPARTMENT TOTALS**

30		2011-12	2012-13
31	GENERAL FUND	\$4,373,906	\$3,385,521
32	FEDERAL EXPENDITURES FUND	\$525,616	\$9,971,304
33	FUND FOR A HEALTHY MAINE	(\$154,000)	(\$48,000)
34	OTHER SPECIAL REVENUE FUNDS	(\$1,066,430)	\$225,610
35	FEDERAL BLOCK GRANT FUND	(\$19,901)	(\$383,161)

1	FEDERAL EXPENDITURES FUND ARRA	\$0	\$123,203
2			
3	DEPARTMENT TOTAL - ALL FUNDS	\$3,659,191	\$13,274,477

4 **Sec. A-18. Appropriations and allocations.** The following appropriations and
5 allocations are made.

6 **INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**
7 **Maine Commission on Indigent Legal Services Z112**

8 Initiative: Provides funding for indigent legal services, including attorney fees, private
9 investigators and expert witness fees.

10	GENERAL FUND	2011-12	2012-13
11	All Other	\$400,000	\$0
12			
13	GENERAL FUND TOTAL	\$400,000	\$0

14 **Maine Commission on Indigent Legal Services Z112**

15 Initiative: Adjusts funding to align allocations with projected available resources
16 approved by the Revenue Forecasting Committee on March 1, 2012.

17	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
18	All Other	\$90,000	\$90,000
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	\$90,000	\$90,000

21	INDIGENT LEGAL SERVICES, MAINE		
22	COMMISSION ON		
23	DEPARTMENT TOTALS	2011-12	2012-13
24			
25	GENERAL FUND	\$400,000	\$0
26	OTHER SPECIAL REVENUE FUNDS	\$90,000	\$90,000
27			
28	DEPARTMENT TOTAL - ALL FUNDS	\$490,000	\$90,000

29 **Sec. A-19. Appropriations and allocations.** The following appropriations and
30 allocations are made.

31 **INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**
32 **Fisheries and Hatcheries Operations 0535**

1 Initiative: Reorganizes 2 seasonal Fish Culturist positions to 2 full-time Fish Culturist
 2 positions and reallocates the cost from 100% General Fund to 50% General Fund and
 3 50% Federal Expenditures Fund in the same program.

4	GENERAL FUND	2011-12	2012-13
5	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
6	POSITIONS - FTE COUNT	0.000	(1,154)
7	Personal Services	\$0	(\$7,492)
8			
9	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$7,492)</u>

10	FEDERAL EXPENDITURES FUND	2011-12	2012-13
11	Personal Services	\$0	\$48,963
12			
13	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$48,963</u>

14 **Fisheries and Hatcheries Operations 0535**

15 Initiative: Reorganizes one Biologist III position to a Biologist II position and reallocates
 16 the cost from 70% Federal Expenditures Fund and 30% General Fund to 35% Federal
 17 Expenditures Fund and 15% General Fund in the Resource Management Services - Inland
 18 Fisheries and Wildlife program and 35% Federal Expenditures Fund and 15% General
 19 Fund in the Fisheries and Hatcheries Operations program. Reorganizes one Biologist III
 20 position to a Biologist II position and reallocates the cost from 100% General Fund to
 21 15% General Fund and 35% Federal Expenditures Fund in the Resource Management
 22 Services - Inland Fisheries and Wildlife program and 35% Federal Expenditures Fund
 23 and 15% General Fund in the Fisheries and Hatcheries Operations program.

24	FEDERAL EXPENDITURES FUND	2011-12	2012-13
25	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
26	Personal Services	\$0	\$51,343
27			
28	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$51,343</u>

29 **Fisheries and Hatcheries Operations 0535**

30 Initiative: Reorganizes one Public Service Manager I position to a Biologist II position
 31 and reallocates the cost from 65% Federal Expenditures Fund and 35% General Fund to
 32 35% Federal Expenditures Fund and 15% General Fund in the Fisheries and Hatcheries
 33 program and 35% Federal Expenditures Fund and 15% General Fund in the Resource
 34 Management Services - Inland Fisheries and Wildlife program.

1	GENERAL FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
3			
4	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

5	FEDERAL EXPENDITURES FUND	2011-12	2012-13
6	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
7	Personal Services	\$0	(\$39,845)
8			
9	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$39,845)</u>

10 **Office of the Commissioner - Inland Fisheries and Wildlife 0529**

11 Initiative: Establishes one Public Service Coordinator II position in the Office of the
 12 Commissioner - Inland Fisheries and Wildlife program to serve as an assistant to the
 13 commissioner. Eliminates one Public Service Coordinator I position in the Public
 14 Information and Education, Division of program that was established in Public Law 2011,
 15 chapter 380 to deal with landowner relations.

16	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
17	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
18	Personal Services	\$0	\$86,606
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$86,606</u>

21 **Public Information and Education, Division of 0729**

22 Initiative: Establishes one Public Service Coordinator II position in the Office of the
 23 Commissioner - Inland Fisheries and Wildlife program to serve as an assistant to the
 24 commissioner. Eliminates one Public Service Coordinator I position in the Public
 25 Information and Education, Division of program that was established in Public Law 2011,
 26 chapter 380 to deal with landowner relations.

27	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
28	POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
29			
30	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>

31 **Resource Management Services - Inland Fisheries and Wildlife 0534**

32 Initiative: Reorganizes one Biologist III position to a Biologist II position and reallocates
 33 the cost from 70% Federal Expenditures Fund and 30% General Fund to 35% Federal
 34 Expenditures Fund and 15% General Fund in the Resource Management Services - Inland
 35 Fisheries and Wildlife program and 35% Federal Expenditures Fund and 15% General
 36 Fund in the Fisheries and Hatcheries Operations program. Reorganizes one Biologist III
 37 position to a Biologist II position and reallocates the cost from 100% General Fund to

1 15% General Fund and 35% Federal Expenditures Fund in the Resource Management
 2 Services - Inland Fisheries and Wildlife program and 35% Federal Expenditures Fund
 3 and 15% General Fund in the Fisheries and Hatcheries Operations program.

4	GENERAL FUND	2011-12	2012-13
5	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
6			
7	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

8	FEDERAL EXPENDITURES FUND	2011-12	2012-13
9	Personal Services	\$0	(\$15,388)
10			
11	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$15,388)</u>

12 **Resource Management Services - Inland Fisheries and Wildlife 0534**

13 Initiative: Reorganizes one Office Associate I position to a Biologist I position and
 14 reallocates the cost from 60% General Fund and 40% Federal Expenditures Fund to
 15 49.5% General Fund and 50.5% Federal Expenditures Fund in the same program.

16	FEDERAL EXPENDITURES FUND	2011-12	2012-13
17	Personal Services	\$0	\$10,740
18			
19	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$10,740</u>

20 **Resource Management Services - Inland Fisheries and Wildlife 0534**

21 Initiative: Reorganizes one Public Service Manager I position to a Biologist II position
 22 and reallocates the cost from 65% Federal Expenditures Fund and 35% General Fund to
 23 35% Federal Expenditures Fund and 15% General Fund in the Fisheries and Hatcheries
 24 program and 35% Federal Expenditures Fund and 15% General Fund in the Resource
 25 Management Services - Inland Fisheries and Wildlife program.

26	FEDERAL EXPENDITURES FUND	2011-12	2012-13
27	Personal Services	\$0	\$24,647
28			
29	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$24,647</u>

30	INLAND FISHERIES AND WILDLIFE,		
31	DEPARTMENT OF		
32	DEPARTMENT TOTALS	2011-12	2012-13
33			

1	GENERAL FUND	\$0	(\$7,492)
2	FEDERAL EXPENDITURES FUND	\$0	\$80,460
3	OTHER SPECIAL REVENUE FUNDS	\$0	\$86,606
4			
5	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$159,574

6 **Sec. A-20. Appropriations and allocations.** The following appropriations and
7 allocations are made.

8 **JUDICIAL DEPARTMENT**

9 **Courts - Supreme, Superior and District 0063**

10 Initiative: Provides funding for the increase in contracted court security to provide entry
11 screening in the courthouses.

12			
13	GENERAL FUND	2011-12	2012-13
14	All Other	\$0	\$788,312
15			
16	GENERAL FUND TOTAL	\$0	\$788,312

17 **Courts - Supreme, Superior and District 0063**

18 Initiative: Adjusts funding to align allocations with projected available resources
19 approved by the Revenue Forecasting Committee on March 1, 2012.

20			
21	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
22	All Other	(\$143,991)	(\$165,321)
23			
24	OTHER SPECIAL REVENUE FUNDS TOTAL	(\$143,991)	(\$165,321)

25 **Courts - Supreme, Superior and District 0063**

26 Initiative: Adjusts funding to align allocations with projected available resources
27 approved by the Revenue Forecasting Committee on December 1, 2011.

28			
29	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
30	All Other	(\$63,900)	(\$63,900)
31			
32	OTHER SPECIAL REVENUE FUNDS TOTAL	(\$63,900)	(\$63,900)

33 **Courts - Supreme, Superior and District 0063**

34 Initiative: Adjusts funding to align allocations with projected available resources.

35

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	(\$186,500)	(\$186,500)
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$186,500)</u>	<u>(\$186,500)</u>
5			
6	JUDICIAL DEPARTMENT		
7	DEPARTMENT TOTALS	2011-12	2012-13
8			
9	GENERAL FUND	\$0	\$788,312
10	OTHER SPECIAL REVENUE FUNDS	(\$394,391)	(\$415,721)
11			
12	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$394,391)</u>	<u>\$372,591</u>

13 **Sec. A-21. Appropriations and allocations.** The following appropriations and
14 allocations are made.

15 **LABOR, DEPARTMENT OF**

16 **Administration - Bureau of Labor Standards 0158**

17 Initiative: Decreases funding to bring allocations in line with dedicated revenues and
18 transfers.

19			
20	FEDERAL EXPENDITURES FUND	2011-12	2012-13
21	All Other	\$0	(\$185)
22			
23	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$185)</u>

24 **Administration - Bureau of Labor Standards 0158**

25 Initiative: Reduces funding to bring expenditures in line with anticipated federal grant
26 awards.

27			
28	FEDERAL EXPENDITURES FUND	2011-12	2012-13
29	All Other	(\$210,581)	(\$210,581)
30			
31	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$210,581)</u>	<u>(\$210,581)</u>

32 **Administration - Bureau of Labor Standards 0158**

33 Initiative: Transfers and reallocates the cost of 2 Statistician II positions from 100% in the
34 Administration - Bureau Labor Standards program, Federal Expenditures Fund to 55% in
35 the Safety Education and Training Programs program, Other Special Revenue Funds and
36 45% in the Administration - Bureau Labor Standards program, Federal Expenditures
37 Fund. Also, reallocates 15% of the cost of one Planning and Research Associate II
38 position and 45% of the cost of one Statistician III position from the Safety Education

1 and Training Programs program, Other Special Revenue Funds to the Administration -
 2 Bureau Labor Standards program, Federal Expenditures Fund.

3			
4	FEDERAL EXPENDITURES FUND	2011-12	2012-13
5	POSITIONS - LEGISLATIVE COUNT	(2,000)	(2,000)
6	Personal Services	(\$23,046)	(\$24,599)
7			
8	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$23,046)</u>	<u>(\$24,599)</u>

9 **Administration - Labor 0030**

10 Initiative: Reorganizes one Assistant to the Commissioner for Public Affairs position
 11 from range 29 to range 35 and one Office Associate II position to a Public Service
 12 Coordinator I position in the Administration - Labor program, transfers one Office
 13 Associate II position and one Customer Representative Associate I - Employment
 14 position from the Safety Education and Training Programs program, Other Special
 15 Revenue Funds to the Administration - Labor program and reallocates a portion of the
 16 cost of one Clerk IV position from the Safety Education and Training Programs program
 17 to the Administration - Labor program. Position details are on file in the Bureau of the
 18 Budget.

19			
20	GENERAL FUND	2011-12	2012-13
21	Personal Services	\$12,808	\$20,416
22			
23	GENERAL FUND TOTAL	<u>\$12,808</u>	<u>\$20,416</u>

24			
25	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
26	POSITIONS - LEGISLATIVE COUNT	2,000	2,000
27	Personal Services	\$112,097	\$154,584
28			
29	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$112,097</u>	<u>\$154,584</u>

30 **Administration - Labor 0030**

31 Initiative: Transfers 9 positions currently allocated in the General Fund, the Federal
 32 Expenditures Fund and Other Special Revenue Funds in the Administration - Labor
 33 program from the Federal Expenditures Fund to Other Special Revenue Funds. In
 34 addition, the portion of the positions' costs currently funded in the Federal Expenditures
 35 Fund is reallocated to Other Special Revenue Funds. The position allocation detail is on
 36 file in the Bureau of the Budget. Also adjusts All Other funding between several Other
 37 Special Revenue Funds and Federal Expenditures Fund programs related to implementing
 38 the federally approved indirect cost allocation plan.

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	(9,000)	(9,000)
3	Personal Services	(\$662,790)	(\$668,993)
4	All Other	(\$2,481,072)	(\$2,480,296)
5			
6	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$3,143,862)</u>	<u>(\$3,149,289)</u>

7			
8	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
9	POSITIONS - LEGISLATIVE COUNT	9,000	9,000
10	Personal Services	\$662,790	\$668,993
11	All Other	\$2,114,084	\$2,114,189
12			
13	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$2,776,874</u>	<u>\$2,783,182</u>

14 **Administration - Labor 0030**

15 Initiative: Transfers funding for indirect costs from the Blind and Visually Impaired -
 16 Division for the program, the Rehabilitation Services program and the Employment
 17 Services Activity program to the Administration - Labor program.

18			
19	GENERAL FUND	2011-12	2012-13
20	All Other	\$107,268	\$107,268
21			
22	GENERAL FUND TOTAL	<u>\$107,268</u>	<u>\$107,268</u>

23 **Administration - Labor 0030**

24 Initiative: Transfers funding for indirect costs to meet the required percentage of the
 25 federal indirect cost rate from the Maine Centers for Women, Work and Community
 26 program to the Administration - Labor program.

27			
28	GENERAL FUND	2011-12	2012-13
29	All Other	\$16,796	\$16,796
30			
31	GENERAL FUND TOTAL	<u>\$16,796</u>	<u>\$16,796</u>

32 **Administration - Labor 0030**

33 Initiative: Adjusts funding to recognize additional information technology management
 34 fees not currently budgeted and transfers funding for other information technology
 35 management fees from various Federal Expenditures Fund and Other Special Revenue
 36 Funds programs to the Administration - Labor program, Other Special Revenue Funds as
 37 part of the implementation of an indirect cost allocation plan.

38

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	\$288,224	\$288,224
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$288,224</u>	<u>\$288,224</u>

5 **Blind and Visually Impaired - Division for the 0126**

6 Initiative: Transfers funding for indirect costs from the Blind and Visually Impaired -
7 Division for the program, the Rehabilitation Services program and the Employment
8 Services Activity program to the Administration - Labor program.

9			
10	GENERAL FUND	2011-12	2012-13
11	All Other	(\$19,272)	(\$19,272)
12			
13	GENERAL FUND TOTAL	<u>(\$19,272)</u>	<u>(\$19,272)</u>

14 **Employment Security Services 0245**

15 Initiative: Decreases funding to bring allocations in line with dedicated revenues and
16 transfers.

17			
18	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
19	All Other	(\$24)	(\$113)
20			
21	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$24)</u>	<u>(\$113)</u>

22 **Employment Security Services 0245**

23 Initiative: Continues the following limited-period positions through June 8, 2013: 5
24 Claims Adjudicator positions, 10 Customer Representative Associate I Employment
25 positions, 7 Customer Representative Specialist Benefits positions, 5 Hearings Examiner
26 positions, 4 Office Assistant II positions and one Secretary Legal position. These
27 positions were originally established by financial order and continued in Public Law
28 2011, chapter 380.

29			
30	FEDERAL EXPENDITURES FUND	2011-12	2012-13
31	Personal Services	\$0	\$1,647,365
32	All Other	\$0	\$22,404
33			
34	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$1,669,769</u>

35 **Employment Security Services 0245**

36 Initiative: Continues 2 limited-period Office Associate II positions and 10 limited-period
37 Customer Representative Associate I positions, established by Financial Order 006308
38 F1, through June 8, 2013.

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FEDERAL EXPENDITURES FUND	2011-12	2012-13
Personal Services	\$0	\$567,773
All Other	\$0	\$7,722
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$575,495

Employment Security Services 0245
Initiative: Provides funding for payment of unemployment benefits.

EMPLOYMENT SECURITY TRUST FUND	2011-12	2012-13
All Other	\$0	\$76,171,120
EMPLOYMENT SECURITY TRUST FUND TOTAL	\$0	\$76,171,120

Employment Security Services 0245
Initiative: Transfers 9 positions currently allocated in the General Fund, the Federal Expenditures Fund and Other Special Revenue Funds in the Administration - Labor program from the Federal Expenditures Fund to Other Special Revenue Funds. In addition, the portion of the positions' costs currently funded in the Federal Expenditures Fund is reallocated to Other Special Revenue Funds. The position allocation detail is on file in the Bureau of the Budget. Also adjusts All Other funding between several Other Special Revenue Funds and Federal Expenditures Fund programs related to implementing the federally approved indirect cost allocation plan.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	(\$7,293)	(\$5,959)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$7,293)	(\$5,959)

Employment Security Services 0245
Initiative: Adjusts funding to recognize additional information technology management fees not currently budgeted and transfers funding for other information technology management fees from various Federal Expenditures Fund and Other Special Revenue Funds programs to the Administration - Labor program, Other Special Revenue Funds as part of the implementation of an indirect cost allocation plan.

FEDERAL EXPENDITURES FUND	2011-12	2012-13
All Other	(\$126,680)	(\$126,680)
FEDERAL EXPENDITURES FUND TOTAL	(\$126,680)	(\$126,680)

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	(\$305)	(\$244)
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$305)</u>	<u>(\$244)</u>

5 **Employment Security Services 0245**

6 Initiative: Reallocates the cost of one Principal Economic Research Analyst position for
7 one-time only from 100% Federal Expenditures Fund to 70% Federal Expenditures Fund
8 and 30% Other Special Revenue Funds in the same program and provides funding for All
9 Other costs related to technology and rent.

10			
11	FEDERAL EXPENDITURES FUND	2011-12	2012-13
12	Personal Services	\$0	(\$28,447)
13			
14	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$28,447)</u>

15			
16	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
17	Personal Services	\$0	\$28,447
18	All Other	\$0	\$43,021
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$71,468</u>

21 **Employment Services Activity 0852**

22 Initiative: Reduces the hours of one Program Manager Employment and Training position
23 from 80 hours to 58 hours biweekly in the Employment Services Activity program to
24 fund the cost of position reorganizations and reallocations in the Administration - Labor
25 program.

26			
27	GENERAL FUND	2011-12	2012-13
28	Personal Services	(\$12,808)	(\$21,640)
29			
30	GENERAL FUND TOTAL	<u>(\$12,808)</u>	<u>(\$21,640)</u>

31 **Employment Services Activity 0852**

32 Initiative: Decreases funding to bring allocations in line with dedicated revenues and
33 transfers.

34			
35	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
36	All Other	(\$231)	(\$320)
37			
38	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$231)</u>	<u>(\$320)</u>

1 **Employment Services Activity 0852**

2 Initiative: Transfers 9 positions currently allocated in the General Fund, the Federal
 3 Expenditures Fund and Other Special Revenue Funds in the Administration - Labor
 4 program from the Federal Expenditures Fund to Other Special Revenue Funds. In
 5 addition, the portion of the positions' costs currently funded in the Federal Expenditures
 6 Fund is reallocated to Other Special Revenue Funds. The position allocation detail is on
 7 file in the Bureau of the Budget. Also adjusts All Other funding between several Other
 8 Special Revenue Funds and Federal Expenditures Fund programs related to implementing
 9 the federally approved indirect cost allocation plan.

10

11	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
12	All Other	(\$6,850)	(\$6,886)
13			
14	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$6,850)</u>	<u>(\$6,886)</u>

15 **Employment Services Activity 0852**

16 Initiative: Transfers funding for indirect costs from Blind and Visually Impaired -
 17 Division for the program, the Rehabilitation Services program and the Employment
 18 Services Activity program to the Administration - Labor program.

19

20	GENERAL FUND	2011-12	2012-13
21	All Other	(\$45,092)	(\$45,092)
22			
23	GENERAL FUND TOTAL	<u>(\$45,092)</u>	<u>(\$45,092)</u>

24 **Employment Services Activity 0852**

25 Initiative: Adjusts funding to recognize additional information technology management
 26 fees not currently budgeted and transfers funding for other information technology
 27 management fees from various Federal Expenditures Fund and Other Special Revenue
 28 Funds programs to the Administration - Labor program, Other Special Revenue Funds as
 29 part of the implementation of an indirect cost allocation plan.

30

31	FEDERAL EXPENDITURES FUND	2011-12	2012-13
32	All Other	(\$59,024)	(\$59,024)
33			
34	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$59,024)</u>	<u>(\$59,024)</u>

35

36	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
37	All Other	(\$6,378)	(\$6,380)
38			
39	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$6,378)</u>	<u>(\$6,380)</u>

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COMPETITIVE SKILLS SCHOLARSHIP FUND	2011-12	2012-13
All Other	(\$860)	(\$860)
COMPETITIVE SKILLS SCHOLARSHIP FUND	<u>(\$860)</u>	<u>(\$860)</u>
TOTAL		

Labor Relations Board 0160

Initiative: Transfers funding from the Maine Centers for Women, Work and Community program to the Labor Relations Board program to cover per diem payments to Maine Labor Relations Board members.

GENERAL FUND	2011-12	2012-13
Personal Services	\$0	\$2,000
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$2,000</u>

Maine Centers for Women, Work and Community 0132

Initiative: Transfers funding from the Maine Centers for Women, Work and Community program to the Labor Relations Board program to cover per diem payments to Maine Labor Relations Board members.

GENERAL FUND	2011-12	2012-13
All Other	\$0	(\$2,000)
GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$2,000)</u>

Maine Centers for Women, Work and Community 0132

Initiative: Transfers funding for indirect costs to meet the required percentage of the federal indirect cost rate from the Maine Centers for Women, Work and Community program to the Administration - Labor program.

GENERAL FUND	2011-12	2012-13
All Other	(\$16,796)	(\$16,796)
GENERAL FUND TOTAL	<u>(\$16,796)</u>	<u>(\$16,796)</u>

Regulation and Enforcement 0159

Initiative: Decreases funding to bring allocations in line with dedicated revenues and transfers.

1	FEDERAL EXPENDITURES FUND	2011-12	2012-13
2	All Other	(\$191)	\$0
3			
4	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$191)</u>	<u>\$0</u>

5 **Regulation and Enforcement 0159**

6 Initiative: Transfers one Occupational Health Specialist position and one Occupational
7 Safety Engineer position from the Safety Education and Training Programs program,
8 Other Special Revenue Funds to the Regulation and Enforcement program, Federal
9 Expenditures Fund. Reallocates 50% of the cost of one Occupational Health and Safety
10 Program Supervisor position, one Office Associate II position and one Occupational
11 Safety Engineer position and 40% of the cost of one Director of Industrial Safety position
12 from the Safety Education and Training Programs program, Other Special Revenue Funds
13 to the Regulation and Enforcement program, Federal Expenditures Fund and reduces All
14 Other to align the budget with expected federal grant revenue.

15			
16	FEDERAL EXPENDITURES FUND	2011-12	2012-13
17	POSITIONS - LEGISLATIVE COUNT	2.000	2.000
18	Personal Services	\$268,759	\$273,575
19	All Other	(\$118,076)	(\$118,076)
20			
21	FEDERAL EXPENDITURES FUND TOTAL	<u>\$150,683</u>	<u>\$155,499</u>

22 **Regulation and Enforcement 0159**

23 Initiative: Transfers one Occupational Safety Engineer position from the Regulation and
24 Enforcement program, Federal Expenditures Fund to the Safety Education and Training
25 Programs program, Other Special Revenue Funds. Reallocates 50% of the cost of one
26 Occupational Health Specialist position from the Regulation and Enforcement program,
27 Federal Expenditures Fund to the Safety Education and Training Programs program,
28 Other Special Revenue Funds.

29			
30	FEDERAL EXPENDITURES FUND	2011-12	2012-13
31	POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
32	Personal Services	(\$103,984)	(\$106,648)
33			
34	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$103,984)</u>	<u>(\$106,648)</u>

35 **Regulation and Enforcement 0159**

36 Initiative: Reallocates the cost of one Director, Bureau of Labor Standards position, one
37 Public Service Manager II position and one Office Specialist I position from 34.5%
38 Administration - Bureau of Labor Standards program, General Fund and 5.5% Federal
39 Expenditures Fund; and 9% Regulation and Enforcement program, Federal Expenditures
40 Fund and 51% Safety Education and Training Programs program, Other Special Revenue
41 Funds to 34.5% Administration - Bureau of Labor Standards, General Fund, 5.5% Federal

1 Expenditures Fund, and 60% Safety Education and Training Programs program, Other
2 Special Revenue Funds.

3

4	FEDERAL EXPENDITURES FUND	2011-12	2012-13
5	Personal Services	(\$24,162)	(\$23,760)
6			
7	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$24,162)</u>	<u>(\$23,760)</u>

8 **Rehabilitation Services 0799**

9 Initiative: Decreases funding to bring allocations in line with dedicated revenues and
10 transfers.

11

12	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
13	All Other	(\$167)	(\$231)
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$167)</u>	<u>(\$231)</u>

16 **Rehabilitation Services 0799**

17 Initiative: Transfers 9 positions currently allocated in the General Fund, the Federal
18 Expenditures Fund and Other Special Revenue Funds in the Administration - Labor
19 program from the Federal Expenditures Fund to Other Special Revenue Funds. In
20 addition, the portion of the positions' costs currently funded in the Federal Expenditures
21 Fund is reallocated to Other Special Revenue Funds. The position allocation detail is on
22 file in the Bureau of the Budget. Also adjusts All Other funding between several Other
23 Special Revenue Funds and Federal Expenditures Fund programs related to implementing
24 the federally approved indirect cost allocation plan.

25

26	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
27	All Other	(\$4,938)	(\$4,964)
28			
29	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$4,938)</u>	<u>(\$4,964)</u>

30 **Rehabilitation Services 0799**

31 Initiative: Transfers funding for indirect costs from Blind and Visually Impaired -
32 Division for the program, the Rehabilitation Services program and the Employment
33 Services Activity program to the Administration - Labor program.

34

35	GENERAL FUND	2011-12	2012-13
36	All Other	(\$42,904)	(\$42,904)
37			
38	GENERAL FUND TOTAL	<u>(\$42,904)</u>	<u>(\$42,904)</u>

1 **Rehabilitation Services 0799**

2 Initiative: Adjusts funding to recognize additional information technology management
 3 fees not currently budgeted and transfers funding for other information technology
 4 management fees from various Federal Expenditures Fund and Other Special Revenue
 5 Funds programs to the Administration - Labor program, Other Special Revenue Funds as
 6 part of the implementation of an indirect cost allocation plan.

7

8	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
9	All Other	(\$429)	(\$430)
10			
11	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$429)</u>	<u>(\$430)</u>

12 **Safety Education and Training Programs 0161**

13 Initiative: Reorganizes one Assistant to the Commissioner for Public Affairs position
 14 from range 29 to range 35 and one Office Associate II position to a Public Service
 15 Coordinator I position in the Administration - Labor program, transfers one Office
 16 Associate II position and one Customer Representative Associate I - Employment
 17 position from the Safety Education and Training Programs program, Other Special
 18 Revenue Funds to the Administration - Labor program and reallocates a portion of the
 19 cost of one Clerk IV position from the Safety Education and Training Programs program
 20 to the Administration - Labor program. Position details are on file in the Bureau of the
 21 Budget.

22

23	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
24	POSITIONS - LEGISLATIVE COUNT	(2,000)	(2,000)
25	Personal Services	(\$110,792)	(\$115,528)
26			
27	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$110,792)</u>	<u>(\$115,528)</u>

28 **Safety Education and Training Programs 0161**

29 Initiative: Reduces funding in order to align the budget with annual revenue collected.

30

31	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
32	All Other	(\$632,914)	(\$466,471)
33			
34	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$632,914)</u>	<u>(\$466,471)</u>

35 **Safety Education and Training Programs 0161**

36 Initiative: Transfers one Occupational Health Specialist position and one Occupational
 37 Safety Engineer position from the Safety Education and Training Programs program,
 38 Other Special Revenue Funds to the Regulation and Enforcement program, Federal
 39 Expenditures Fund. Reallocates 50% of the cost of one Occupational Health and Safety
 40 Program Supervisor position, one Office Associate II position and one Occupational

1 Safety Engineer position and 40% of the cost of one Director of Industrial Safety position
 2 from the Safety Education and Training Programs program, Other Special Revenue Funds
 3 to the Regulation and Enforcement program, Federal Expenditures Fund and reduces All
 4 Other to align the budget with expected federal grant revenue.

5

6	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
7	POSITIONS - LEGISLATIVE COUNT	(2,000)	(2,000)
8	Personal Services	(\$268,759)	(\$273,575)
9			
10	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$268,759)</u>	<u>(\$273,575)</u>

11 **Safety Education and Training Programs 0161**

12 Initiative: Transfers and reallocates the cost of 2 Statistician II positions from 100% in the
 13 Administration - Bureau Labor Standards program, Federal Expenditures Fund to 55% in
 14 the Safety Education and Training Programs program, Other Special Revenue Funds and
 15 45% in the Administration - Bureau Labor Standards program, Federal Expenditures
 16 Fund. Also, reallocates 15% of the cost of one Planning and Research Associate II
 17 position and 45% of the cost of one Statistician III position from the Safety Education
 18 and Training Programs program, Other Special Revenue Funds to the Administration -
 19 Bureau Labor Standards program, Federal Expenditures Fund.

20

21	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
22	POSITIONS - LEGISLATIVE COUNT	2,000	2,000
23	Personal Services	\$23,046	\$24,599
24			
25	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$23,046</u>	<u>\$24,599</u>

26 **Safety Education and Training Programs 0161**

27 Initiative: Transfers one Occupational Safety Engineer position from the Regulation and
 28 Enforcement program, Federal Expenditures Fund to the Safety Education and Training
 29 Programs program, Other Special Revenue Funds. Reallocates 50% of the cost of one
 30 Occupational Health Specialist position from the Regulation and Enforcement program,
 31 Federal Expenditures Fund to the Safety Education and Training Programs program,
 32 Other Special Revenue Funds.

33

34	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
35	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
36	Personal Services	\$103,984	\$106,648
37			
38	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$103,984</u>	<u>\$106,648</u>

39 **Safety Education and Training Programs 0161**

1 Initiative: Reallocates the cost of one Director, Bureau of Labor Standards position, one
 2 Public Service Manager II position and one Office Specialist I position from 34.5%
 3 Administration - Bureau of Labor Standards program, General Fund and 5.5% Federal
 4 Expenditures Fund; and 9% Regulation and Enforcement program, Federal Expenditures
 5 Fund and 51% Safety Education and Training Programs program, Other Special Revenue
 6 Funds to 34.5% Administration - Bureau of Labor Standards, General Fund, 5.5% Federal
 7 Expenditures Fund, and 60% Safety Education and Training Programs program, Other
 8 Special Revenue Funds.

9

10	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
11	Personal Services	\$24,162	\$23,760
12			
13	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$24,162</u>	<u>\$23,760</u>

14

15	LABOR, DEPARTMENT OF		
16	DEPARTMENT TOTALS	2011-12	2012-13
17			
18	GENERAL FUND	\$0	(\$1,224)
19	FEDERAL EXPENDITURES FUND	(\$3,540,847)	(\$1,328,450)
20	OTHER SPECIAL REVENUE FUNDS	\$2,289,307	\$2,571,364
21	EMPLOYMENT SECURITY TRUST FUND	\$0	\$76,171,120
22	COMPETITIVE SKILLS SCHOLARSHIP	(\$860)	(\$860)
23	FUND		
24			
25	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$1,252,400)</u>	<u>\$77,411,950</u>

26 **Sec. A-22. Appropriations and allocations.** The following appropriations and
 27 allocations are made.

28 **MARINE RESOURCES, DEPARTMENT OF**
 29 **Bureau of Resource Management 0027**

30 Initiative: Reallocates the cost of one Office Associate I position from the Federal
 31 Expenditures Fund to Other Special Revenue Funds and adjusts the All Other in the same
 32 program.

33

34	FEDERAL EXPENDITURES FUND	2011-12	2012-13
35	Personal Services	\$0	(\$53,512)
36	All Other	\$0	(\$1,606)
37			
38	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$55,118)</u>

39

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	Personal Services	\$0	\$53,512
3	All Other	\$0	(\$25,954)
4			
5	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$27,558

6 **Bureau of Resource Management 0027**

7 Initiative: Transfers one vacant Marine Resources Scientist I position from the Bureau of
8 Resource Management program in the Department of Marine Resources to the Financial
9 and Personnel Services - Division of program in the Department of Administrative and
10 Financial Services and reorganizes the position to one Senior Staff Accountant position.

11			
12	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
13	POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
14	Personal Services	(\$17,684)	(\$61,798)
15			
16	OTHER SPECIAL REVENUE FUNDS TOTAL	(\$17,684)	(\$61,798)

17 **Bureau of Resource Management 0027**

18 Initiative: Transfers one Marine Resource Scientist I position funded 75% General Fund
19 and 25% Federal Expenditures Fund to 100% Other Special Revenue Funds and transfers
20 one Marine Resource Scientist I position funded 100% Other Special Revenue Funds to
21 70% General Fund and 30% Federal Expenditures Fund in the same program.

22			
23	GENERAL FUND	2011-12	2012-13
24	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
25	Personal Services	\$3,918	\$2,096
26	All Other	(\$3,918)	(\$2,096)
27			
28	GENERAL FUND TOTAL	\$0	\$0

29			
30	FEDERAL EXPENDITURES FUND	2011-12	2012-13
31	POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
32	Personal Services	\$6,220	\$5,616
33	All Other	(\$6,220)	(\$5,616)
34			
35	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

36			
37	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
38	Personal Services	(\$10,138)	(\$7,712)
39			
40	OTHER SPECIAL REVENUE FUNDS TOTAL	(\$10,138)	(\$7,712)

1 **Bureau of Resource Management 0027**

2 Initiative: Reallocates the cost of one Marine Resource Scientist II position from 75%
3 Other Special Revenue Funds and 25% Federal Expenditures Fund to 60% Other Special
4 Revenue Funds and 40% Federal Expenditures Fund in the same program.

5

6	FEDERAL EXPENDITURES FUND	2011-12	2012-13
7	Personal Services	\$11,484	\$11,488
8			
9	FEDERAL EXPENDITURES FUND TOTAL	<u>\$11,484</u>	<u>\$11,488</u>

10

11	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
12	Personal Services	(\$11,484)	(\$11,488)
13			
14	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$11,484)</u>	<u>(\$11,488)</u>

15 **Bureau of Resource Management 0027**

16 Initiative: Provides funding to correct negative allocations in the program.

17

18	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
19	All Other	\$51,433	\$51,433
20			
21	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$51,433</u>	<u>\$51,433</u>

22 **Bureau of Resource Management 0027**

23 Initiative: Reorganizes one Microbiologist II position to a Microbiologist III position and
24 reduces All Other to fund the reorganization.

25

26	GENERAL FUND	2011-12	2012-13
27	Personal Services	\$0	\$9,645
28	All Other	\$0	(\$9,645)
29			
30	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

31 **Marine Patrol - Bureau of 0029**

32 Initiative: Reorganizes one seasonal Marine Patrol Officer position to one full-time
33 Marine Patrol Officer position and transfers the position from the Marine Recreation
34 Fishing Conservation and Management Fund account, Other Special Revenue Funds to
35 the Lobster Management Fund account, Other Special Revenue Funds in the same
36 program.

37

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
3	POSITIONS - FTE COUNT	(0.500)	(0.500)
4	Personal Services	\$33,713	\$34,763
5	All Other	\$2,030	\$2,093
6			
7	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$35,743</u>	<u>\$36,856</u>

8 **Marine Patrol - Bureau of 0029**

9 Initiative: Reorganizes one Planning and Research Associate I position to a Management
10 Analyst II position and reduces All Other to fund the reorganization.

11			
12	GENERAL FUND	2011-12	2012-13
13	Personal Services	\$0	\$3,322
14	All Other	\$0	(\$3,322)
15			
16	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

17 **Office of the Commissioner 0258**

18 Initiative: Eliminates one Planning and Research Associate I position in the Office of the
19 Commissioner program and reduces funding for related All Other costs.

20			
21	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
22	POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
23	Personal Services	(\$45,288)	(\$60,591)
24	All Other	(\$1,358)	(\$1,817)
25			
26	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$46,646)</u>	<u>(\$62,408)</u>

27 **Office of the Commissioner 0258**

28 Initiative: Transfers one Office Associate II position from the Sea Run Fisheries and
29 Habitat program to the Office of the Commissioner program.

30			
31	GENERAL FUND	2011-12	2012-13
32	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
33	Personal Services	\$46,150	\$47,983
34			
35	GENERAL FUND TOTAL	<u>\$46,150</u>	<u>\$47,983</u>

36 **Sea Run Fisheries and Habitat Z049**

37 Initiative: Reallocates 100% of the cost of 2 seasonal Conservation Aide positions, one
38 Marine Resource Scientist I position and one Marine Resource Specialist I position and
39 50% of the cost of one Marine Resource Scientist IV position, one Marine Resource

1 Scientist III position and 2 Marine Specialist I positions from the Marine Recreation
 2 Fishing Conservation and Management Fund account, Other Special Revenue Funds to
 3 the Kennebec Fisheries account, Other Special Revenue Funds in the same program and
 4 adjusts the All Other costs in the same program to partially fund the reallocation.

5

6	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
7	POSITIONS - LEGISLATIVE COUNT	0.000	0.000
8	POSITIONS - FTE COUNT	0.000	0.000
9	Personal Services	\$0	\$0
10	All Other	\$0	(\$188,168)
11			
12	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$188,168)

13 **Sea Run Fisheries and Habitat Z049**

14 Initiative: Reallocates the cost of 2 seasonal Conservation Aide positions from 75% Other
 15 Special Revenue Funds and 25% General Fund to 75% Federal Expenditures Fund and
 16 25% General Fund in the same program.

17

18	FEDERAL EXPENDITURES FUND	2011-12	2012-13
19	POSITIONS - FTE COUNT	0.000	1.000
20	Personal Services	\$0	\$27,739
21			
22	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$27,739

23

24	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
25	POSITIONS - FTE COUNT	0.000	(1.000)
26	Personal Services	\$0	(\$27,739)
27			
28	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$27,739)

Sea Run Fisheries and Habitat Z049

29 Initiative: Transfers one Office Associate II position from the Sea Run Fisheries and
 30 Habitat program to the Office of the Commissioner program.

31

32	GENERAL FUND	2011-12	2012-13
33	POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
34	Personal Services	(\$46,150)	(\$47,983)
35			
36	GENERAL FUND TOTAL	(\$46,150)	(\$47,983)

37 **Sea Run Fisheries and Habitat Z049**

1 Initiative: Reorganizes one Biologist I position to a Marine Resource Scientist II position
 2 and transfers All Other to Personal Services to fund the reorganization.

3			
4	GENERAL FUND	2011-12	2012-13
5	Personal Services	\$1,902	\$6,309
6	All Other	(\$1,902)	(\$6,309)
7			
8	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

9			
10	MARINE RESOURCES, DEPARTMENT OF		
11	DEPARTMENT TOTALS	2011-12	2012-13
12			
13	GENERAL FUND	\$0	\$0
14	FEDERAL EXPENDITURES FUND	\$11,484	(\$15,891)
15	OTHER SPECIAL REVENUE FUNDS	\$1,224	(\$243,466)
16			
17	DEPARTMENT TOTAL - ALL FUNDS	<u>\$12,708</u>	<u>(\$259,357)</u>

18 **Sec. A-23. Appropriations and allocations.** The following appropriations and
 19 allocations are made.

20 **MARITIME ACADEMY, MAINE**
 21 **Maritime Academy - Operations 0035**

22 Initiative: Reduces funding for the Maine Maritime Academy.

23			
24	GENERAL FUND	2011-12	2012-13
25	All Other	\$0	(\$86,117)
26			
27	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$86,117)</u>

28 **Sec. A-24. Appropriations and allocations.** The following appropriations and
 29 allocations are made.

30 **PUBLIC BROADCASTING CORPORATION, MAINE**
 31 **Maine Public Broadcasting Corporation 0033**

32 Initiative: Eliminates funding for the Maine Public Broadcasting Corporation.

33			
34	GENERAL FUND	2011-12	2012-13
35	All Other	\$0	(\$1,707,709)
36			
37	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$1,707,709)</u>

1 **Sec. A-25. Appropriations and allocations.** The following appropriations and
2 allocations are made.

3 **PUBLIC SAFETY, DEPARTMENT OF**

4 **Capitol Police - Bureau of 0101**

5 Initiative: Provides funding for the approved retroactive range change of 6 Capitol Police
6 Officer positions from range 14 to range 17. Funding for fiscal year 2011-12 will be
7 through salary and benefits savings in the department.

8

9 GENERAL FUND	2011-12	2012-13
10 Personal Services	\$0	\$28,084
11		
12 GENERAL FUND TOTAL	<u>\$0</u>	<u>\$28,084</u>

13 **Computer Crimes 0048**

14 Initiative: Establishes one Computer Forensic Analyst position and provides All Other
15 funding for contracted detective services and operating costs to be assigned to the
16 Computer Crime Laboratory.

17

18 GENERAL FUND	2011-12	2012-13
19 POSITIONS - LEGISLATIVE COUNT	0.000	1.000
20 Personal Services	\$0	\$76,722
21 All Other	\$0	\$285,813
22		
23 GENERAL FUND TOTAL	<u>\$0</u>	<u>\$362,535</u>

24 **Consolidated Emergency Communications Z021**

25 Initiative: Provides funding for building rental costs for the Regional Communications
26 Center and the State Police troop currently in Orono.

27

28 CONSOLIDATED EMERGENCY	2011-12	2012-13
29 COMMUNICATIONS FUND		
30 All Other	\$0	\$41,883
31		
32 CONSOLIDATED EMERGENCY	<u>\$0</u>	<u>\$41,883</u>
33 COMMUNICATIONS FUND TOTAL		

34 **Criminal Justice Academy 0290**

35 Initiative: Adjusts funding to align allocations with projected available resources
36 approved by the Revenue Forecasting Committee on March 1, 2012.

37

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	(\$12,019)	(\$14,111)
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$12,019)</u>	<u>(\$14,111)</u>

5 **Fire Marshal - Office of 0327**

6 Initiative: Provides funding for premium overtime for Public Safety Inspector II positions
7 at the same level as other staff in this classification receive in the Fire Marshal - Office of
8 program.

9			
10	GENERAL FUND	2011-12	2012-13
11	Personal Services	\$0	\$15,000
12			
13	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$15,000</u>

14 **Fire Marshal - Office of 0327**

15 Initiative: Transfers one Forensic Chemist I position from the Fire Marshal - Office of
16 program to the State Police program.

17			
18	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
19	POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
20	Personal Services	\$0	(\$73,482)
21	All Other	\$0	(\$755)
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$74,237)</u>

24 **Fire Marshal - Office of 0327**

25 Initiative: Provides funding for ongoing federal grants.

26			
27	FEDERAL EXPENDITURES FUND	2011-12	2012-13
28	All Other	\$0	\$101,675
29			
30	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$101,675</u>

31 **Fire Marshal - Office of 0327**

32 Initiative: Reduces funding by recognizing savings from organizational changes made to
33 bring the operational budget within available resources.

34

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	(\$90,000)	(\$150,000)
3	Capital Expenditures	(\$73,775)	(\$112,066)
4			
5	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$163,775)</u>	<u>(\$262,066)</u>

6 **Fire Marshal - Office of 0327**

7 Initiative: Reduces funding by recognizing savings from leaving several positions vacant
8 for part of fiscal year 2011-12 and all of fiscal year 2012-13.

9

10	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
11	Personal Services	(\$331,220)	(\$597,721)
12	All Other	(\$3,000)	(\$19,722)
13			
14	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$334,220)</u>	<u>(\$617,443)</u>

15 **Gambling Control Board Z002**

16 Initiative: Establishes one State Police Detective position, one Office Assistant II
17 position, one Auditor II position, 6 Public Safety Inspector I positions and one Public
18 Safety Inspector III position; funds overtime for all inspector positions; and provides
19 funds for licensing and monitoring software to provide adequate resources for the
20 Gambling Control Board to regulate gambling in the State in light of the addition of a 2nd
21 casino and the addition of table games.

22

23	GENERAL FUND	2011-12	2012-13
24	POSITIONS - LEGISLATIVE COUNT	10.000	10.000
25	Personal Services	\$111,069	\$769,279
26	All Other	\$44,849	\$26,952
27			
28	GENERAL FUND TOTAL	<u>\$155,918</u>	<u>\$796,231</u>

29 **Gambling Control Board Z002**

30 Initiative: Adjusts funding to align allocations with projected available resources
31 approved by the Revenue Forecasting Committee on March 1, 2012.

32

33	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
34	All Other	(\$2,507)	(\$9,615)
35			
36	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$2,507)</u>	<u>(\$9,615)</u>

37 **Gambling Control Board Z002**

38 Initiative: Reduces funding to align with projected available resources approved by the
39 Revenue Forecasting Committee on December 1, 2011.

1			
2	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
3	All Other	(\$4,927)	\$0
4			
5	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$4,927)</u>	<u>\$0</u>
6	Licensing and Enforcement - Public Safety 0712		
7	Initiative: Provides funding for the replacement of vehicles.		
8			
9	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
10	Capital Expenditures	\$0	\$21,750
11			
12	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$21,750</u>
13	State Police 0291		
14	Initiative: Provides funding for overtime costs related to Maine State Police federal		
15	grants.		
16			
17	FEDERAL EXPENDITURES FUND	2011-12	2012-13
18	Personal Services	\$0	\$950,000
19			
20	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$950,000</u>
21	State Police 0291		
22	Initiative: Provides funding for overtime costs for escort and construction details		
23	performed by the Maine State Police.		
24			
25	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
26	Personal Services	\$0	\$500,000
27	All Other	\$0	\$6,985
28			
29	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$506,985</u>
30	State Police 0291		
31	Initiative: Transfers one Forensic Chemist I position from the Fire Marshal - Office of		
32	program to the State Police program.		
33			
34	GENERAL FUND	2011-12	2012-13
35	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
36	Personal Services	\$0	\$37,475
37			
38	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$37,475</u>

1 **State Police 0291**
 2 Initiative: Provides funding for building rental costs for the Regional Communications
 3 Center and the State Police troop currently in Orono.

4			
5	GENERAL FUND	2011-12	2012-13
6	All Other	\$0	\$64,802
7			
8	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$64,802</u>

9 **Traffic Safety - Commercial Vehicle Enforcement 0715**

10 Initiative: Reallocates the cost of 11 Motor Carrier Inspector positions from 34% Federal
 11 Expenditures Fund and 66% Highway Fund to 37% Federal Expenditures Fund and 63%
 12 Highway Fund for 9 positions, 38% Federal Expenditures Fund and 62% Highway Fund
 13 for one position and 38.09% Federal Expenditures Fund and 61.91% Highway Fund for
 14 one position; and one Contract/Grant Specialist position from 34% Federal Expenditures
 15 Fund and 66% Highway Fund to 100% Highway Fund in the same program.

16			
17	FEDERAL EXPENDITURES FUND	2011-12	2012-13
18	Personal Services	(\$925)	(\$785)
19			
20	FEDERAL EXPENDITURES FUND TOTAL	<u>(\$925)</u>	<u>(\$785)</u>

21 **Turnpike Enforcement 0547**

22 Initiative: Provides funding for the replacement of vehicles.

23			
24	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
25	Capital Expenditures	\$0	\$153,655
26			
27	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$153,655</u>

28			
29	PUBLIC SAFETY, DEPARTMENT OF		
30	DEPARTMENT TOTALS	2011-12	2012-13
31			
32	GENERAL FUND	\$155,918	\$1,304,127
33	FEDERAL EXPENDITURES FUND	(\$925)	\$1,050,890
34	OTHER SPECIAL REVENUE FUNDS	(\$517,448)	(\$295,082)
35	CONSOLIDATED EMERGENCY	\$0	\$41,883
36	COMMUNICATIONS FUND		
37			
38	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$362,455)</u>	<u>\$2,101,818</u>

1 **Sec. A-26. Appropriations and allocations.** The following appropriations and
2 allocations are made.

3 **RETIREMENT SYSTEM, MAINE PUBLIC EMPLOYEES**

4 **Retirement System - Retirement Allowance Fund 0085**

5 Initiative: Reduces funding for benefits for retired Governors and their surviving spouses
6 and retired pre-1984 judges to align the budget with projections provided by the Maine
7 Public Employees Retirement System.

8

	2011-12	2012-13
9 GENERAL FUND		
10 All Other	(\$1,122,570)	(\$1,122,570)
11		
12 GENERAL FUND TOTAL	<u>(\$1,122,570)</u>	<u>(\$1,122,570)</u>

13 **Sec. A-27. Appropriations and allocations.** The following appropriations and
14 allocations are made.

15 **TREASURER OF STATE, OFFICE OF**

16 **Debt Service - Treasury 0021**

17 Initiative: Reduces funding for debt service to reflect updated interest costs for the
18 biennium.

19

	2011-12	2012-13
20 GENERAL FUND		
21 All Other	(\$1,343,561)	(\$1,755,232)
22		
23 GENERAL FUND TOTAL	<u>(\$1,343,561)</u>	<u>(\$1,755,232)</u>

24 **Disproportionate Tax Burden Fund 0472**

25 Initiative: Adjusts funding to align allocations with projected available resources
26 approved by the Revenue Forecasting Committee on March 1, 2012.

27

	2011-12	2012-13
28 OTHER SPECIAL REVENUE FUNDS		
29 All Other	(\$196,848)	(\$147,243)
30		
31 OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$196,848)</u>	<u>(\$147,243)</u>

32

1 **Disproportionate Tax Burden Fund 0472**

2 Initiative: Adjusts allocations for a sales tax exemption for positive airway pressure
3 equipment used in respiratory ventilation and for supplies, repair parts and replacement
4 parts for such equipment.

5

6	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
7	All Other	(\$959)	(\$2,349)
8			
9	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$959)</u>	<u>(\$2,349)</u>

10 **Disproportionate Tax Burden Fund 0472**

11 Initiative: Provides funding to align allocations with projected available resources
12 approved by the Revenue Forecasting Committee on December 1, 2011.

13

14	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
15	All Other	\$374,972	\$117,603
16			
17	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$374,972</u>	<u>\$117,603</u>

18 **Disproportionate Tax Burden Fund 0472**

19 Initiative: Adjusts allocations for a sales tax exemption or refund on the purchase of items
20 used in commercial wood harvesting and in the commercial production of greenhouse and
21 nursery products.

22

23	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
24	All Other	\$0	(\$3,312)
25			
26	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$3,312)</u>

27 **State - Municipal Revenue Sharing 0020**

28 Initiative: Adjusts allocations for a sales tax exemption for positive airway pressure
29 equipment used in respiratory ventilation and for supplies, repair parts and replacement
30 parts for such equipment.

31

32	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
33	All Other	(\$4,684)	(\$10,701)
34			
35	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$4,684)</u>	<u>(\$10,701)</u>

36

1 **State - Municipal Revenue Sharing 0020**

2 Initiative: Provides funding to align allocations with projected available resources
3 approved by the Revenue Forecasting Committee on December 1, 2011.

4

5	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
6	All Other	\$869,663	(\$135,027)
7			
8	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$869,663</u>	<u>(\$135,027)</u>

9 **State - Municipal Revenue Sharing 0020**

10 Initiative: Adjusts allocations for a sales tax exemption or refund on the purchase of items
11 used in commercial wood harvesting and in the commercial production of greenhouse and
12 nursery products.

13

14	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
15	All Other	\$0	(\$15,088)
16			
17	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>(\$15,088)</u>

18

19	TREASURER OF STATE, OFFICE OF		
20	DEPARTMENT TOTALS	2011-12	2012-13
21			
22	GENERAL FUND	(\$1,343,561)	(\$1,755,232)
23	OTHER SPECIAL REVENUE FUNDS	\$1,042,144	(\$196,117)
24			
25	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$301,417)</u>	<u>(\$1,951,349)</u>

26 **Sec. A-28. Appropriations and allocations.** The following appropriations and
27 allocations are made.

28 **UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE**

29 **Educational and General Activities - UMS 0031**

30 Initiative: Reduces funding for the University of Maine System.

31

32	GENERAL FUND	2011-12	2012-13
33	All Other	\$0	(\$1,785,305)
34			
35	GENERAL FUND TOTAL	<u>\$0</u>	<u>(\$1,785,305)</u>

36

1 **University of Maine Scholarship Fund Z011**
2 Initiative: Reduces funding to align allocations with projected available resources
3 approved by the Revenue Forecasting Committee on December 1, 2011.

4

5	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
6	All Other	(\$23,205)	\$0
7			
8	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$23,205)</u>	<u>\$0</u>

9 **University of Maine Scholarship Fund Z011**
10 Initiative: Adjusts funding to align allocations with projected available resources
11 approved by the Revenue Forecasting Committee on March 1, 2012.

12

13	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
14	All Other	(\$5,014)	(\$19,229)
15			
16	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$5,014)</u>	<u>(\$19,229)</u>

17

18	UNIVERSITY OF MAINE SYSTEM, BOARD OF		
19	TRUSTEES OF THE		
20	DEPARTMENT TOTALS	2011-12	2012-13
21			
22	GENERAL FUND	\$0	(\$1,785,305)
23	OTHER SPECIAL REVENUE FUNDS	(\$28,219)	(\$19,229)
24			
25	DEPARTMENT TOTAL - ALL FUNDS	<u>(\$28,219)</u>	<u>(\$1,804,534)</u>

26

27 **PART B**

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

30 **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**
31 **Lottery Operations 0023**
32

1 Initiative: RECLASSIFICATIONS

2	STATE LOTTERY FUND	2011-12	2012-13
3	Personal Services	\$11,516	\$11,869
4	All Other	(\$11,516)	(\$11,869)
5			
6	STATE LOTTERY FUND TOTAL	<u>\$0</u>	<u>\$0</u>

7	ADMINISTRATIVE AND FINANCIAL		
8	SERVICES, DEPARTMENT OF		
9	DEPARTMENT TOTALS	2011-12	2012-13
10			
11	STATE LOTTERY FUND	\$0	\$0
12			
13	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$0</u>

14 **AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**
15 **Division of Animal Health and Industry 0394**
16 Initiative: RECLASSIFICATIONS

17	GENERAL FUND	2011-12	2012-13
18	Personal Services	\$10,525	\$3,508
19	All Other	(\$10,525)	(\$3,508)
20			
21	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

22	AGRICULTURE, FOOD AND RURAL		
23	RESOURCES, DEPARTMENT OF		
24	DEPARTMENT TOTALS	2011-12	2012-13
25			
26	GENERAL FUND	\$0	\$0
27			
28	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$0</u>

29 **ARTS COMMISSION, MAINE**
30 **Arts - Administration 0178**
31 Initiative: RECLASSIFICATIONS

1	GENERAL FUND	2011-12	2012-13
2	Personal Services	\$6,409	\$6,410
3	All Other	(\$6,409)	(\$6,410)
4			
5	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>
6	Arts - Sponsored Program 0176		
7	Initiative: RECLASSIFICATIONS		
8	FEDERAL EXPENDITURES FUND	2011-12	2012-13
9	Personal Services	\$1,205	\$1,205
10	All Other	(\$1,205)	(\$1,205)
11			
12	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$0</u>
13	ARTS COMMISSION, MAINE		
14	DEPARTMENT TOTALS	2011-12	2012-13
15			
16	GENERAL FUND	\$0	\$0
17	FEDERAL EXPENDITURES FUND	\$0	\$0
18			
19	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$0</u>
20	CONSERVATION, DEPARTMENT OF		
21	Parks - General Operations 0221		
22	Initiative: RECLASSIFICATIONS		
23	GENERAL FUND	2011-12	2012-13
24	Personal Services	\$4,884	\$4,886
25	All Other	(\$4,884)	(\$4,886)
26			
27	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>
28	CONSERVATION, DEPARTMENT OF		
29	DEPARTMENT TOTALS	2011-12	2012-13
30			
31	GENERAL FUND	\$0	\$0
32			
33	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$0</u>

1 **DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT**
 2 **OF**

3 **Military Training and Operations 0108**

4 Initiative: RECLASSIFICATIONS

5	FEDERAL EXPENDITURES FUND	2011-12	2012-13
6	Personal Services	\$11,977	\$8,756
7			
8	FEDERAL EXPENDITURES FUND TOTAL	<u>\$11,977</u>	<u>\$8,756</u>

9 **DEFENSE, VETERANS AND EMERGENCY**
 10 **MANAGEMENT, DEPARTMENT OF**
 11 **DEPARTMENT TOTALS**

12		2011-12	2012-13
13	FEDERAL EXPENDITURES FUND	\$11,977	\$8,756
14			
15	DEPARTMENT TOTAL - ALL FUNDS	<u>\$11,977</u>	<u>\$8,756</u>

16 **EDUCATION, DEPARTMENT OF**

17 **Special Services Team Z080**

18 Initiative: RECLASSIFICATIONS

19	FEDERAL EXPENDITURES FUND	2011-12	2012-13
20	Personal Services	\$3,666	\$3,667
21	All Other	(\$3,666)	(\$3,667)
22			
23	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$0</u>

24 **EDUCATION, DEPARTMENT OF**
 25 **DEPARTMENT TOTALS**

26		2011-12	2012-13
27	FEDERAL EXPENDITURES FUND	\$0	\$0
28			
29	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$0</u>

30 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

31 **Administration - Environmental Protection 0251**

32 Initiative: RECLASSIFICATIONS

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	Personal Services	\$7,737	\$3,618
3	All Other	(\$7,737)	(\$3,618)
4			
5	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>
6	Maine Environmental Protection Fund 0421		
7	Initiative: RECLASSIFICATIONS		
8	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
9	Personal Services	\$16,741	\$7,772
10	All Other	(\$16,741)	(\$7,772)
11			
12	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>
13	Remediation and Waste Management 0247		
14	Initiative: RECLASSIFICATIONS		
15	FEDERAL EXPENDITURES FUND	2011-12	2012-13
16	Personal Services	\$18,220	\$10,157
17	All Other	(\$18,220)	(\$10,157)
18			
19	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$0</u>
20	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
21	Personal Services	\$147,413	\$80,858
22	All Other	(\$147,413)	(\$80,858)
23			
24	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>
25	ENVIRONMENTAL PROTECTION,		
26	DEPARTMENT OF		
27	DEPARTMENT TOTALS	2011-12	2012-13
28			
29	FEDERAL EXPENDITURES FUND	\$0	\$0
30	OTHER SPECIAL REVENUE FUNDS	\$0	\$0
31			
32	DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$0</u>
33	EXECUTIVE DEPARTMENT		
34	Planning Office 0082		

1	Initiative: RECLASSIFICATIONS		
2	FEDERAL EXPENDITURES FUND	2011-12	2012-13
3	Personal Services	\$6,237	\$6,239
4	All Other	(\$6,237)	(\$6,239)
5			
6	FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0
7	EXECUTIVE DEPARTMENT		
8	DEPARTMENT TOTALS	2011-12	2012-13
9			
10	FEDERAL EXPENDITURES FUND	\$0	\$0
11			
12	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0
13	HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)		
14	Child Support 0100		
15	Initiative: RECLASSIFICATIONS		
16	GENERAL FUND	2011-12	2012-13
17	Personal Services	\$2,683	\$1,117
18	All Other	(\$2,683)	(\$1,117)
19			
20	GENERAL FUND TOTAL	\$0	\$0
21	FEDERAL EXPENDITURES FUND	2011-12	2012-13
22	Personal Services	\$6,005	\$2,236
23	All Other	\$166	\$61
24			
25	FEDERAL EXPENDITURES FUND TOTAL	\$6,171	\$2,297
26	Division of Data, Research and Vital Statistics Z037		
27	Initiative: RECLASSIFICATIONS		
28	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
29	Personal Services	\$6,351	\$3,385
30	All Other	\$176	\$85
31			
32	OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,527	\$3,470

1 **Division of Licensing and Regulatory Services Z036**

2 Initiative: RECLASSIFICATIONS

3	GENERAL FUND	2011-12	2012-13
4	Personal Services	\$30,125	\$9,586
5	All Other	(\$30,125)	(\$9,586)
6			
7	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

8	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
9	Personal Services	\$59,152	\$17,807
10	All Other	\$1,162	\$506
11			
12	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$60,314</u>	<u>\$18,313</u>

13 **Office of Elder Services Central Office 0140**

14 Initiative: RECLASSIFICATIONS

15	GENERAL FUND	2011-12	2012-13
16	Personal Services	\$16,079	\$8,473
17	All Other	(\$16,079)	(\$8,473)
18			
19	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

20	FEDERAL EXPENDITURES FUND	2011-12	2012-13
21	Personal Services	\$2,719	\$1,517
22	All Other	\$44	\$31
23			
24	FEDERAL EXPENDITURES FUND TOTAL	<u>\$2,763</u>	<u>\$1,548</u>

25	HEALTH AND HUMAN SERVICES,		
26	DEPARTMENT OF (FORMERLY DHS)		
27	DEPARTMENT TOTALS	2011-12	2012-13
28			
29	GENERAL FUND	\$0	\$0
30	FEDERAL EXPENDITURES FUND	\$8,934	\$3,845
31	OTHER SPECIAL REVENUE FUNDS	\$66,841	\$21,783
32			
33	DEPARTMENT TOTAL - ALL FUNDS	<u>\$75,775</u>	<u>\$25,628</u>

1 **INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**
 2 **Licensing Services - Inland Fisheries and Wildlife 0531**
 3 Initiative: RECLASSIFICATIONS

4	GENERAL FUND	2011-12	2012-13
5	Personal Services	\$3,415	\$3,420
6	All Other	(\$3,415)	(\$3,420)
7			
8	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

9 **Public Information and Education, Division of 0729**
 10 Initiative: RECLASSIFICATIONS

11	GENERAL FUND	2011-12	2012-13
12	Personal Services	\$5,807	\$5,808
13	All Other	(\$5,807)	(\$5,808)
14			
15	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

16	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
17	Personal Services	\$7,710	\$3,632
18	All Other	\$88	\$42
19			
20	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$7,798</u>	<u>\$3,674</u>

21	INLAND FISHERIES AND WILDLIFE,		
22	DEPARTMENT OF		
23	DEPARTMENT TOTALS	2011-12	2012-13
24			
25	GENERAL FUND	\$0	\$0
26	OTHER SPECIAL REVENUE FUNDS	\$7,798	\$3,674
27			
28	DEPARTMENT TOTAL - ALL FUNDS	<u>\$7,798</u>	<u>\$3,674</u>

29 **JUDICIAL DEPARTMENT**
 30 **Courts - Supreme, Superior and District 0063**
 31 Initiative: RECLASSIFICATIONS

1	GENERAL FUND	2011-12	2012-13
2	Personal Services	\$61,611	\$62,217
3	All Other	(\$61,611)	(\$62,217)
4			
5	GENERAL FUND TOTAL	<u> \$0</u>	<u> \$0</u>
6	JUDICIAL DEPARTMENT		
7	DEPARTMENT TOTALS	2011-12	2012-13
8			
9	GENERAL FUND	\$0	\$0
10			
11	DEPARTMENT TOTAL - ALL FUNDS	<u> \$0</u>	<u> \$0</u>
12	LABOR, DEPARTMENT OF		
13	Blind and Visually Impaired - Division for the 0126		
14	Initiative: RECLASSIFICATIONS		
15	FEDERAL EXPENDITURES FUND	2011-12	2012-13
16	Personal Services	\$38,205	\$4,652
17	All Other	(\$38,205)	(\$4,652)
18			
19	FEDERAL EXPENDITURES FUND TOTAL	<u> \$0</u>	<u> \$0</u>
20	Rehabilitation Services 0799		
21	Initiative: RECLASSIFICATIONS		
22	FEDERAL EXPENDITURES FUND	2011-12	2012-13
23	Personal Services	\$33,606	\$7,357
24	All Other	(\$33,606)	(\$7,357)
25			
26	FEDERAL EXPENDITURES FUND TOTAL	<u> \$0</u>	<u> \$0</u>
27	LABOR, DEPARTMENT OF		
28	DEPARTMENT TOTALS	2011-12	2012-13
29			
30	FEDERAL EXPENDITURES FUND	\$0	\$0
31			
32	DEPARTMENT TOTAL - ALL FUNDS	<u> \$0</u>	<u> \$0</u>
33	MARINE RESOURCES, DEPARTMENT OF		
34	Bureau of Resource Management 0027		

1 Initiative: RECLASSIFICATIONS

2	GENERAL FUND	2011-12	2012-13
3	Personal Services	\$2,779	\$2,779
4	All Other	(\$2,779)	(\$2,779)
5			
6	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$0</u>

7	FEDERAL EXPENDITURES FUND	2011-12	2012-13
8	Personal Services	\$21,021	\$5,681
9	All Other	(\$21,021)	(\$5,681)
10			
11	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$0</u>

12	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
13	Personal Services	\$2,444	\$2,445
14			
15	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$2,444</u>	<u>\$2,445</u>

16 **Sea Run Fisheries and Habitat Z049**

17 Initiative: RECLASSIFICATIONS

18	FEDERAL EXPENDITURES FUND	2011-12	2012-13
19	Personal Services	\$20,441	\$6,388
20	All Other	(\$20,441)	(\$6,388)
21			
22	FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$0</u>

23	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
24	Personal Services	\$19,620	\$6,081
25	All Other	(\$19,620)	(\$6,081)
26			
27	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$0</u>

1	MARINE RESOURCES, DEPARTMENT OF		
2	DEPARTMENT TOTALS	2011-12	2012-13
3			
4	GENERAL FUND	\$0	\$0
5	FEDERAL EXPENDITURES FUND	\$0	\$0
6	OTHER SPECIAL REVENUE FUNDS	\$2,444	\$2,445
7			
8	DEPARTMENT TOTAL - ALL FUNDS	\$2,444	\$2,445
9	PUBLIC SAFETY, DEPARTMENT OF		
10	Drug Enforcement Agency 0388		
11	Initiative: RECLASSIFICATIONS		
12	GENERAL FUND	2011-12	2012-13
13	Personal Services	\$3,800	\$2,153
14	All Other	(\$3,800)	(\$2,153)
15			
16	GENERAL FUND TOTAL	\$0	\$0
17	Licensing and Enforcement - Public Safety 0712		
18	Initiative: RECLASSIFICATIONS		
19	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
20	Personal Services	\$2,420	\$970
21	All Other	(\$2,420)	(\$970)
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0
24	PUBLIC SAFETY, DEPARTMENT OF		
25	DEPARTMENT TOTALS	2011-12	2012-13
26			
27	GENERAL FUND	\$0	\$0
28	OTHER SPECIAL REVENUE FUNDS	\$0	\$0
29			
30	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

1	SECTION TOTALS	2011-12	2012-13
2			
3	GENERAL FUND	\$0	\$0
4	FEDERAL EXPENDITURES FUND	\$20,911	\$12,601
5	OTHER SPECIAL REVENUE FUNDS	\$77,083	\$27,902
6	STATE LOTTERY FUND	\$0	\$0
7			
8	SECTION TOTAL - ALL FUNDS	\$97,994	\$40,503

9 **PART C**

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

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

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

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

- 26 (1) For fiscal year 2005-06, the target is 84%.
- 27 (2) For fiscal year 2006-07, the target is 90%.
- 28 (3) For fiscal year 2007-08, the target is 95%.
- 29 (4) For fiscal year 2008-09, the target is 97%.
- 30 (5) For fiscal year 2009-10, the target is 97%.
- 31 (6) For fiscal year 2010-11, the target is 97%.
- 32 (7) For fiscal year 2011-12, the target is 97%.
- 33 (8) For fiscal year 2012-13 ~~and succeeding years~~, the target is ~~100%~~ 97%.
- 34 (9) For fiscal year 2013-14 and succeeding years, the target is 100%.

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

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

- 3 (1) For fiscal year 2005-06, the target is 52.6%.
- 4 (2) For fiscal year 2006-07, the target is 53.86%.
- 5 (3) For fiscal year 2007-08, the target is 53.51%.
- 6 (4) For fiscal year 2008-09, the target is 52.52%.
- 7 (5) For fiscal year 2009-10, the target is 48.93%.
- 8 (6) For fiscal year 2010-11, the target is 45.84%.
- 9 (7) For fiscal year 2011-12, the target is ~~46.13%~~ 46.03%.
- 10 (8) For fiscal year 2012-13, the target is 46.71%.

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

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

- 18 (1) For fiscal year 2011-12, the target is ~~49.56%~~ 49.48%.
- 19 (2) For fiscal year 2012-13, the target is ~~52.50%~~ 50.10%.
- 20 (3) For fiscal year 2013-14 and succeeding years, the target is 55%.

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

23 B. For property tax years beginning on or after April 1, 2005, the commissioner shall
24 calculate the full-value education mill rate that is required to raise the statewide total
25 local share. The full-value education mill rate is calculated for each fiscal year by
26 dividing the applicable statewide total local share by the applicable statewide
27 valuation. The full-value education mill rate must decline over the period from fiscal
28 year 2005-06 to fiscal year 2008-09 and may not exceed 9.0 mills in fiscal year 2005-
29 06 and may not exceed 8.0 mills in fiscal year 2008-09. The full-value education mill
30 rate must be applied according to section 15688, subsection 3-A, paragraph A to
31 determine a municipality's local cost share expectation. Full-value education mill
32 rates must be derived according to the following schedule.

- 33 (1) For the 2005 property tax year, the full-value education mill rate is the
34 amount necessary to result in a 47.4% statewide total local share in fiscal year
35 2005-06.
- 36 (2) For the 2006 property tax year, the full-value education mill rate is the
37 amount necessary to result in a 46.14% statewide total local share in fiscal year
38 2006-07.

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

4 (4) For the 2008 property tax year, the full-value education mill rate is the
5 amount necessary to result in a 47.48% statewide total local share in fiscal year
6 2008-09.

7 (4-A) For the 2009 property tax year, the full-value education mill rate is the
8 amount necessary to result in a 51.07% statewide total local share in fiscal year
9 2009-10.

10 (4-B) For the 2010 property tax year, the full-value education mill rate is the
11 amount necessary to result in a 54.16% statewide total local share in fiscal year
12 2010-11.

13 (4-C) For the 2011 property tax year, the full-value education mill rate is the
14 amount necessary to result in a ~~53.87%~~ 53.97% statewide total local share in
15 fiscal year 2011-12.

16 (5) For the 2012 property tax year, the full-value education mill rate is the
17 amount necessary to result in a ~~47.74%~~ 53.29% statewide total local share in
18 fiscal year 2012-13.

19 (6) For the 2013 property tax year, the full-value education mill rate is the
20 amount necessary to result in a 47.50% statewide total local share in fiscal year
21 2013-14.

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

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

27 **25-A. School administrative unit.** "School administrative unit" means a school
28 administrative unit as defined by section 1, subsection 26 ~~except that for those school~~
29 ~~administrative units that are members of an alternative organizational structure, the~~
30 ~~alternative organizational structure is the school administrative unit for the purposes of~~
31 ~~this chapter, paragraphs A to G.~~

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

34 **§15683-A. Total debt service allocation**

35 For each school administrative unit, that unit's total debt service allocation is that
36 unit's debt service costs as defined in section 15672, subsection 2-A. ~~For the 2008-09 and~~
37 ~~2009-10 funding years only, for each school administrative unit, that unit's total debt~~
38 ~~service allocation is that unit's debt service costs as defined in section 15672, subsection~~
39 ~~2-A excluding 80% of the insured value factor pursuant to section 15672, subsection 2-A,~~
40 ~~paragraph C. For the 2010-11 funding year only, each~~ Each school administrative unit's

1 total debt service allocation must include the portion of the tuition cost applicable to the
2 insured value factor for the base year computed under section 5806 limited to an insured
3 value factor no greater than 5% for each eligible student.

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

6 A. The sum of the following calculations:

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

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

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

22 **Sec. C-9. 20-A MRSA §15689, sub-§1, ¶B**, as repealed and replaced by PL
23 2009, c. 571, Pt. E, §22, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 D. Beginning in fiscal year 2010-11, in any fiscal year in which the sum of the
23 State's contribution toward the cost of the components of essential programs and
24 services, exclusive of federal funds that are provided and accounted for in the cost of
25 the components of essential programs and services, plus any federal stimulus funds
26 applied to the State's contribution, falls below the State's target of 55% of the cost of
27 the components of essential programs and services, the commissioner shall calculate
28 the percentage of the State's 55% share that is funded by state appropriations and
29 federal stimulus funds and, notwithstanding any other provision of this paragraph, a
30 school administrative unit that raises at least the same percentage of its required local
31 contribution to the total cost of funding public education from kindergarten to grade
32 12, including state-funded debt service, as the State's contribution plus federal
33 stimulus funds toward its 55% share of the cost of the components of essential
34 programs and services may not have the amount of its state subsidy limited or
35 reduced under paragraph C.

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

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

39 **Sec. C-8. Total cost of funding public education from kindergarten to**
40 **grade 12.** The total cost of funding public education from kindergarten to grade 12 for
41 fiscal year 2011-12 is as follows:

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**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

Total Operating Allocation

Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A \$1,762,899,431

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~~
\$64,093,846

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~~
\$1,931,569,111

1	Total cost of the state contribution to teacher	\$172,592,848
2	retirement, teacher retirement health insurance and	
3	teacher retirement life insurance for fiscal year	
4	2011-12 pursuant to the Maine Revised Statutes, Title	
5	5, chapters 421 and 423	
6		
7	Adjustment pursuant to the Maine Revised Statutes,	\$41,723,140
8	Title 20-A, section 15683, subsection 2	
9		
10	Total cost of funding public education from	\$2,149,385,099
11	kindergarten to grade 12	<u>\$2,145,885,099</u>

12 **Sec. C-9. Local and state contributions to total cost of funding public**
13 **education from kindergarten to grade 12.** The local contribution and the state
14 contribution appropriation provided for general purpose aid for local schools for the fiscal
15 year beginning July 1, 2011 and ending June 30, 2012 is calculated as follows:

16			
17		2011-12	2011-12
18		LOCAL	STATE
19	Local and State Contributions to the		
20	Total Cost of Funding Public Education		
21	from Kindergarten to Grade 12		
22			
23	Local and state contributions to the total	\$1,042,466,969	\$892,602,142
24	cost of funding public education from		<u>\$889,102,142</u>
25	kindergarten to grade 12 pursuant to the		
26	Maine Revised Statutes, Title 20-A,		
27	section 15683 - subject to statewide		
28	distributions required by law		
29			
30	State contribution to the total cost of		\$172,592,848
31	teacher retirement, teacher retirement		
32	health insurance and teacher retirement		
33	life insurance for fiscal year 2011-12		
34	pursuant to the Maine Revised Statutes,		
35	Title 5, chapters 421 and 423		
36			
37	State contribution to the total cost of		\$1,065,194,990
38	funding public education from		<u>\$1,061,694,990</u>
39	kindergarten to grade 12		

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

1 **Sec. C-15. Total cost of funding public education from kindergarten to**
 2 **grade 12.** The total cost of funding public education from kindergarten to grade 12 for
 3 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	\$430,187,826
Total Operating Allocation	<hr/>
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,784,181,505
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	\$70,440,632
Total Cost of Funding Public Education from Kindergarten to Grade 12	<hr/>
Total cost of funding public education from kindergarten to grade 12 for fiscal year 2012-13 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	\$1,958,494,812

1	Total cost of the state contribution to teacher	\$174,932,892
2	retirement, teacher retirement health insurance and	
3	teacher retirement life insurance for fiscal year	
4	2012-13 pursuant to the Maine Revised Statutes, Title	
5	5, chapters 421 and 423	
6		
7	Adjustment pursuant to the Maine Revised Statutes,	\$41,876,093
8	Title 20-A, section 15683, subsection 2	
9		
10	Total cost of funding public education from	\$2,175,303,797
11	kindergarten to grade 12	

12 **Sec. C-16. Local and state contributions to total cost of funding public**
13 **education from kindergarten to grade 12.** The local contribution and the state
14 contribution appropriation provided for general purpose aid for local schools for the fiscal
15 year beginning July 1, 2012 and ending June 30, 2013 is calculated as follows:

16		2012-13	2012-13
17		LOCAL	STATE
18	Local and State Contributions to the		
19	Total Cost of Funding Public Education		
20	from Kindergarten to Grade 12		
21			
22	Local and state contributions to the total	\$1,043,692,866	\$914,801,946
23	cost of funding public education from		
24	kindergarten to grade 12 pursuant to the		
25	Maine Revised Statutes, Title 20-A,		
26	section 15683 - subject to statewide		
27	distributions required by law		
28			
29	State contribution to the total cost of		\$174,932,892
30	teacher retirement, teacher retirement		
31	health insurance and teacher retirement		
32	life insurance for fiscal year 2012-13		
33	pursuant to the Maine Revised Statutes,		
34	Title 5, chapters 421 and 423		
35			
36	State contribution to the total cost of		\$1,089,734,838
37	funding public education from		
38	kindergarten to grade 12		

39 **Sec. C-17. Limit of State's obligation.** If the State's continued obligation for
40 any individual component contained in those sections of this Part that set the total cost of
41 funding public education from kindergarten to grade 12 and the local and state
42 contributions for that purpose exceeds the level of funding provided for that component,

1 any unexpended balances occurring in other programs may be applied to avoid proration
2 of payments for any individual component. Any unexpended balances from this Part may
3 not lapse but must be carried forward for the same purpose.

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

9 **PART D**

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

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

14 **Sec. D-2. 5 MRSA §937, sub-§1, ¶A,** as amended by PL 2007, c. 1, Pt. D, §1, is
15 further amended to read:

16 A. Deputy Commissioner; ~~and~~

17 **Sec. D-3. 5 MRSA §937, sub-§1, ¶F,** as amended by PL 2011, c. 380, Pt. PPP,
18 §1, is further amended to read:

19 F. Director, Policy and Programs; ~~;~~

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

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

22 L. Director, Special Services Team; and

23 M. Director, Communications.

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

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

30 A. Deputy Commissioner;

31 B. Game Warden Colonel; ~~and~~

32 C. Assistant to the Commissioner for Public Information; ~~and~~

33 E. Public Relations Representative.

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

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

2 K. Director, Bureau of Rehabilitation Services;:

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

4 L. Director, Bureau of Unemployment Compensation; and

5 M. Director, Public Information.

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

7 **1-A. Appointment of Public Relations Representative.** The commissioner shall
8 appoint, to serve at the commissioner's pleasure, the Public Relations Representative.

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

11 A. Deputy Commissioner; ~~and~~

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

14 F. Director, Policy and Programs; ~~and~~

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

16 K. Director, Communications.

17 **Sec. D-12. 26 MRSA §1401-B, sub-§1, ¶B**, as amended by PL 2007, c. 1, Pt. D,
18 §4, is further amended to read:

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

20 (2) Assistant to the Commissioner for Public Affairs;

21 (3) Deputy Commissioner;

22 (4) Director, Bureau of Labor Standards;

23 (5) Beginning April 15, 1996, Executive Director, Bureau of Employment
24 Services;

25 (6) Executive Director, Office of Operations; ~~and~~

26 (7) Director, Bureau of Rehabilitation Services;:

27 (8) Director, Bureau of Unemployment Compensation; and

28 (9) Director, Public Information.

29 **PART E**

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

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

7 **PART F**

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

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

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

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

23 **PART G**

24 **Sec. G-1. Transfer of funds.** Notwithstanding the Maine Revised Statutes, Title
25 5, section 1585 or any other provision of law, for fiscal years 2011-12 and 2012-13, the
26 Commissioner of Education is authorized to identify savings within existing General
27 Fund programs of the Department of Education and transfer up to \$150,000 in available
28 balances by financial order upon the recommendation of the State Budget Officer and
29 approval of the Governor from existing General Fund program accounts to the State
30 Charter School Commission program in order to provide start-up funding for the
31 oversight of public charter schools.

32 **PART H**

33 **Sec. H-1. Department of Education; General Purpose Aid for Local**
34 **Schools; lapsed balances.** Notwithstanding any other provision of law, \$7,009,774 of
35 unencumbered balance forward from the Department of Education, General Purpose Aid
36 for Local Schools program, General Fund carrying account, All Other line category
37 lapses to the General Fund no later than June 30, 2012.

1 **PART I**

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

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

6 Superintendent of Financial Institutions;

7 Superintendent of Consumer Credit Protection;

8 State Tax Assessor;

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

11 Superintendent of Insurance;

12 Executive Director of the Maine Consumer Choice Health Plan;

13 Deputy Commissioner, Department of Administrative and Financial Services;

14 Associate Commissioner for Adult Services, Department of Corrections;

15 Associate Commissioner for Juvenile Services, Department of Corrections;

16 Public Advocate;

17 Deputy Commissioner, Department of Health and Human Services;

18 Chief Information Officer;

19 Associate Commissioner for Legislative and Program Services, Department of
20 Corrections; and

21 Chief of the State Police.

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

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

26 Director, Bureau of General Services;

27 Director, Bureau of Alcoholic Beverages and Lottery Operations;

28 State Budget Officer;

29 State Controller;

30 Director of the Bureau of Forestry;

31 Director, State Planning Office;

32 Director, Energy Resources Office;

33 Director of Human Resources;

1 Director, Bureau of Parks and Lands; and
2 ~~Director of Econometric Research; and~~
3 Director of the Governor's Office of Communications.

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

6 The commissioner may employ such other deputies, division heads, assistants and
7 employees as may be necessary, subject to the Civil Service Law. In addition, the
8 commissioner may employ a Director of Compliance to carry out departmental
9 responsibilities related to: Labor relations and labor contract compliance; human rights
10 and affirmative action compliance; and; audit guidelines and other 3rd-party compliance
11 requirements. The Director of Compliance ~~shall serve~~ serves at the pleasure of the
12 commissioner. In addition, the commissioner may employ an Associate Commissioner
13 for Tax Policy to supervise and direct the tax policy analysis, guidance and
14 communications activities of the Office of Tax Policy within the Bureau of Revenue
15 Services. The Associate Commissioner for Tax Policy serves at the pleasure of the
16 commissioner.

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

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

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

- 25 B. Director, Bureau of Human Resources;
- 26 D. Director, Bureau of Alcoholic Beverages and Lottery Operations;
- 27 E. Director, Bureau of General Services;
- 28 F. Deputy Commissioner, Department of Administrative and Financial Services;
- 29 G. State Controller;
- 30 H. State Tax Assessor;
- 31 I. State Budget Officer;
- 32 J. Chief Information Officer; ~~and~~
- 33 K. Associate Commissioner, Administrative Services; and
- 34 L. Associate Commissioner for Tax Policy within the Bureau of Revenue Services.

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

1 **§1710-E. Revenue Forecasting Committee; established; membership**

2 There is established the Revenue Forecasting Committee, referred to in this chapter
3 as the "committee," for the purpose of providing the Governor, the Legislature and the
4 State Budget Officer with analyses, findings and recommendations relating to the
5 projection of revenues for the General Fund and the Highway Fund based on economic
6 assumptions recommended by the Consensus Economic Forecasting Commission. The
7 committee includes the State Budget Officer, the ~~State Tax Assessor~~ Associate
8 Commissioner for Tax Policy, the State Economist, an economist on the faculty of the
9 University of Maine System selected by the chancellor, the Director of the Office of
10 Fiscal and Program Review and another member of the Legislature's nonpartisan staff
11 familiar with revenue estimating issues appointed by the Legislative Council. One of the
12 6 members must be selected by a majority vote of the committee members to serve as the
13 chair of the committee.

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

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

25 The Office of Tax Policy, referred to in this paragraph as "the office," is established
26 within the bureau. The head of the office is the Associate Commissioner for Tax Policy,
27 who reports directly to, and serves at the pleasure of, the Commissioner of Administrative
28 and Financial Services and who must have an advanced degree in economics, statistics,
29 accounting, business, law or public policy. The office is responsible for: providing
30 economic and legal policy analysis on tax issues; oversight of tax legislation review;
31 providing revenue forecasting analysis to the Revenue Forecasting Committee under Title
32 5, section 1710-E; the preparation of tax expenditure reports; the establishment of policy
33 criteria reflected in bureau rules and advisory rulings; and related public relations.

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

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

41 **Sec. I-9. 36 MRSA §191, sub-§2, ¶F**, as amended by PL 2003, c. 673, Pt. DD,
42 §2 and c. 689, Pt. B, §6 and c. 705, §3, is further amended to read:

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

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

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

15 **PART J**

16 **Sec. J-1. 5 MRSA §285, sub-§7, ¶L,** as enacted by PL 2011, c. 380, Pt. V, §1
17 and affected by §7, is amended to read:

18 L. The provisions of paragraphs I and J do not apply to those individuals ~~receiving~~
19 who have received retirement benefits under section 17907 or section 17929.

20 **Sec. J-2. 20-A MRSA §13451, sub-§3,** as amended by PL 2011, c. 380, Pt. W,
21 §3 and affected by §5, is further amended to read:

22 **3. Payment by State.** The State shall pay a percentage of the retired teacher
23 members' share of this insurance according to the following schedule:

- 24 A. Thirty percent until July 1, 2002;
25 B. Thirty-five percent from July 1, 2002 to July 31, 2003;
26 C. Forty percent from August 1, 2003 to December 31, 2005; and
27 D. Forty-five percent after December 31, 2005.

28 Except for individuals ~~receiving~~ who have received retirement benefits under Title 5,
29 section 17907 or ~~17192~~ 17929, for a teacher who retires after July 1, 2012, the State shall
30 begin paying the percentage of the retired teacher member's share pursuant to this
31 subsection when the retiree reaches normal retirement age.

32 For the fiscal years ending June 30, 2012 and June 30, 2013, the State's total cost for
33 retired teachers' health insurance premiums is capped at the fiscal year 2010-11 funding
34 level.

35 **PART K**

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

1 **3. Legislative review.** ~~Allotment Excluding the State - Municipal Revenue Sharing~~
2 ~~program, Other Special Revenue Funds account and the Disproportionate Tax Burden~~
3 ~~Fund program, Other Special Revenue Funds account in the Office of the Treasurer of~~
4 ~~State, allotment~~ of the funds under subsection 1 is subject to review by the joint standing
5 committee of the Legislature having jurisdiction over appropriations and financial affairs;

6 **4. 30-day wait.** ~~Allotment Excluding the State - Municipal Revenue Sharing~~
7 ~~program, Other Special Revenue Funds account and the Disproportionate Tax Burden~~
8 ~~Fund program, Other Special Revenue Funds account in the Office of the Treasurer of~~
9 ~~State, allotment~~ of the funds under subsection 1 does not take effect until 30 days after
10 the approval by the Governor; and

11 **PART L**

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

14 **2. Biennial revenue projections.** The committee shall submit recommendations for
15 state revenue projections for the next 2 fiscal biennia and analyze revenue projections for
16 the current fiscal biennium, which must be approved by a majority of the committee
17 members. No later than December 1st of each even-numbered year, the committee shall
18 submit to the Governor, the Legislative Council, the joint standing committee of the
19 Legislature having jurisdiction over appropriations and financial affairs and the State
20 Budget Officer a report that presents the analyses, findings and recommendations for
21 General Fund and Highway Fund revenue projections for the next 2 fiscal biennia. In its
22 report the committee shall fully describe the methodology employed in reaching its
23 recommendations. Revenue projections for other funds of the State may be included in
24 the report at the discretion of the committee. ~~Revenue projections for the General Fund~~
25 ~~may not include revenue that accrues pursuant to Title 30-A, section 5250-I, subsection~~
26 ~~14 and is deposited into the Pine Tree Development Zone Reserve Fund pursuant to Title~~
27 ~~30-A, section 5250-J, subsection 4-B that would not have accrued to the State but for the~~
28 ~~availability of Pine Tree Development Zone benefits as stated in Title 30-A, section~~
29 ~~5250-I, subsection 17, paragraph A.~~

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

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

34 **6. Payment of claims.** The State Tax Assessor shall determine the benefit for each
35 claimant under this section ~~and certify to the State Controller the amount to be transferred~~
36 ~~from the Pine Tree Development Zone Reserve Fund, established pursuant to Title 30-A,~~
37 ~~section 5250-J, subsection 4-B, to the Pine Tree Development Zone reimbursement~~
38 ~~reserve account established, maintained and administered by the State Controller from~~
39 ~~General Fund undedicated revenue within the sales tax category.~~ The assessor shall pay
40 the certified amounts to each approved applicant qualifying for the benefit under this
41 section within 30 days after receipt of a properly completed claim. Interest is not allowed
42 on any payment made to a claimant pursuant to this section.

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PART M

Sec. M-1. 5 MRSA §1532, sub-§6, as enacted by PL 2005, c. 2, Pt. A, §5 and affected by §14, is amended to read:

6. Death benefits. The Governor shall allocate funds from the stabilization fund as needed to pay benefits due pursuant to Title 25, chapter 195-A. Allocations may be made by financial order upon the recommendation of the State Budget Officer and approval of the Governor upon written request of the Chief of the State Police, the State Fire Marshal or the Director of Maine Emergency Medical Services ~~and after consultation with the State Budget Officer.~~

PART N

Sec. N-1. Transfer; unexpended funds; Fund for the Efficient Delivery of Local and Regional Services. Notwithstanding any other provision of law, the State Controller shall transfer \$100,000 in unexpended funds from the Fund for the Efficient Delivery of Local and Regional Services - Administration program, Other Special Revenue Funds account in the Department of Administrative and Financial Services to General Fund unappropriated surplus no later than June 30, 2012.

PART O

Sec. O-1. 2 MRSA §6, sub-§4, as repealed and replaced by PL 2007, c. 695, Pt. A, §5 and affected by §47 and amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

4. Range 88. The salaries of the following state officials and employees are within salary range 88:

- Director, Bureau of ~~Air Quality~~ Resource Administration;
- Director, Bureau of ~~Land and Water Quality~~ Resource Protection;
- Director, Bureau of ~~Remediation and Waste Management~~ Environmental Assessment;
- Deputy Commissioner, Environmental Protection;
- Director, Office of Professional and Occupational Regulation;
- Administrator, Office of Securities; and
- Deputy Chief of the State Police.

Sec. O-2. 5 MRSA §938, sub-§1-A, ¶¶F, G and H, as enacted by PL 1995, c. 560, Pt. E, §2, are amended to read:

- F. Director, Bureau of ~~Air Quality Control~~ Resource Administration;
- G. Director, Bureau of ~~Remediation and Waste Management~~ Environmental Assessment; and
- H. Director, Bureau of ~~Land and Water Quality~~ Resource Protection.

1 judgment of the Public Advocate, an increase is necessary to provide competitive salary
2 levels.

3 **PART Q**

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

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

10 **PART R**

11 **Sec. R-1. 22 MRSA §4301, sub-§1**, as amended by PL 1991, c. 9, Pt. U, §1, is
12 further amended to read:

13 **1. Basic necessities.** "Basic necessities" means food, clothing, shelter, fuel,
14 electricity, nonelective medical services as recommended by a physician, nonprescription
15 drugs, telephone ~~where~~ when it is necessary for medical reasons and any other
16 commodity or service determined essential by the overseer in accordance with the
17 municipality's ordinance and this chapter. "Basic necessities" ~~do~~ does not include
18 security deposits for rental property, except for emergency purposes, or housing
19 assistance for longer than 90 days per calendar year. For the purposes of this subsection,
20 "emergency purposes" means any situation in which no other permanent lodging is
21 available unless a security deposit is paid.

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

24 **3. Eligible person.** "Eligible person" means a person who is qualified to receive
25 general assistance from a municipality according to standards of eligibility determined by
26 the municipal officers whether or not that person has applied for general assistance.

27 "Eligible person" does not include:

28 A. A recipient of cash assistance under section 3762 or a household member of that
29 recipient but may include a caretaker relative of that recipient who receives cash
30 assistance on behalf of the recipient. As used in this paragraph, "caretaker relative"
31 has the same meaning as in section 3811, subsection 1-A; or

32 B. An individual who has been sanctioned for noncompliance pursuant to section
33 3763, subsection 1.

34 **Sec. R-3. 22 MRSA §4308, sub-§2, ¶C** is enacted to read:

35 C. A person who has received 90 days of housing assistance in a calendar year is
36 ineligible for emergency assistance under this subsection for the remainder of that
37 calendar year.

1 **Sec. R-4. 22 MRSA §4309, sub-§3**, as enacted by PL 1983, c. 577, §1, is
2 amended to read:

3 **3. Eligibility of members of person's household.** Failure of an otherwise eligible
4 person to comply with this chapter ~~shall~~ does not affect the general assistance eligibility
5 of any member of the person's household who is not capable of working, ~~including at~~
6 ~~least~~ except as provided in section 4301, subsection 3, paragraphs A and B and section
7 4308, subsection 2, paragraph C. Household members not capable of working include,
8 without limitation:

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

13 **Sec. R-5. 22 MRSA §4309, sub-§4**, as enacted by PL 1991, c. 528, Pt. SS, §3
14 and affected by Pt. RRR and enacted by c. 591, Pt. SS, §3, is amended to read:

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

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

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

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

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

1 **Sec. R-7. 22 MRSA §4310, sub-§4**, as enacted by PL 1983, c. 577, §1, is
2 amended to read:

3 **4. Limitations.** In no case:

4 A. May the authorization of benefits under this section exceed 30 days; ~~and~~

5 B. May there be further authorization of benefits to the applicant until there has been
6 full verification confirming the applicant's eligibility; ~~and~~

7 C. May emergency housing assistance benefits be authorized to an applicant who has
8 received housing assistance for 90 days in that same calendar year.

9 **Sec. R-8. 22 MRSA §4311, sub-§1**, as amended by PL 1993, c. 410, Pt. AAA,
10 §7 and by PL 2003, c. 689, Pt. B, §6, is repealed and the following enacted in its place:

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

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

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

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

26 **Sec. R-9. 22 MRSA §4311, sub-§1-B**, as amended by PL 1991, c. 9, Pt. U, §8, is
27 repealed.

28 **Sec. R-10. 22 MRSA §4311, sub-§2**, as amended by PL 1991, c. 9, Pt. U, §9, is
29 further amended to read:

30 **2. Submission of reports.** Municipalities and Indian tribes shall submit monthly
31 reports as follows on forms provided by the department.

32 ~~A. For purposes of this section, those municipalities that received reimbursement at~~
33 ~~90% during the previous fiscal year of the State and those municipalities that expect~~
34 ~~to receive reimbursement at 90% during the current fiscal year of the State must~~
35 ~~submit monthly reports on forms provided by the department.~~

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

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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. Department of Health and Human Services; lapsed balances. Notwithstanding any other provision of law, \$80,904 of unencumbered balance forward from the Department of Health and Human Services, Disproportionate Share - Riverview Psychiatric Center program, General Fund account, Personal Services line category lapses to the General Fund no later than June 30, 2012.

Sec. V-2. Department of Health and Human Services; lapsed balances. Notwithstanding any other provision of law, \$228,852 of unencumbered balance forward from the Department of Health and Human Services, Disproportionate Share - Dorothea Dix Psychiatric Center program, General Fund account, Personal Services line category lapses to the General Fund no later than June 30, 2012.

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

1 shall provide a copy of each approved financial order to the Department of
2 Administrative and Financial Services, Bureau of the Budget and the Office of Fiscal and
3 Program Review.

4 **PART X**

5 **Sec. X-1. Personal Services balances authorized to carry; Department of**
6 **Corrections.** Notwithstanding any other provision of law, the Department of
7 Corrections is authorized to carry all fiscal year 2011-12 year-end balances in the
8 Personal Services line category of General Fund accounts to fiscal year 2012-13 to the
9 Capital Expenditures line category in the Capital Construction/Repairs/Improvements -
10 Corrections program, General Fund account in the Department of Corrections to be used
11 for the purpose of making capital improvements to correctional facilities.

12 **PART Y**

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

18 **PART Z**

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

24 **PART AA**

25 **Sec. AA-1. Transfer of funds; Clean Elections Act Chapter 1 Initiated**
26 **Bill.** Notwithstanding any other provision of law, the State Controller shall transfer
27 \$1,500,000 on or before June 30, 2012 and \$950,000 on or before June 30, 2013 from the
28 Clean Elections Act Chapter 1 Initiated Bill program, Other Special Revenue Funds
29 account to the unappropriated surplus of the General Fund.

30 **PART BB**

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

35 **PART CC**

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

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

- 3 Director, Bureau of General Services;
- 4 Director, Bureau of Alcoholic Beverages and Lottery Operations;
- 5 State Budget Officer;
- 6 State Controller;
- 7 Director of the Bureau of Forestry;
- 8 Director, ~~State Planning Office~~ Governor's Office of Policy and Management;
- 9 Director, Energy Resources Office;
- 10 Director of Human Resources;
- 11 Director, Bureau of Parks and Lands;
- 12 Director of Econometric Research; and
- 13 Director of the Governor's Office of Communications.

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

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

- 19 (1) Capitol Planning Commission in 2011;
- 20 (1-A) Maine Governmental Facilities Authority in 2005;
- 21 (2) State Civil Service Appeals Board in 2005;
- 22 (3) State Claims Commission in 2005;
- 23 (4) Maine Municipal Bond Bank in 2007;
- 24 (5) Office of Treasurer of State in 2007;
- 25 (6) Department of Administrative and Financial Services, except for the Bureau
26 of Revenue Services, in 2011; and
- 27 (7) Department of the Secretary of State, except for the Bureau of Motor
28 Vehicles, in 2011; and
- 29 ~~(9) State Planning Office, except for the Land for Maine's Future Board, in 2007.~~

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

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

1 **PART DD**

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

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

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

12 **2. Average real personal income growth.** "Average real personal income growth"
13 means the average for the prior 10 calendar years, ending with the most recent calendar
14 year for which data is available, of the percent change in personal income in this State, as
15 estimated by the United States Department of Commerce, Bureau of Economic Analysis,
16 less the percent change in the Consumer Price Index for the calendar year. For purposes
17 of this subsection, "Consumer Price Index" has the same meaning as in Title 36, section
18 5402, subsection 1. The average real personal income growth is determined by October
19 1st, annually, by the ~~Director of the State Planning Office within the Executive~~
20 ~~Department~~ Governor's Office of Policy and Management.

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

23 **§1710-D. Staffing**

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

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

28 **§1710-I. Staffing**

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

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

35 **CHAPTER 310**

36 **GOVERNOR'S OFFICE OF POLICY AND MANAGEMENT**

1 **§3101. Definitions**

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

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

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

8 **§3102. Office established; purpose**

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

14 **§3103. Director**

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

17 **§3104. Powers and duties**

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

20 **1. Duties.** The director shall:

21 A. Appoint, remove and prescribe the duties of staff of the office as necessary to
22 implement the duties of the office. The director is authorized to hire as unclassified
23 employees professional personnel competent by education, training and experience in
24 such areas as economics, law, accounting and public policy. The director is
25 authorized to hire as classified employees other personnel, who are subject to the
26 Civil Service Law and personnel policies established for state employees generally,
27 as required to support implementation of the duties of the office;

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

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

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

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

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

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

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

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

24 G. Conduct investigations, audits and studies to fulfill the office's duties as the
25 director considers appropriate;

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

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

31 **2. Powers.** The director may, in connection with the performance of the office's
32 duties, issue subpoenas to compel the attendance of witnesses and the production of
33 books, papers, records and documents of individuals, firms, associations and corporations
34 and all officers, boards, commissions and entities of state, county and municipal
35 government, including quasi-governmental and independent agencies. Whenever a
36 person refuses to obey a subpoena duly issued by the director, the Superior Court for
37 Kennebec County or any court of this State within the jurisdiction of which the person
38 resides or transacts business has jurisdiction to issue to that person an order requiring that
39 person to comply with the subpoena, and any failure to obey that order may be punished
40 by the court as contempt.

1 **§3105. Acceptance and administration of funds**

2 The office may accept, administer and expend funds, including but not limited to
3 funds from the Federal Government or from any individual, foundation or corporation,
4 for purposes consistent with this chapter.

5 **§3106. Contracts**

6 The office may contract with public and private entities for research and analysis and
7 other services as the director determines necessary to address the office's duties under this
8 chapter.

9 **§3107. Governmental cooperation; temporary reassignment of governmental**
10 **employees**

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

17 **§3108. Confidential or proprietary information**

18 An entity of state, county or municipal government, including a quasi-governmental
19 or independent agency of the State, may not deny the office access to confidential
20 information when a request for such information is made in connection with the
21 performance of the duties of the office. All information and documents determined to be
22 confidential under federal or state law or by order of a court remain confidential under the
23 original public records exception when in the possession of the office.

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

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

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

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

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

3 **2-A. Recommendation of Governor and issuers.** At any time action of the
4 Legislature under subsection 1-A is necessary or desirable, the Governor shall
5 recommend to the appropriate committee of the Legislature a proposed allocation or
6 reallocation of all or part of the state ceiling. To assist the Governor in making a
7 recommendation of proposed allocations of the state ceiling on private activity bonds, the
8 group of 7 representatives described in subsection 1-A shall make a recommendation
9 regarding allocation or reallocation of the state ceiling. In order to assist the group in
10 making its recommendation and to assist the Governor and the Legislature, the ~~State~~
11 ~~Planning Office~~ Department of Administrative and Financial Services, in consultation
12 with the Governor's Office of Policy and Management, shall prepare an annual analysis of
13 the State's economic outlook, prevailing interest rate forecasts related to tax-exempt
14 financing by the issuers specifically identified in subsections 4 to 8, the availability to
15 those issuers of alternative financing from sources that do not require an allocation of the
16 state ceiling and the relationship of these factors and various public policy considerations
17 to the allocation or reallocation of the state ceiling. In recommending any allocation or
18 reallocation of the state ceiling to the Legislature, the Governor shall consider the
19 requests and recommendations of those issuers of bonds within the State designated in
20 this section, the recommendations of the group of representatives described in subsection
21 1-A and the annual analysis of the ~~State Planning Office~~ Department of Administrative
22 and Financial Services.

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

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

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

30 **§3. Records confidential**

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

1 throughout the State and to promote economic development with the understanding that
2 the confidentiality of the information will be maintained.

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

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

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

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

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

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

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

27 **6-A. Median household income.** "Median household income" means the income
28 computed based on the most current census information available, as provided by the
29 ~~State Planning Office~~ Governor's Office of Policy and Management.

30 **Sec. DD-14. 35-A MRSA §3454, first ¶**, as enacted by PL 2007, c. 661, Pt. A,
31 §7, is amended to read:

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

1 **Sec. DD-15. 35-A MRSA §3454, sub-§5**, as enacted by PL 2009, c. 642, Pt. A,
2 §7, is amended to read:

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

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

17 **§6759. Program administration**

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

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

28 **§7302. Progress reporting and data**

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

33 **2. Indicators; annual report.** With reference to Title 5, chapter 142; Title 20-A,
34 section 15671, subsection 1; and Title 30-A, sections 706-A and 5721-A, the ~~State~~
35 ~~Planning Office~~ Governor's Office of Policy and Management shall develop and apply
36 specific, quantifiable performance indicators against which the progress in achieving the
37 tax burden reduction goals established in section 7301 can be measured. On January 15,
38 ~~2006~~ 2013 and annually thereafter, the ~~State Planning Office~~ Governor's Office of Policy
39 and Management shall report to the Governor and to the joint standing committee of the
40 Legislature having jurisdiction over taxation matters on the progress made by the State,
41 counties, municipalities and school administrative units, respectively, in achieving the tax

1 burden reduction goals. The report required by this subsection must be comprised of 4
2 distinct parts reporting on the progress made by the State, municipalities, counties and
3 school administrative units, respectively. The ~~State Planning Office~~ Governor's Office of
4 Policy and Management may also include in its report recommendations on alternative
5 strategies to achieve the tax burden reduction goals established in section 7301 that
6 reflect the best practices in this State, other states and other countries.

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

18 **Sec. DD-18. 38 MRSA §484, sub-§10**, as amended by PL 2009, c. 615, Pt. E,
19 §18, is further amended to read:

20 **10. Special provisions; wind energy development or offshore wind power**
21 **project.** In the case of a grid-scale wind energy development, or an offshore wind power
22 project with an aggregate generating capacity of 3 megawatts or more, the proposed
23 generating facilities, as defined in Title 35-A, section 3451, subsection 5:

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

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

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

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

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

1 **Sec. DD-21. Initial recommendations.** No later than December 1, 2012, the
2 Governor's Office of Policy and Management shall develop and recommend to the
3 Governor and the Legislature changes in the structure, functions or operations of State
4 Government to achieve General Fund savings of at least \$1,000,000 during fiscal year
5 2013-14 and at least \$1,000,000 during fiscal year 2014-15.

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

11 1. The Governor's Office of Policy and Management is created as of May 1, 2012.
12 The Governor shall appoint the Director of the Governor's Office of Policy and
13 Management at any time on or after that date. The director shall organize the office,
14 including creation of employee positions pursuant to this Act, to be hired on or after July
15 1, 2012.

16 2. The Executive Department, State Planning Office is eliminated on July 1, 2012.
17 All transfers of Executive Department, State Planning Office responsibilities to the
18 Governor's Office of Policy and Management under this Act are effective on July 1,
19 2012.

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

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

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

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

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

1 **PART EE**

2 **Sec. EE-1. 5 MRSA §2003, sub-§2, ¶D**, as enacted by PL 2005, c. 12, Pt. SS,
3 §16, is amended to read:

4 D. Eight representatives as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 **Sec. EE-8. 5 MRSA §13083-T, sub-§2, ¶B**, as enacted by PL 2007, c. 39, Pt. F,
36 §1 and affected by §2, is amended to read:

1 B. The Commissioner of Conservation; and

2 **Sec. EE-9. 5 MRSA §13083-T, sub-§2, ¶C**, as enacted by PL 2007, c. 39, Pt. F,
3 §1 and affected by §2, is repealed.

4 **Sec. EE-10. 5 MRSA §13090-F, sub-§1**, as amended by PL 2009, c. 211, Pt. B,
5 §2, is further amended to read:

6 **1. Maine Tourism Commission.** The Maine Tourism Commission, established by
7 section 12004-I, subsection 87 and referred to in this section as the "commission," shall
8 assist and advise the Office of Tourism to achieve its purpose under section 13090-C.
9 The commission consists of 25 voting members appointed by the Governor as follows:

10 A. Three members representing the outdoor sporting interests of the State, including:

11 (1) One member representing a statewide organization of hunters, anglers and
12 trappers;

13 (2) One member representing the interests of large landowners; and

14 (3) One member representing a statewide organization of licensed Maine guides;

15 B. Eight public members who represent their respective regions and have experience
16 in the field or have demonstrated concern for the travel industry;

17 C. Thirteen members of major tourism trade associations, including:

18 (1) At least one member representing a statewide organization of hotels, motels
19 and inns;

20 (2) At least one member representing a statewide organization of restaurants;

21 (3) At least one member representing a statewide organization of campground
22 owners;

23 (4) At least one member representing the retail sector in the State;

24 (5) At least one member representing the motorcoach industry;

25 (6) At least one member representing the air transportation industry;

26 (7) At least one member representing arts and cultural organizations; and

27 (8) At least one member representing a statewide organization of youth camps;
28 and

29 D. One member representing a statewide organization of agricultural producers.

30 The terms of the voting members are for 4 years each. The Governor shall fill a vacancy
31 in the membership for any unexpired term. The commissioners, directors or designees of
32 the following state departments or offices shall serve as ex officio, nonvoting members of
33 the commission: the department; ~~the State Planning Office~~; the Department of
34 Conservation; the Department of Transportation; the Department of Inland Fisheries and
35 Wildlife; the Department of Agriculture, Food and Rural Resources; the Department of
36 Education; and the Bureau of ~~Public Improvements~~ General Services. The Canadian
37 Affairs Coordinator shall also serve as an ex officio, nonvoting member of the

1 commission. A chair and vice-chair of the commission must be elected annually from the
2 appointed membership.

3 **Sec. EE-11. 5 MRSA §13107, sub-§1**, as enacted by PL 2003, c. 673, Pt. M, §8,
4 is amended to read:

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

12 **Sec. EE-12. 5 MRSA §15302, sub-§3, ¶C**, as amended by PL 2005, c. 425, §19,
13 is further amended to read:

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

16 **Sec. EE-13. 7 MRSA §214, sub-§3**, as amended by PL 2005, c. 382, Pt. C, §2, is
17 further amended to read:

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

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

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

31 Treasurer of State;

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

33 Commissioner of Economic and Community Development;

34 Commissioner of Agriculture, Food and Rural Resources;

35 Commissioner of Professional and Financial Regulation;

36 Commissioner of Conservation;

37 Commissioner of Education;

1 Commissioner of Environmental Protection;
2 Commissioner of Administrative and Financial Services;
3 Commissioner of Health and Human Services;
4 Commissioner of Inland Fisheries and Wildlife;
5 Commissioner of Labor;
6 Commissioner of Marine Resources;
7 Commissioner of Transportation;
8 Chief Executive Officer of the Finance Authority of Maine;
9 Executive Director of the Maine Municipal Bond Bank; and
10 Executive Director of the Maine State Housing Authority.

11 **Sec. EE-15. 10 MRSA §945-B, sub-§1**, as enacted by PL 1995, c. 648, §5 and
12 amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

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

28 **Sec. EE-16. 10 MRSA §1063, sub-§2, ¶J**, as amended by PL 1989, c. 501, Pt.
29 DD, §20, is further amended to read:

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

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

35 (2) The Director of the ~~State Planning Office~~ Governor's Office of Policy and
36 Management has reviewed and commented upon the project proposal. The
37 Director of the ~~State Planning Office~~ Governor's Office of Policy and
38 Management shall make comments within 30 days after receipt of a notification

1 and copy of the project proposal from the authority. The authority shall take the
2 comments into consideration in its consideration of the project; and

3 **Sec. EE-17. 12 MRSA §406**, as enacted by PL 1983, c. 458, §1, is repealed.

4 **Sec. EE-18. 12 MRSA §407**, as amended by PL 1989, c. 878, Pt. A, §29, is
5 further amended to read:

6 **§407. Comprehensive river resource management plans**

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

20 **Sec. EE-19. 26 MRSA §2006, sub-§7, ¶C**, as amended by PL 2003, c. 20, Pt.
21 OO, §2 and affected by §4 and amended by c. 114, §13; c. 545, §4; and c. 689, Pt. B, §6,
22 is further amended to read:

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

- 30 (1) The local areas;
- 31 (2) Adult education;
- 32 (3) School-to-work;
- 33 (4) Providers that specialize in women's workforce issues;
- 34 (5) Rehabilitation providers;
- 35 (6) Welfare-to-work;
- 36 (7) The University of Maine System;
- 37 (8) The Maine Community College System;
- 38 (9) Career and technical education; and

1 (10) The Department of Economic and Community Development, the
2 Department of Education, the Department of Health and Human Services, and the
3 Department of Labor ~~and the State Planning Office.~~

4 **Sec. EE-20. 30-A MRSA §2343**, as enacted by PL 2009, c. 483, §3, is repealed.

5 **Sec. EE-21. 30-A MRSA §6208, sub-§1, ¶A**, as enacted by PL 2005, c. 266, §2,
6 is repealed.

7 **Sec. EE-22. 36 MRSA §305, sub-§2, ¶C**, as enacted by PL 1973, c. 620, §10, is
8 amended to read:

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

12 **Sec. EE-23. 38 MRSA §410-M, last ¶**, as enacted by PL 1997, c. 643, Pt. YY,
13 §1, is repealed.

14 **Sec. EE-24. 38 MRSA §470-G**, as repealed and replaced by PL 2007, c. 619, §6,
15 is repealed.

16 **Sec. EE-25. 38 MRSA §1803**, as enacted by PL 1985, c. 794, Pt. A, §11, is
17 repealed.

18 **Sec. EE-26. 38 MRSA §2013, sub-§2, ¶A**, as enacted by PL 1997, c. 519, Pt. B,
19 §1 and affected by §3, is repealed.

20 **Sec. EE-27. 38 MRSA §2123-C**, as enacted by PL 2007, c. 192, §4, is repealed.

21 **Sec. EE-28. PL 2011, c. 205, §4** is amended to read:

22 **Sec. 4. Statewide aquatic restoration plan for stream crossings.** The
23 Department of Environmental Protection, the Department of Inland Fisheries and
24 Wildlife, the Department of Marine Resources and the Department of Transportation, in
25 conjunction with the ~~Executive Department, State Planning Office~~ Department of
26 Conservation and other interested stakeholders, shall work collaboratively to develop a
27 statewide aquatic conservation and restoration strategy plan, referred to in this section as
28 "the plan," designed to maintain and restore the ecological health of the State's aquatic
29 ecosystems and focusing on maintaining and restoring dynamic ecological processes
30 responsible for creating and sustaining habitats over broad landscapes as opposed to
31 individual projects or small watersheds. The plan must improve upon best management
32 practices for public and private roads by including consideration of the Department of
33 Transportation's Waterway and Wildlife Crossing Policy and Design Guide, the Maine
34 Interagency Stream Connectivity Work Group's 2010 final report, Maine's Atlantic
35 salmon recovery plan and any other technical, policy and financial information that may
36 help the process. The plan must include, but not be limited to, using scientific data from
37 stakeholders, establishing active restoration priorities, refining existing and proposing
38 additional best management practices, reviewing statutory exemptions and regulatory

1 standards to inform regulatory decision making, establishing performance measures,
2 proposing funding alternatives for passive and active restoration, identifying gaps and
3 overlaps with other pertinent issues such as climate change and flood management and
4 providing for education and outreach. The Department of Environmental Protection, in
5 cooperation with the Department of Inland Fisheries and Wildlife, the Department of
6 Marine Resources and the Department of Transportation, shall present the final draft of
7 the plan, which may include suggested legislation, to the joint standing committee of the
8 Legislature having jurisdiction over natural resources matters no later than January 31,
9 2013. The committee may report out a bill to the First Regular Session of the 126th
10 Legislature.

11 **Sec. EE-29. P&SL 1999, c. 58, §2, sub-§7** is repealed.

12 **Sec. EE-30. P&SL 1999, c. 58, §4, sub-§1, ¶B** is repealed.

13 **Sec. EE-31. Effective date.** This Part takes effect July 1, 2012.

14 **PART FF**

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

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

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

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

24 A. The Community Development Block Grant Program; and

25 G. Training and certification for municipal code enforcement officers under Title
26 30-A, chapter 187, subchapter 5.

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

29 **2. Training program standards; implementation.** The committee shall direct the
30 training coordinator of the Bureau of Building Codes and Standards, established in Title
31 25, section 2372, to develop a training program for municipal building officials, local
32 code enforcement officers and 3rd-party inspectors. ~~The Executive Department, State~~
33 ~~Planning Office~~ Department of Economic and Community Development, Office of
34 Community Development, pursuant to Title 30-A, section 4451, subsection 3-A, shall
35 implement the training and certification program established under this chapter.

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

1 **§2374. Uniform Building Codes and Standards Fund**

2 The Uniform Building Codes and Standards Fund, referred to in this section as "the
3 fund," is established within the Department of Public Safety to fund the activities of the
4 bureau under this chapter and the activities of the board under Title 10, chapter 1103 and
5 the ~~Executive Department, State Planning Office~~ Department of Economic and
6 Community Development, Office of Community Development under Title 30-A, section
7 4451, subsection 3-A. Revenue for this fund is provided by the surcharge established by
8 section 2450-A. The Department of Public Safety and the ~~Executive Department, State~~
9 ~~Planning Office~~ Department of Economic and Community Development, Office of
10 Community Development shall together determine an amount to be transferred annually
11 from the fund for training and certification under Title 30-A, section 4451, subsection
12 3-A to the Maine Code Enforcement Training and Certification Fund established in Title
13 30-A, section 4451, subsection 3-B. Any balance of the fund may not lapse, but must be
14 carried forward as a continuing account to be expended for the same purpose in the
15 following fiscal year.

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

18 **§2450-A. Surcharge on plan review fee for Uniform Building Codes and Standards**
19 **Fund**

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

32 **Sec. FF-6. 30-A MRSA §4215, sub-§4**, as amended by PL 2009, c. 213, Pt. M,
33 §4, is further amended to read:

34 **4. Fees.** The plumbing inspector shall issue any permit under this section upon
35 receipt and approval of a completed application form as prescribed by the commissioner
36 and payment by the applicant of the fee established by the municipality. The fee must be
37 at least the minimum amount determined by rule of the department. One-quarter of the
38 amount of the minimum fee must be paid through the department to the Treasurer of State
39 to be maintained as a permanent fund and used by the department to implement its
40 subsurface wastewater disposal rules, to administer the receipt and collation of completed
41 permits and to issue plumbing permit labels to the municipality and by the ~~State Planning~~
42 ~~Office~~ Department of Economic and Community Development, Office of Community
43 Development for training and certification of local plumbing inspectors. The department

1 and the ~~State Planning Office~~ Department of Economic and Community Development,
2 Office of Community Development shall together determine an amount to be transferred
3 annually by the Treasurer of State for training and certification of local plumbing
4 inspectors to the Maine Code Enforcement Training and Certification Fund established in
5 section 4451, subsection 3-B. The remainder of the fee must be paid to the treasurer of
6 the municipality.

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

9 **1. Appointment; compensation; removal.** In every municipality, the municipal
10 officers shall appoint one or more inspectors of plumbing, who need not be residents of
11 the municipality for which they are appointed. Plumbing inspectors are appointed for a
12 term of one year or more and must be sworn and the appointment recorded as provided in
13 section 2526, subsection 9. An individual properly appointed as plumbing inspector and
14 satisfactorily performing the duties may continue in that capacity after the term has
15 expired until replaced. The municipal officers shall notify the department and the ~~State~~
16 ~~Planning Office~~ Department of Economic and Community Development, Office of
17 Community Development of the appointment of a plumbing inspector in writing within
18 30 days of the appointment.

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

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

23 **Sec. FF-8. 30-A MRSA §4221, sub-§2**, as amended by PL 1997, c. 683, Pt. B,
24 §15 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

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

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

31 **§4451. Training and certification for code enforcement officers**

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

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

39 B. Whether or not any extension is available under paragraph A, the ~~office~~
40 Department of Economic and Community Development, Office of Community

1 Development may waive this requirement for up to one year if the certification
2 requirements cannot be met without imposing a hardship on the municipality
3 employing the individual;

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

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

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

15 **2-A. Code enforcement officer; definition and duties.** As used in this subchapter,
16 "code enforcement officer" means a person certified under this section and employed by a
17 municipality to enforce all applicable laws and ordinances in the following areas:

- 18 A. Shoreland zoning under Title 38, chapter 3, subchapter ~~I~~ 1, article 2-B;
- 19 B. Comprehensive planning and land use under Part 2, Subpart ~~VI-A~~ 6-A;
- 20 C. Internal plumbing under chapter 185, subchapter ~~III~~ 3;
- 21 D. Subsurface wastewater disposal under chapter 185, subchapter ~~III~~ 3; and
- 22 E. Building standards under chapter 141; chapter 185, subchapter 1; beginning June
23 1, 2010, Title 10, chapter 1103; and Title 25, chapters 313 and 331.

24 **3. Training and certification of code enforcement officers.** In cooperation with
25 code enforcement officer professional associations, the Maine Community College
26 System, the Department of Environmental Protection, the Department of Health and
27 Human Services and the Department of Public Safety, except as otherwise provided in
28 paragraph H, the ~~office~~ Department of Economic and Community Development, Office
29 of Community Development shall establish a continuing education program for
30 individuals engaged in code enforcement. This program must provide basic training in
31 the technical and legal aspects of code enforcement necessary for certification. The basic
32 training program must include training to provide familiarity with the laws and
33 ordinances related to the structure and practice of the municipal code enforcement office,
34 municipal planning board and appeals board procedures, application review and
35 permitting procedures, inspection procedures and enforcement techniques.

36 H. If funding is not available to support the training and certification program
37 authorized under this subsection, the ~~office~~ Department of Economic and Community
38 Development, Office of Community Development shall discontinue training and
39 certification activities related to laws and ordinances referenced in subsection 2-A,
40 paragraphs A and B and shall adopt by routine technical rules under Title 5, chapter
41 375, subchapter 2-A a program to register code enforcement officers that meet

1 training and education qualifications. The ~~office~~ Department of Economic and
2 Community Development, Office of Community Development shall publish the list
3 of persons registered for code enforcement who have submitted evidence of required
4 qualifications. Persons registered under this paragraph must meet the requirements
5 for training and certification under this subchapter. The ~~office~~ Department of
6 Economic and Community Development, Office of Community Development shall
7 consult with the Department of Health and Human Services for the purposes of
8 carrying out training and certification activities related to laws and ordinances
9 referenced in subsection 2-A, paragraphs C and D. Within one month of
10 discontinuation of training and certification under this paragraph, the ~~office~~
11 Department of Economic and Community Development, Office of Community
12 Development shall report to the joint standing committee of the Legislature having
13 jurisdiction over appropriations and financial affairs and the joint standing committee
14 of the Legislature having jurisdiction over state and local government matters a
15 recommendation for funding the training and certification program or for further
16 changes in program requirements.

17 **3-A. Training and certification of inspectors in the Maine Uniform Building and**
18 **Energy Code.** In accordance with the training and certification requirements developed
19 pursuant to Title 10, section 9723, the ~~office~~ Department of Economic and Community
20 Development, Office of Community Development shall provide the training necessary to
21 certify municipal building officials, local code enforcement officers and 3rd-party
22 inspectors.

23 **3-B. Maine Code Enforcement Training and Certification Fund.** The Maine
24 Code Enforcement Training and Certification Fund, referred to in this section as "the
25 fund," is established as a nonlapsing fund to support training and certification programs
26 administered by the ~~office~~ Department of Economic and Community Development,
27 Office of Community Development for code enforcement officers, local plumbing
28 inspectors, municipal building officials and 3rd-party inspectors in accordance with this
29 subchapter.

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

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

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

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

43 E. If the fund does not contain sufficient money to support the costs of the training
44 and certification provided for in this subchapter, the ~~office~~ Department of Economic

1 and Community Development, Office of Community Development may suspend all
2 or reduce the level of training and certification activities.

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

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

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

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

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

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

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

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

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

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

12 **§4453. Certification for representation in court**

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

16 **1. Code enforcement officers.** Code enforcement officers as set forth in sections
17 4451 and 4452 and Title 38, section 441;

18 **2. Plumbing inspectors.** Plumbing inspectors as set forth in sections 4221 and
19 4451;

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

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

24 **Sec. FF-12. 38 MRSA §480-F, sub-§1, ¶B**, as repealed and replaced by PL
25 1997, c. 364, §19, is amended to read:

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

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

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

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

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

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

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

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

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

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

1 to D, and if the department determines that a municipality does not meet the criteria, the
2 department may modify or remove the determination of capacity.

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

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

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

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

29 **Sec. FF-16. Effective date.** This Part takes effect July 1, 2012.

30 **PART GG**

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

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

35 **Sec. GG-2. 5 MRSA §12004-D, sub-§4,** as enacted by PL 1989, c. 585, Pt. A,
36 §5, is repealed.

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

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

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

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

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

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

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

26 **Sec. GG-7. 38 MRSA §1303-C, sub-§6, ¶D**, as amended by PL 2005, c. 612,
27 §2, is further amended to read:

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

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

33 **Sec. GG-9. 38 MRSA §1303-C, sub-§35**, as amended by PL 1997, c. 393, Pt. B,
34 §9, is further amended to read:

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

1 **Sec. GG-10. 38 MRSA §1304, sub-§4**, as amended by PL 1995, c. 656, Pt. A,
2 §22, is further amended to read:

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

9 **Sec. GG-11. 38 MRSA §1304, sub-§13**, as amended by PL 1995, c. 656, Pt. A,
10 §23, is further amended to read:

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

26 **Sec. GG-12. 38 MRSA §1304-B, sub-§4-A, ¶D**, as amended by PL 1995, c.
27 656, Pt. A, §24, is further amended to read:

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

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

38 **§1309. Interstate cooperation**

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

1 hazardous and solid waste; and compacts between this and other states for the improved
2 management of hazardous and solid waste.

3 **Sec. GG-14. 38 MRSA §1310-S, sub-§1**, as amended by PL 1995, c. 656, Pt. A,
4 §25, is further amended to read:

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

10 **Sec. GG-15. 38 MRSA §1310-U, first ¶**, as amended by PL 1995, c. 656, Pt. A,
11 §26, is further amended to read:

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

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

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

26 **Sec. GG-17. 38 MRSA §1316-G, sub-§§2 and 3**, as enacted by PL 1995, c.
27 578, §1, are amended to read:

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

35 **3. Business retention and new technology.** The Department of Economic and
36 Community Development, as available resources allow, shall lead a cooperative effort
37 involving the department, ~~the State Planning Office~~ and the Finance Authority of Maine
38 to identify measures the State can take to provide a favorable environment for the
39 retention of businesses assisting in the processing of waste tires. This cooperative effort
40 must also provide for the introduction of viable new technologies to cost-effectively

1 convert waste tires to commodities that can be utilized for beneficial reuse and for energy
2 production.

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

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

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

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

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

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

26 **§1668. Education program**

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

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

34 **§1669. Technical assistance to municipalities**

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

38 **Sec. GG-21. 38 MRSA §1705, sub-§9-B**, as enacted by PL 1995, c. 656, Pt. A,
39 §28, is repealed.

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

3 **§1721. Formation**

4 The formation of a disposal district is accomplished as follows.

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

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

22 **3. Approval of application.** After the public hearing, on consideration of the
23 evidence received, the office department shall, in accordance with section 1702 and rules
24 adopted by the office department, make findings of fact and a determination of record
25 whether or not the conditions requisite for the creation of a disposal district exist in the
26 territory described in the application. If the office department finds that the conditions do
27 exist, it shall issue an order approving the proposed district as conforming to the
28 requirements of this chapter and designating the name of the proposed district. The office
29 department shall give notice to the municipal officers within the municipality or
30 municipalities involved of a date, time and place of a meeting of the representative of the
31 municipality or municipalities involved. The municipal officers shall elect a
32 representative to attend the meeting who may represent the municipality in all matters
33 relating to the formation of the district. A return receipt properly endorsed is evidence of
34 the receipt of notice. The notice must be mailed at least 10 days prior to the date set for
35 the meeting.

36 **4. Denial of application.** If the office department determines that the creation of a
37 disposal district in the territory described in the application is not warranted for any
38 reason, it shall make findings of fact and enter an order denying its approval. The office
39 department shall give notice of the denial by mailing certified copies of the decision and
40 order to the municipal officers of the municipality or municipalities involved. An
41 application for the creation of a disposal district, consisting of exactly the same territory,
42 may not be entertained within one year after the date of the issuance of an order denying
43 approval of the formation of that disposal district, but this provision does not preclude

1 action on an application for the creation of a disposal district embracing all or part of the
2 territory described in the original application, ~~provided that~~ as long as another
3 municipality or fewer municipalities are involved.

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

32 **6. Submission.** When the record of the municipality, or the record of the joint
33 meeting, when municipalities are involved, is received by the ~~office department~~ and
34 found to be in order, the ~~office department~~ shall order the question of the formation of the
35 proposed disposal district and other questions relating to the formation to be submitted to
36 the legal voters residing within the municipalities, except as provided in subsection 7, in
37 which case the municipal officers may determine the questions. The order must be
38 directed to the municipal officers of the municipality or municipalities that propose to
39 form the disposal district, directing them to call, within 60 days of the date of the order,
40 town meetings or city elections for the purpose of voting in favor of or in opposition to
41 each of the following articles or questions, as applicable, in substantially the following
42 form:

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

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

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

11 Directors must be chosen to represent municipalities in the manner provided in section
12 1725.

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

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

22 **§1722. Approval and organization**

23 When the residents of the municipality, or each municipality when more than one is
24 involved, or the municipal officers, as the case may be, have voted upon the formation of
25 a proposed disposal district and all of the other questions submitted, the clerk of each of
26 the municipalities shall make a return to the office department in such form as the office
27 department may determine. If the office department finds from the returns that each of
28 the municipalities involved, voting on each of the articles and questions submitted to
29 them, has voted in the affirmative, and that the municipalities have appointed the
30 necessary directors and listed the names of the directors to represent each municipality,
31 and that all other steps in the formation of the proposed disposal district are in order and
32 in conformity with law, the office department shall make a finding to that effect and
33 record the finding upon its records. When 3 or more municipalities are concerned in the
34 voting, and at least 2 have voted to approve each of the articles and questions submitted,
35 appointed the necessary directors and listed the names of the directors to represent each
36 municipality, rejection of the proposed disposal district by one or more does not defeat
37 the creation of a district composed of the municipalities voting affirmatively on the
38 question, if the office department determines and issues an order stating that it is feasible
39 or practical to constitute the district as a geographic unit composed of the municipalities
40 voting affirmatively, unless the vote submitted to the municipalities provided that specific
41 participants or a minimum number of participants must approve the formation of the
42 district.

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

9 **Sec. GG-24. 38 MRSA §1725, first ¶**, as amended by PL 1995, c. 656, Pt. A,
10 §31, is further amended to read:

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

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

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

1 immediately after making its findings, shall issue an amended certificate of
2 organization in the name of the district for a district composed only of the
3 municipalities voting in favor of the assessment article. Upon the issuance of a
4 certificate the municipalities not approving the assessment article are no longer
5 members of the district. The original of the amended certificate must be delivered to
6 the directors of the district and a copy of the certificate attested by the ~~Director of the~~
7 ~~State Planning Office~~ commissioner must be filed and recorded in the office of the
8 Secretary of State. The issuance of the certificate by the board is conclusive evidence
9 of the lawful reorganization of the district. If the board determines that it is not
10 feasible or practical to constitute the district as a geographic unit composed of the
11 municipalities voting affirmatively on the article, the district continues to exist with
12 no assessment power and the municipalities that did not approve the assessment
13 article remain members of the district.

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

16 **§1727. Admission of new member municipalities**

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

40 **Sec. GG-27. 38 MRSA §2101-A, sub-§2**, as enacted by PL 1995, c. 465, Pt. A,
41 §28 and affected by Pt. C, §2, is repealed.

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

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

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

5 **§2122. State waste management and recycling plan**

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

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

14 **2. Revisions.** The ~~office~~ department shall revise the analysis by January 1, ~~1998~~
15 2014 and every 5 years after that time to incorporate changes in waste generation trends,
16 changes in waste recycling and disposal technologies, development of new waste
17 generating activities and other factors affecting solid waste management as the ~~office~~
18 department finds appropriate.

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

21 **§2124. Reports**

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

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

27 **§2124-A. Solid waste generation and disposal capacity report**

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

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

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

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

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

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

13 **§2132. State goals**

14 **1. State recycling goal.** It is the goal of the State to recycle or compost, by January
15 1, ~~2009~~ 2014, 50% of the municipal solid waste tonnage generated each year within the
16 State.

17 **1-A. State waste reduction goal.** It is the goal of the State to reduce the biennial
18 generation of municipal solid waste tonnage by 5% ~~by beginning on~~ by beginning on January 1, 2009 and
19 by an additional 5% every subsequent 2 years. This reduction in solid waste tonnage,
20 after January 1, 2009, is a biennial goal. The baseline for calculating this reduction is the
21 2003 solid waste generation data gathered by the ~~office~~ former State Planning Office.

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

27 **3. Beneficial use of waste.** The use of waste paper, waste plastics, waste wood,
28 including wood from demolition debris, used motor vehicle tires or corrugated cardboard
29 as a fuel in industrial boilers or waste-to-energy facilities for the generation of heat, steam
30 or electricity constitutes recycling only for the purposes of determining whether the goals
31 in subsection 1 are met and for determining municipal progress as provided in section
32 2133. In order for the use of waste under this subsection to constitute recycling, the
33 ~~office~~ department must determine that there is no reasonably available market in the State
34 for recycling that waste and the wastes must be incinerated as a substitute for, or
35 supplement to, fossil or biomass fuels incinerated in the industrial boiler or
36 waste-to-energy facility.

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

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

3 **§2133. Municipal recycling**

4 **1-A. Recycling progress.** Municipalities are not required to meet the state recycling
5 goal in section 2132, but they must demonstrate reasonable progress toward that goal.
6 The ~~office~~ department shall determine reasonable progress.

7 **2-A. Assistance with managing solid waste.** ~~A program of technical and financial~~
8 ~~assistance for waste reduction and recycling is established in the office to~~ In accordance
9 with section 343-C, the department shall assist municipalities with managing solid waste.
10 The ~~office~~ department may also provide planning assistance to municipalities and
11 regional organizations for managing municipal solid waste. Planning assistance may
12 include cost and capacity analysis and education and outreach activities. The ~~director~~
13 ~~department~~ shall ~~administer the program~~ provide assistance pursuant to this subsection in
14 accordance with the waste management hierarchy in section 2101. Preference in
15 allocating resources under this section must be given to municipalities that take advantage
16 of regional economies of scale.

17 **2-B. Household hazardous waste collection.** The ~~office~~ department may, within
18 available resources, award grants to eligible municipalities, regional associations, sanitary
19 districts and sewer districts for household hazardous waste collection and disposal
20 programs. In implementing this program, the ~~office~~ department shall attempt to:

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

31 Preference in allocating resources under this subsection must be given to municipalities
32 that participate in a household hazardous waste collection region as defined in subsection
33 2-D.

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

39 **2-C. Business technical assistance program.** The ~~office~~ department may, as
40 resources allow, assist the business community to develop state programs and services

1 that are designed to promote the solid waste hierarchy and that are desired by and
2 financially supported by the business community. The ~~office~~ department shall coordinate
3 these efforts in conjunction with the department.

4 **2-D. Preference for other state grants and investments.** When awarding grants or
5 making a discretionary investment under any of the programs under paragraphs A and B,
6 a state agency shall give preference to a municipality that is part of a household
7 hazardous waste collection region. For purposes of this subsection, "household
8 hazardous waste collection region" means a region made up of 2 or more municipalities
9 that work together to establish a collection center to accept the household hazardous
10 waste of residents of each municipality for disposal on a year-round basis. This
11 subsection applies to:

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

14 B. Programs intended to:

15 (1) Accommodate or encourage additional growth and development;

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

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

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

21 The ~~office~~ department shall work with state agencies to prepare mechanisms for
22 establishing preferences in specific investment and grant programs as described in
23 paragraphs A and B.

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

29 **4. Recycling incentives.** The ~~office~~ department shall develop and implement a
30 program of incentives to encourage public recycling programs to reach maximum feasible
31 levels of recycling and to meet the recycling goal of section 2132.

32 **6. Recycling demonstration grants.** The ~~office~~ department may make
33 demonstration grants to eligible municipalities, regional associations or other public
34 organizations to pilot waste reduction, recycling and composting programs and to test
35 their effectiveness and feasibility.

36 **7. Recycling progress reports.** Municipalities shall report annually, on forms
37 provided by the ~~office~~ department, on their solid waste management and recycling
38 practices. The annual report must include how much of each type of solid waste is
39 generated and how that solid waste is managed. The ~~office~~ department shall assist
40 municipal reporting by developing a municipal waste stream assessment model. The

1 model must rely on actual waste data whenever possible, but incorporate default
2 generation estimates when needed. Default generation estimates must incorporate factors
3 such as commercial activity, geographical differences and municipal population.

4 **Sec. GG-34. 38 MRSA §2134, first ¶**, as amended by PL 1995, c. 656, Pt. A,
5 §39, is further amended to read:

6 The ~~office~~ department shall provide marketing assistance, which may include the
7 following elements:

8 **Sec. GG-35. 38 MRSA §2134, sub-§3**, as amended by PL 1995, c. 656, Pt. A,
9 §39, is further amended to read:

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

22 **Sec. GG-36. 38 MRSA §2138, sub-§1**, as amended by PL 1995, c. 656, Pt. A,
23 §41, is further amended to read:

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

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

30 **Sec. GG-37. 38 MRSA §2138, sub-§3**, as enacted by PL 1989, c. 585, Pt. A, §7,
31 is repealed.

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

34 **§2140. Interstate and national initiatives**

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

1 **Sec. GG-39. 38 MRSA §2151-A**, as enacted by PL 1995, c. 465, Pt. A, §60 and
2 affected by Pt. C, §2, is amended to read:

3 **§2151-A. Indemnification**

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

11 **Sec. GG-40. 38 MRSA §2152**, as amended by PL 2001, c. 352, §16, is repealed.

12 **Sec. GG-41. 38 MRSA §2153, sub-§1**, as amended by PL 1995, c. 465, Pt. A,
13 §62 and affected by Pt. C, §2, is further amended to read:

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

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

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

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

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

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

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

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

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

1 **Sec. GG-42. 38 MRSA §2154**, as amended by PL 1995, c. 465, Pt. A, §63 and
2 affected by Pt. C, §2 and amended by c. 656, Pt. A, §§44 and 45, is further amended to
3 read:

4 **§2154. Site selection**

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

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

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

34 **Sec. GG-43. 38 MRSA §2155**, as enacted by PL 1989, c. 585, Pt. A, §7, is
35 amended to read:

36 **§2155. Notification**

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

1 the Maine Land Use Regulation Commission and the county commissioners in lieu of the
2 municipal officers.

3 **Sec. GG-44. 38 MRSA §2156-A**, as amended by PL 2007, c. 192, §6, is further
4 amended to read:

5 **§2156-A. Facility development**

6 **1. Planning for development.** The ~~office~~ bureau, in consultation with the
7 department, shall plan for the development of facilities sufficient to meet needs for
8 municipal solid waste identified in the state plan and any revisions to the plan and to
9 serve all geographic areas of the State. The ~~office~~ bureau, in consultation with the
10 department, may plan for the development of facilities sufficient to meet needs for special
11 waste identified in the state plan and any revisions to the plan and to serve all geographic
12 areas of the State.

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

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

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

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

1 **Sec. GG-45. 38 MRSA §2159**, as amended by PL 1995, c. 656, Pt. A, §46, is
2 further amended to read:

3 **§2159. Real and personal property; right of eminent domain**

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

10 **Sec. GG-46. 38 MRSA §2160, sub-§1**, as amended by PL 1995, c. 646, Pt. A,
11 §47, is further amended to read:

12 **1. Notice to owner.** The ~~office~~ bureau shall provide to the owner or owners of
13 record notice of the following:

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

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

25 **Sec. GG-47. 38 MRSA §2160, sub-§4**, as amended by PL 1995, c. 656, Pt. A,
26 §47, is further amended to read:

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

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

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

1 **§2161. Condemnation proceedings**

2 At the time the ~~office~~ bureau sends the notice in section 2160, the ~~office~~ bureau shall
3 file in the county commissioner's office in which the property to be taken is located and
4 cause to be recorded in the registry of deeds in the county plans of the location of all
5 lands, real estate, easements or interest therein, with an appropriate description and the
6 names of the owners thereof, if known. When for any reason the ~~office~~ bureau fails to
7 acquire property that it is authorized to take, which is described in that location, or if the
8 location so recorded is defective and uncertain, it may, at any time, correct and perfect the
9 location and file a new description. In that case, the ~~office~~ bureau is liable in damages
10 only for property for which the owner had not previously been paid, to be assessed as of
11 the time of the original taking, and the ~~office~~ bureau is not liable for any acts that would
12 have been justified if the original taking had been lawful. No entry may be made on any
13 private lands, except to make surveys, until the expiration of 10 days from the filing,
14 whereupon, possession may be had of all the lands, real estate, easements or interests
15 therein and other property and rights as aforesaid to be taken, but title may not vest in the
16 ~~office~~ bureau until payment for the property is made.

17 **Sec. GG-49. 38 MRSA §2162**, as repealed and replaced by PL 1999, c. 736, §2,
18 is amended to read:

19 **§2162. Assistance in regional association siting**

20 **1. Technical assistance.** Upon request by a regional association, the ~~office~~ bureau
21 may provide technical assistance to that regional association in the establishment of
22 approved waste facilities, including assistance in planning, location, acquisition,
23 development and operation of the site. The regional association shall describe fully the
24 need and justification for the request. The ~~office~~ bureau may request information from
25 the regional association necessary to provide assistance.

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

41 **Sec. GG-50. 38 MRSA §2170**, as amended by PL 1995, c. 656, Pt. A, §51, is
42 further amended to read:

1 **§2170. Host community benefits; application limited to facilities owned or operated**
2 **by the bureau**

3 This subchapter applies only to solid waste disposal facilities owned or operated by
4 the ~~office~~ bureau. Wherever in this subchapter the term "solid waste disposal facility" or
5 "facility" is used, those terms may be construed only to mean a solid waste disposal
6 facility owned or operated by the ~~office~~ bureau.

7 **Sec. GG-51. 38 MRSA §2170-A, first ¶**, as enacted by PL 2007, c. 406, §3, is
8 amended to read:

9 The provisions of this section apply to a solid waste disposal facility owned or
10 operated by the ~~office~~ bureau.

11 **Sec. GG-52. 38 MRSA §2171, first ¶**, as amended by PL 1993, c. 310, Pt. B, §3,
12 is further amended to read:

13 The municipal officers of each municipality identified by the ~~Facility Siting Board~~
14 bureau as a potential site for a waste disposal facility and each contiguous municipality
15 that may be affected by the construction or operation of that facility shall jointly establish
16 a single citizen advisory committee within 60 days of notification pursuant to section
17 2155.

18 **Sec. GG-53. 38 MRSA §2172, first ¶**, as repealed and replaced by PL 2007, c.
19 406, §4, is amended to read:

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

23 **Sec. GG-54. 38 MRSA §2172, sub-§2, ¶A**, as enacted by PL 2007, c. 406, §4,
24 is amended to read:

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

27 **Sec. GG-55. 38 MRSA §2173**, as amended by PL 1995, c. 656, Pt. A, §53, is
28 further amended to read:

29 **§2173. Municipal jurisdiction over regional association disposal facilities**

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

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

7 **Sec. GG-56. 38 MRSA §2174, sub-§2**, as amended by PL 1995, c. 656, Pt. A,
8 §54, is further amended to read:

9 **2. Information.** The host municipality of a solid waste disposal facility has a right
10 to all information from the department and the ~~office~~, bureau pursuant to Title 1, chapter
11 13, subchapter ~~1~~ 1. All information provided under this subsection must be made
12 available to the citizen advisory committee and the public by the host municipality.

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

15 (1) Copies of any inspection report of the facility within 5 working days of the
16 preparation of the report;

17 (2) Prompt notification of all enforcement or emergency orders for those
18 facilities, including, but not limited to, abatement orders, cessation orders, final
19 civil penalty assessments, consent orders and decrees and notices of violation;

20 (3) Copies of all air, soil and water quality monitoring data collected by the
21 commissioner at such facilities, including leachate and ash testing results, within
22 5 working days after complete laboratory analysis becomes available to the
23 commissioner; and

24 (4) Copies of all analyses of the data under subparagraph (3).

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

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

31 (1) Copies of any inspection report of the facility within 5 working days of the
32 preparation of the report;

33 (2) Prompt notification of all enforcement or emergency orders for those
34 facilities, including, but not limited to, abatement orders, cessation orders, final
35 civil penalty assessments, consent orders and decrees and notices of violation;

36 (3) Copies of all air, soil and water quality monitoring data collected by the
37 municipality at such facilities, including leachate and ash testing results, within 5
38 working days after complete laboratory analysis becomes available to the
39 municipality; and

40 (4) Copies of all analyses of the data under subparagraph (3).

1 **Sec. GG-57. 38 MRSA §2175-A**, as amended by PL 1995, c. 656, Pt. A, §55, is
2 further amended to read:

3 **§2175-A. Property value offset**

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

11 **Sec. GG-58. 38 MRSA §2175-B**, as enacted by PL 1995, c. 465, Pt. A, §70 and
12 affected by Pt. C, §2, is amended to read:

13 **§2175-B. Payment in lieu of taxes**

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

22 **Sec. GG-59. 38 MRSA §2176, first ¶**, as amended by PL 1995, c. 656, Pt. A,
23 §56, is further amended to read:

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

29 **Sec. GG-60. 38 MRSA §2176, sub-§4**, as enacted by PL 2007, c. 406, §7, is
30 amended to read:

31 **4. Other issues.** Other issues determined on a case-specific basis by the applicant
32 and ~~office~~ bureau to be appropriate given the nature of the proposed facility.

33 **Sec. GG-61. 38 MRSA §2177**, as amended by PL 1995, c. 656, Pt. A, §57, is
34 further amended to read:

35 **§2177. Water supply monitoring and protection**

36 Upon written request from persons owning land contiguous to a solid waste disposal
37 facility, the ~~office~~ bureau shall have quarterly sampling and analysis conducted of private
38 water supplies used by the requestors for drinking water. The sampling and analysis must

1 be conducted in a manner specified by and that meets criteria developed by the
2 department.

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

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

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

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

24 **Sec. GG-62. 38 MRSA §2191**, as amended by PL 1995, c. 656, Pt. A, §58, is
25 further amended to read:

26 **§2191. Fees**

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

29 **Sec. GG-63. 38 MRSA §2192**, as amended by PL 1995, c. 656, Pt. A, §§59 and
30 60, is further amended to read:

31 **§2192. Purposes of the fees**

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

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

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

3 **3. Indebtedness.** To provide an annual sum equal to not less than 2% nor more than
4 10% of the term indebtedness represented by the issuance of bonds created or assumed by
5 the ~~office~~ bureau, which sum must be turned into a sinking fund and there maintained to
6 provide for the extinguishment of term indebtedness. The money set aside in this sinking
7 fund must be devoted to the retirement of the term obligations of the ~~office~~ bureau and
8 may be invested in such securities as savings banks in the State are allowed to hold;

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

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

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

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

20 **Sec. GG-64. 38 MRSA §2193**, as amended by PL 1995, c. 656, Pt. A, §61, is
21 further amended to read:

22 **§2193. Host municipality fees**

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

27 **Sec. GG-65. 38 MRSA §2201**, as amended by PL 2011, c. 429, §7, is further
28 amended to read:

29 **§2201. Maine Solid Waste Management Fund established**

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

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

5 Funds related to administration may be expended only in accordance with allocations
6 approved by the Legislature for administrative expenses directly related to the ~~office's~~
7 bureau's and the department's programs, including actions by the department necessary to
8 abate threats to public health, safety and welfare posed by the disposal of solid waste.
9 Funds related to operations may be expended only in accordance with allocations
10 approved by the Legislature and solely for the development and operation of publicly
11 owned facilities owned or approved by the ~~office bureau~~ and for the repayment of any
12 obligations of the ~~office bureau~~ incurred under article 3. These allocations must be based
13 on estimates of the actual costs necessary for the ~~office bureau~~ and the department to
14 administer their programs, to provide financial assistance to regional associations and to
15 provide other financial assistance necessary to accomplish the purposes of this chapter.
16 Beginning in the fiscal year ending on June 30, 1991 and thereafter, the fund must
17 annually transfer to the General Fund an amount necessary to reimburse the costs of the
18 Bureau of Revenue Services incurred in the administration of Title 36, chapter 719.
19 Allowable expenditures include "Personal Services," "All Other" and "Capital
20 Expenditures" associated with all ~~office bureau~~ activities other than those included in the
21 operations account.

22 **Sec. GG-66. 38 MRSA §2232, first ¶**, as amended by PL 1995, c. 656, Pt. A,
23 §65, is further amended to read:

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

31 **Sec. GG-67. 38 MRSA §2232, sub-§§4 and 5**, as amended by PL 1995, c. 656,
32 Pt. A, §66, are further amended to read:

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

36 **5. Other information.** Any other information required by the ~~office department~~.

37 **Sec. GG-68. 38 MRSA §2235**, as amended by PL 1995, c. 656, Pt. A, §67, is
38 further amended to read:

1 **§2235. Use of files**

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

4 **Sec. GG-69. 38 MRSA §2236**, as corrected by RR 1993, c. 1, §138 and amended
5 by PL 1995, c. 656, Pt. A, §68, is further amended to read:

6 **§2236. Limitation**

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

10 **Sec. GG-70. Transition provisions; waste management-related and**
11 **recycling-related matters.** The following provisions apply to the reassignment of
12 waste management-related and recycling-related duties, responsibilities and activities of
13 the Executive Department, State Planning Office to the Department of Environmental
14 Protection, the Department of Administrative and Financial Services, Bureau of General
15 Services and the Department of Economic and Community Development, Office of
16 Community Development.

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

28 2. All rights, duties, authorities, responsibilities and related assets and liabilities, if
29 any, assigned to the Executive Department, State Planning Office pursuant to Resolve
30 2003, chapter 93 and Resolve 2011, chapter 90 are assigned to and must be exercised by
31 the Department of Administrative and Financial Services, Bureau of General Services.

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

36 4. Notwithstanding any other provision of law, the Department of Environmental
37 Protection shall approve transfer of all licenses, permits and other authorizations issued
38 by the department to the Executive Department, State Planning Office for construction
39 and operation of state-owned waste disposal facilities referenced in subsection 2 to the
40 Department of Administrative and Financial Services, Bureau of General Services.

1 Within 60 days of the effective date of this section, the Department of Administrative and
2 Financial Services, Bureau of General Services shall submit to the Department of
3 Environmental Protection applications for transfer of all licenses, permits and other
4 authorizations for the state-owned solid waste disposal facilities referenced in subsection
5 2. Notwithstanding any other provision of law, until the Department of Environmental
6 Protection has approved the transfers required by this section, the Department of
7 Administrative and Financial Services, Bureau of General Services is deemed to be the
8 licensee or permittee of all licenses, permits and other authorizations for the state-owned
9 solid waste disposal facilities referenced in subsection 2.

10 **Sec. GG-71. Effective date.** This Part takes effect July 1, 2012.

11 **PART HH**

12 **Sec. HH-1. 37-B MRSA §704,** as amended by PL 2007, c. 167, §11, is further
13 amended by adding at the end a new paragraph to read:

14 The director shall oversee the agency's activities as the state coordinating agency for
15 the National Flood Insurance Program pursuant to 42 United States Code, Chapter 50
16 (2012).

17 **Sec. HH-2. 37-B MRSA §709** is enacted to read:

18 **§709. Floodplain management**

19 The agency shall serve as the state coordinating agency for the National Flood
20 Insurance Program pursuant to 42 United States Code, Chapter 50 (2012) and in that
21 capacity shall oversee delivery of technical assistance and resources to municipalities for
22 the purpose of floodplain management activities and shall administer the State Floodplain
23 Mapping Fund established under section 746.

24 **Sec. HH-3. 37-B MRSA §746** is enacted to read:

25 **§746. State Floodplain Mapping Fund**

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

30 **2. Sources of money.** The fund consists of any money received from the following
31 sources:

32 A. Contributions from private sources;

33 B. Federal funds and awards;

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

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

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

7 **Sec. HH-4. 37-B MRSA §1112**, as amended by PL 2009, c. 561, §35, is further
8 amended to read:

9 **§1112. Administration**

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

16 **Sec. HH-5. 37-B MRSA §1119, sub-§3**, as amended by PL 2009, c. 561, §36, is
17 further amended to read:

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

30 **Sec. HH-6. 37-B MRSA §1131, sub-§2, ¶G**, as enacted by PL 2001, c. 662,
31 §99, is repealed.

32 **Sec. HH-7. Transition provisions; floodplain management matters.** The
33 following provisions apply to the reassignment of floodplain management duties,
34 responsibilities and activities of the Executive Department, State Planning Office to the
35 Department of Defense, Veterans and Emergency Management, Maine Emergency
36 Management Agency.

37 1. The Governor shall, pursuant to the Maine Revised Statutes, Title 37-B, section
38 709 and 42 United States Code, Chapter 50 (2012), designate the Maine Emergency
39 Management Agency the state coordinating agency for purposes of the National Flood
40 Insurance Program.

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

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

5 F. The lease does not unreasonably interfere with public use or enjoyment within
6 1,000 feet of a beach, park or docking facility owned by the Federal Government, the
7 State Government or a municipal governmental agency or certain conserved lands.
8 For purposes of this paragraph, "conserved lands" means land in which fee ownership
9 has been acquired by the municipal government, State Government or Federal
10 Government in order to protect the important ecological, recreational, scenic, cultural
11 or historic attributes of that property.

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

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

18 **2-A. Decision.** In evaluating a proposed municipal shellfish aquaculture permit, a
19 municipal officer shall take into consideration the number and density of permits and
20 leases in the area and may issue the permit if the municipal officer finds the proposed
21 project meets the following criteria.

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

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

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

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

29 E. The permit will not unreasonably interfere with navigation.

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

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

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

3 I. The permit does not unreasonably interfere with public use or enjoyment within
4 1,000 feet of a beach, park or docking facility owned by the Federal Government, the
5 State Government or a municipal government or conserved lands. For purposes of
6 this paragraph, "conserved lands" means land in which fee ownership has been
7 acquired by the municipal government, State Government or Federal Government in
8 order to protect the important ecological, recreational, scenic, cultural or historic
9 attributes of that property.

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

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

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

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

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

24 **§479-C. Conservation easement registry**

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

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

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

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

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

18 **1. Analysis.** The State Tax Assessor, in consultation with municipal assessors, the
19 ~~director of the Land for Maine's Future Program within the Executive Department, State~~
20 ~~Planning Office~~ Commissioner of Conservation or the commissioner's designee,
21 representatives of working waterfront organizations and other interested parties, shall
22 collect and analyze the sales prices of all actual sales that occur in the State of waterfront
23 land that is subject to restrictions on that land's use that are legally enforceable and
24 prohibit or substantially restrict development that is not commercial fishing activity or
25 commercial activity that is the functional equivalent of commercial fishing activity.

26 **Sec. II-10. Transition provisions; Land for Maine's Future Board**
27 **matters.** The following provisions apply to the reassignment of duties, responsibilities
28 and activities of the Executive Department, State Planning Office related to the Land for
29 Maine's Future Board established in the Maine Revised Statutes, Title 5, chapter 353 to
30 the Department of Conservation, Natural Areas Program established by Title 12, section
31 544.

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

37 2. Notwithstanding the provisions of Title 5, the State Controller, upon request of the
38 State Budget Officer and with the approval of the Governor, shall transfer from the State
39 Planning Office to the proper account in the Department of Conservation all accrued
40 expenditures, assets and liabilities, including but not limited to any contractual

1 obligations, balances, appropriations, allocations, transfers, revenues and other available
2 funds, in any account or subdivision of any account of the Land for Maine's Future Fund,
3 established by Title 5, section 6203. Nothing in this section changes or is intended to
4 change or otherwise affect the purposes or uses for which any funds transferred pursuant
5 to this section may be expended.

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

7 **PART JJ**

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

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

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

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

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

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

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

33 **§13073-B. Maine Downtown Center**

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

36 **2. Purpose.** The center serves the following functions:

37 **A. To advocate for downtown revitalization;**

- 1 B. To promote awareness about the importance of vital downtowns;
2 C. To serve as a clearinghouse for information relating to downtown development;
3 and
4 D. To provide training and technical assistance to communities that demonstrate a
5 willingness and ability to revitalize their downtowns.

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

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

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

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

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

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

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

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

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

25 **2. Management plans.** The director shall prepare, revise from time to time and
26 maintain a comprehensive management plan for the management of the public reserved
27 lands in accordance with the guidelines in this subchapter. The plan must provide for a
28 flexible and practical approach to the coordinated management of the public reserved
29 lands. In preparing, revising and maintaining such a management plan the director, to the
30 extent practicable, shall compile and maintain an adequate inventory of the public
31 reserved lands, including not only the timber on those lands but also the other multiple
32 use values for which the public reserved lands are managed. In addition, the director
33 shall consider all criteria listed in section 1858 for the location of public reserved lands in
34 developing the management plan. The director is entitled to the full cooperation of the
35 Bureau of Geology ~~and~~ Natural Areas and Coastal Resources, the Department of Inland
36 Fisheries and Wildlife; and the Maine Land Use Regulation Commission ~~and the State~~
37 ~~Planning Office~~ in compiling and maintaining the inventory of the public reserved lands.
38 The director shall consult with those agencies as well as other appropriate state agencies
39 in the preparation and maintenance of the comprehensive management plan for the public

1 reserved lands. The plan must provide for the demonstration of appropriate management
2 practices that will enhance the timber, wildlife, recreation, economic and other values of
3 the lands. All management of the public reserved lands, to the extent practicable, must be
4 in accordance with this management plan when prepared.

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

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

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

26 The Department of Transportation shall adopt a rule, in coordination with the ~~State~~
27 ~~Planning Office~~ Department of Conservation, that establishes linkage between the
28 planning processes outlined in this section and those promoted by Title 30-A, chapter
29 187, subchapter 2 and that promotes investment incentives for communities that adopt
30 and implement land use plans that minimize over-reliance on the state highway network.
31 This rule is a major substantive rule as defined in Title 5, chapter 375, subchapter 2-A.

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

34 A. Before dismantling any track that results in a cessation of rail service upon all or
35 part of a railroad line, or offering any railroad property for sale, or upon the
36 abandonment of service along all or a portion of a railroad line, the department ~~shall~~
37 must be given the first option to lease or purchase, on just and reasonable terms, the
38 railroad line, any part of the railroad line or other property. In the event that a lease is
39 negotiated for the rights-of-way, the department shall consult with municipal officials
40 and officers in the municipalities affected by the abandonment of service along the
41 line to determine the need for preserving the rights-of-way along the abandoned
42 portion of the line for rail transportation. If the department finds that the welfare of
43 the State would be significantly and adversely affected by the loss of the line for

1 railroad transportation purposes, the department shall seek to negotiate the purchase
2 of the abandoned portion of the line. In making this determination, the department
3 shall consider, among other criteria ~~deemed~~ considered significant by the department,
4 future economic development activities and opportunities in the area served by the
5 abandoned railroad service. In addition, the department shall consult with the
6 Department of Economic and Community Development, and the Department of
7 Conservation ~~and the State Planning Office~~ in making the determination required in
8 this section.

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

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

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

21 **§2303. Lead agency**

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

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

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

30 **5-C. Department.** "Department" means the Department of Conservation.

31 **Sec. JJ-13. 30-A MRSA §4301, sub-§13**, as amended by PL 1995, c. 395, Pt. D,
32 §12, is repealed.

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

35 **14-A. Service center community.** "Service center community" means a
36 municipality or group of municipalities identified by the ~~office~~ department according to a
37 methodology established by rule that includes 4 basic criteria, including level of retail
38 sales, jobs-to-workers ratio, the amount of federally assisted housing and the volume of

1 service sector jobs. Rules adopted pursuant to this subsection are major substantive rules
2 as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

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

5 **4. Limitation on state rule-making authority.** The ~~office~~ department is authorized
6 to adopt rules necessary to carry out the purposes of this subchapter. Rules adopted
7 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
8 subchapter ~~H-A~~ 2-A. This section may not be construed to grant any separate regulatory
9 authority to any state agency beyond that necessary to implement this subchapter.

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

12 **3. Rate of growth, zoning and impact fee ordinances.** After January 1, 2003, any
13 portion of a municipality's or multimunicipal region's rate of growth, zoning or impact fee
14 ordinance must be consistent with a comprehensive plan adopted in accordance with the
15 procedures, goals and guidelines established in this subchapter. The portion of a rate of
16 growth, zoning or impact fee ordinance not directly related to an inconsistency identified
17 by a court or during a comprehensive plan review by the ~~office~~ department in accordance
18 with section 4347-A, subsection 3-A remains in effect. For purposes of this subsection,
19 "zoning ordinance" does not include an ordinance that applies townwide that is a cluster
20 development ordinance or a design ordinance prescribing the color, shape, height,
21 landscaping, amount of open space or other comparable physical characteristics of
22 development. The portion of a rate of growth, zoning or impact fee ordinance that is not
23 consistent with a comprehensive plan is no longer in effect unless:

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

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

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

36 F. The municipality or multimunicipal region applied for and was denied financial
37 assistance for its first planning assistance or implementation assistance grant under
38 this subchapter due to lack of state funds on or before January 1, 2003. If the ~~office~~
39 department subsequently offers the municipality or multimunicipal region its first
40 planning assistance or implementation assistance grant, the municipality or
41 multimunicipal region has up to one year to contract with the ~~office~~ department
42 to prepare a comprehensive plan or implementation program, in which case the

1 municipality's or multimunicipal region's ordinances will be subject to paragraph D;
2 or

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

6 **Sec. JJ-17. 30-A MRSA §4326, sub-§3-A, ¶A**, as amended by PL 2007, c. 247,
7 §3, is further amended to read:

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

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

12 (a) Establish development standards;

13 (b) Establish timely permitting procedures;

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

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

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

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

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

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

- 1 (b) The municipality or multimunicipal region has experienced minimal or no
2 residential, commercial or industrial development over the past decade and
3 this condition is expected to continue over the 10-year planning period;
- 4 (c) The municipality or multimunicipal region has identified as its growth
5 areas one or more growth areas identified in a comprehensive plan adopted or
6 to be adopted by one or more other municipalities or multimunicipal regions
7 in accordance with an interlocal agreement adopted in accordance with
8 chapter 115 with one or more municipalities or multimunicipal regions; or
- 9 (d) The municipality or multimunicipal region has no village or densely
10 developed area.
- 11 (6) A municipality or multimunicipal region exercising the discretion afforded
12 by subparagraph 4 shall review the basis for its demonstration during the periodic
13 revisions undertaken pursuant to section 4347-A;

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

16 **§4331. Evaluation process**

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

22 **1. Criteria.** In conducting the evaluation, the ~~office~~ department shall develop
23 criteria based on the goals of this chapter. The criteria must be objective, verifiable and,
24 to the extent practicable, quantifiable.

25 **2. Baseline conditions.** The ~~office~~ department shall establish a baseline of land use
26 conditions at a level of detail sufficient to permit general comparison of state and regional
27 trends in future land use development patterns.

28 **3. Public input.** The ~~office~~ department shall incorporate opportunities for public
29 input and comment into the evaluation process.

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

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

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

3 **§4345. Purpose; department to administer program**

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

11 To accomplish the purposes of this article, the office department shall develop and
12 administer a technical and financial assistance program for municipalities or
13 multimunicipal regions. The program must include direct financial assistance for
14 planning and implementation of growth management programs, standards governing the
15 review of growth management programs by the office department, technical assistance to
16 municipalities or multimunicipal regions and a voluntary certification program for growth
17 management programs.

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

20 **§4346. Technical and financial assistance program**

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

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

40 **2-A. Financial assistance grants.** A contract for a financial assistance grant must:

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

7 The office department may not require a municipality or multimunicipal region to provide
8 matching funds in excess of 25% of the value of that municipality's or multimunicipal
9 region's financial assistance contract for its first planning assistance grant and
10 implementation assistance grant. The office department may require a higher match for
11 other grants, including, but not limited to, grants for the purpose of updating
12 comprehensive plans. This match limitation does not apply to distribution of federal
13 funds that the office department may administer.

14 **2-B. Use of funds.** A municipality or multimunicipal region may expend financial
15 assistance grants for:

- 16 A. The conduct of surveys, inventories and other data-gathering activities;
- 17 B. The hiring of planning and other technical staff;
- 18 C. The retention of planning consultants;
- 19 D. Contracts with regional councils for planning and related services;
- 20 E. Assistance in the development of ordinances;
- 21 F. Retention of technical and legal expertise;
- 22 G. The updating of growth management programs or components of a program;
- 23 G-1. Evaluation of growth management programs; and
- 24 H. Any other purpose agreed to by the office department and the municipality or
- 25 multimunicipal region that is directly related to the preparation of a comprehensive
- 26 plan or the implementation of a comprehensive plan adopted in accordance with the
- 27 procedures, goals and guidelines established in this subchapter.

28 **2-C. Program evaluation.** Any recipient of a financial assistance grant shall
29 cooperate with the office department in performing program evaluations required under
30 section 4331.

31 **2-D. Encumbered balances at year-end.** Notwithstanding Title 5, section 1589, at
32 the end of each fiscal year, all encumbered balances accounts for financial assistance and
33 regional planning grants may be carried forward for 2 years beyond the year in which
34 those balances are encumbered.

35 **3. Technical assistance.** Using its own staff, the staff of other state agencies,
36 contractors and the resources of the regional councils, the office department shall provide
37 technical assistance to municipalities or multimunicipal regions in the development,
38 administration and enforcement of growth management programs. The technical
39 assistance component of the program must include a set of model land use ordinances or

1 other implementation strategies developed by the ~~office~~ department that are consistent
2 with this subchapter.

3 **4. Regional council assistance.** As part of the technical and financial assistance
4 program, the ~~office~~ department may develop and administer a program to develop
5 regional education and training programs, regional policies to address state goals and
6 regional assessments. Regional assessments may include, but are not limited to, public
7 infrastructure, inventories of agricultural and commercial forest lands, housing needs,
8 recreation and open space needs, and projections of regional growth and economic
9 development. The program may include guidelines to ensure methodological consistency
10 among the State's regional councils. To implement this program, the ~~office~~ department
11 may contract with regional councils to assist the ~~office~~ department in reviewing growth
12 management programs, to develop necessary planning information at a regional level or
13 to provide support for local planning efforts.

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

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

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

1 **§4347-A. Review of programs by department**

2 **1. Comprehensive plans.** A municipality or multimunicipal region that chooses to
3 prepare a growth management program and receives a planning grant under this article
4 shall submit its comprehensive plan to the office department for review. A municipality
5 or multimunicipal region that chooses to prepare a growth management program without
6 receiving a planning grant under this article may submit its comprehensive plan to the
7 office department for review. The office department shall review plans for consistency
8 with the procedures, goals and guidelines established in this subchapter. A contract for a
9 planning assistance grant must include specific timetables governing the review of the
10 comprehensive plan by the office department. A comprehensive plan submitted for
11 review more than 12 months following a contract end date may be required to contain
12 data, projections and other time-sensitive portions of the plan or program that are in
13 compliance with the office's department's most current review standards.

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

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

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

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

34 **3. Review of growth management program.** In reviewing a growth management
35 program, the office department shall:

36 A. Solicit written comments on any proposed growth management program from
37 regional councils, state agencies, all municipalities contiguous to the municipality or
38 multimunicipal region submitting a growth management program and any interested
39 residents of the municipality or multimunicipal region or of contiguous
40 municipalities. The comment period extends for 45 days after the office department
41 receives the growth management program.

1 (1) Each state agency reviewing the proposal shall designate a person or persons
2 responsible for coordinating the agency's review of the growth management
3 program.

4 (2) Any regional council commenting on a growth management program shall
5 determine whether the program is compatible with the programs of other
6 municipalities that may be affected by the program and with regional policies or
7 needs identified by the regional council;

8 B. Prepare all written comments from all sources in a form to be forwarded to the
9 municipality or multimunicipal region;

10 C. Within 90 days after receiving the growth management program, send all written
11 comments on the growth management program to the municipality or multimunicipal
12 region and any applicable regional council. If warranted, the office department shall
13 issue findings specifically describing how the submitted growth management
14 program is not consistent with the procedures, goals and guidelines established in this
15 subchapter and the recommended measures for remedying the deficiencies.

16 (1) In its findings, the office department shall clearly indicate its position on any
17 point on which there are significant conflicts among the written comments
18 submitted to the office department.

19 (2) If the office department finds that the growth management program was
20 adopted in accordance with the procedures, goals and guidelines established in
21 this subchapter, the office department shall issue a certificate of consistency for
22 the growth management program.

23 (3) Notwithstanding paragraph D, if a municipality or multimunicipal region
24 requests a certificate of consistency for its growth management program, any
25 unmodified component of that program that has previously been reviewed by the
26 former State Planning Office or the office department and has received a finding
27 of consistency will retain that finding during program certification review by the
28 office department as long as the finding of consistency is current as defined in
29 rules adopted by the office department;

30 D. Provide ample opportunity for the municipality or multimunicipal region
31 submitting a growth management program to respond to and correct any identified
32 deficiencies in the program. A finding of inconsistency for a growth management
33 program may be addressed within 24 months of the date of the finding without
34 addressing any new review standards that are created during that time interval. After
35 24 months, the program must be resubmitted in its entirety for state review under the
36 office's department's most current review standards; and

37 E. Provide an expedited review and certification procedure for those submissions
38 that represent minor amendments to certified growth management programs.

39 The office's department's decision on consistency of a growth management program
40 constitutes final agency action.

41 **3-A. Review of comprehensive plan.** In reviewing a comprehensive plan, the office
42 department shall:

- 1 A. Solicit written comments on any proposed comprehensive plan from regional
2 councils, state agencies, all municipalities contiguous to the municipality or
3 multimunicipal region submitting a comprehensive plan and any interested residents
4 of the municipality or multimunicipal region or of contiguous municipalities. The
5 comment period extends for 25 business days after the office department receives the
6 comprehensive plan. Each state agency reviewing the proposal shall designate a
7 person or persons responsible for coordinating the agency's review of the
8 comprehensive plan;
- 9 B. Prepare all written comments from all sources in a form to be forwarded to the
10 municipality or multimunicipal region;
- 11 C. Within 35 business days after receiving the comprehensive plan, notify the
12 municipality or multimunicipal region if the plan is complete for purposes of review.
13 If the office department notifies the municipality or multimunicipal region that the
14 plan is not complete for purposes of review, the office department shall indicate in its
15 notice necessary additional data or information;
- 16 D. Within 10 business days of issuing notification that a comprehensive plan is
17 complete for purposes of review, issue findings specifically describing whether the
18 submitted plan is consistent with the procedures, goals and guidelines established in
19 this subchapter and identify which inconsistencies in the plan, if any, may directly
20 affect rate of growth, zoning or impact fee ordinances.
- 21 (1) In its findings, the office department shall clearly indicate its position on any
22 point on which there are significant conflicts among the written comments
23 submitted to the office department.
- 24 (2) If the office department finds that the comprehensive plan was developed in
25 accordance with the procedures, goals and guidelines established in this
26 subchapter, the office department shall issue a finding of consistency for the
27 comprehensive plan.
- 28 (3) A finding of inconsistency must identify the goals under this subchapter not
29 adequately addressed, specific sections of the rules relating to comprehensive
30 plan review adopted by the office department not adequately addressed and
31 recommendations for resolving the inconsistency;
- 32 E. Send all written findings and comments on the comprehensive plan to the
33 municipality or multimunicipal region and any applicable regional council; and
- 34 F. Provide ample opportunity for the municipality or multimunicipal region
35 submitting a comprehensive plan to respond to and correct any identified deficiencies
36 in the plan. A finding of inconsistency for a comprehensive plan may be addressed
37 within 24 months of the date of the finding without addressing any new review
38 standards that are created during that time interval. After 24 months, the plan must be
39 resubmitted in its entirety for state review under the office's department's most
40 current review standards.
- 41 If the office department finds that a plan is not consistent with the procedures, goals and
42 guidelines established in this subchapter, the municipality or multimunicipal district that
43 submitted the plan may appeal that finding to the office department within 20 business

1 days of receipt of the finding in accordance with rules adopted by the ~~office~~ department,
2 which are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

3 The ~~office's~~ department's decision on consistency of a comprehensive plan constitutes
4 final agency action.

5 A finding by the ~~office~~ department pursuant to paragraph D that a comprehensive plan is
6 consistent with the procedures, goals and guidelines established in this subchapter is valid
7 for 12 years from the date of its issuance. A finding by the ~~office~~ former State Planning
8 Office issued pursuant to this subchapter prior to December 31, 2000 that a
9 comprehensive plan is consistent with the procedures, goals and guidelines established in
10 this subchapter is valid until December 31, 2012. For purposes of section 4314,
11 subsection 3 and section 4352, subsection 2, expiration of a finding of consistency
12 pursuant to this subsection does not itself make a comprehensive plan inconsistent with
13 the procedures, goals and guidelines established in this subchapter.

14 **4. Updates and amendments.** A municipality or multimunicipal region may submit
15 proposed amendments to a comprehensive plan or growth management program to the
16 ~~office~~ department for review in the same manner as provided for the review of new plans
17 and programs. Subsequent to voluntary certification under this subsection, the
18 municipality or multimunicipal region shall file a copy of an amendment to a growth
19 management program with the ~~office~~ department within 30 days after adopting the
20 amendment and at least 60 days prior to applying for any state grant program that offers a
21 preference for consistency or certification.

22 **5. Regional councils.** Subject to the availability of funding and pursuant to the
23 conditions of a contract, each regional council shall review and submit written comments
24 on the comprehensive plan or growth management program of any municipality or
25 multimunicipal region within its planning region. The comments must be submitted to
26 the ~~office~~ department and contain an analysis of:

27 A. Whether the comprehensive plan or growth management program is compatible
28 with identified regional policies and needs; and

29 B. Whether the comprehensive plan or growth management program is compatible
30 with plans or programs of municipalities or multimunicipal regions that may be
31 affected by the proposal.

32 **Sec. JJ-22. 30-A MRSA §4349-A, sub-§1, ¶C**, as amended by PL 2001, c. 613,
33 §2, is further amended to read:

34 C. Areas other than those described in paragraph A or B for the following projects:

35 ~~(1) A project certified to the Land and Water Resources Council established in~~
36 ~~Title 5, section 3331 by the head of the agency funding the project as necessary~~
37 ~~to remedy a threat to public health or safety or to comply with environmental~~
38 ~~clean up laws;~~

39 (2) A project related to a commercial or industrial activity that, due to its
40 operational or physical characteristics, typically is located away from other
41 development, such as an activity that relies on a particular natural resource for its
42 operation;

- 1 (3) An airport, port or railroad or industry that must be proximate to an airport, a
2 port or a railroad line or terminal;
- 3 (4) A pollution control facility;
- 4 (5) A project that maintains, expands or promotes a tourist or cultural facility
5 that is required to be proximate to a specific historic, natural or cultural resource
6 or a building or improvement that is related to and required to be proximate to
7 land acquired for a park, conservation, open space or public access or to an
8 agricultural, conservation or historic easement;
- 9 (6) A project located in a municipality that has none of the geographic areas
10 described in paragraph A or B and that prior to January 1, 2000 formally
11 requested but had not received from the ~~office~~ former State Planning Office funds
12 to assist with the preparation of a comprehensive plan or that received funds from
13 the department to assist with the preparation of a comprehensive plan within the
14 previous 2 years. This exception expires for a municipality 2 years after such
15 funds are received; or
- 16 (7) A housing project serving the following: individuals with mental illness,
17 mental retardation, developmental disabilities, physical disabilities, brain injuries,
18 substance abuse problems or a human immunodeficiency virus; homeless
19 individuals; victims of domestic violence; foster children; or children or adults in
20 the custody of the State. A nursing home is not considered a housing project
21 under this paragraph; ~~or.~~
- 22 ~~(8) A project certified to the Land and Water Resources Council established in~~
23 ~~Title 5, section 3331 by the head of the agency funding the project as having no~~
24 ~~feasible location within an area described in paragraph A or B if, by majority~~
25 ~~vote of all members, the Land and Water Resources Council finds that~~
26 ~~extraordinary circumstances or the unique needs of the agency require state funds~~
27 ~~for the project. The members of the Land and Water Resources Council may not~~
28 ~~delegate their authority under this subparagraph to the staffs of their member~~
29 ~~agencies.~~

30 **Sec. JJ-23. 30-A MRSA §4349-A, sub-§3-A, ¶¶A and D**, as enacted by PL
31 2003, c. 604, §2 and affected by §3, are amended to read:

- 32 A. When awarding a grant or making a discretionary investment under any of the
33 programs under paragraph B, subparagraphs (1) and (2) or when undertaking its own
34 capital investment programs other than for projects identified in section 4301,
35 subsection 5-B, a state agency shall respect the primary purpose of its grant or
36 investment program and, to the extent feasible, give preference:
 - 37 (1) First, to a municipality that has received a certificate of consistency for its
38 growth management program under section 4347-A;
 - 39 (2) Second, to a municipality that has adopted a comprehensive plan that the
40 ~~office~~ former State Planning Office or the department has determined is
41 consistent with the procedures, goals and guidelines of this subchapter and has
42 adopted zoning ordinances that the ~~office~~ former State Planning Office or the
43 department has determined are consistent with the comprehensive plan; and

1 (3) Third, to a municipality that has adopted a comprehensive plan that the ~~office~~
2 former State Planning Office or the department has determined is consistent with
3 the procedures, goals and guidelines of this subchapter.

4 If a municipality has submitted a comprehensive plan, zoning ordinance or growth
5 management program to the ~~office~~ former State Planning Office or the department for
6 review, the time for ~~the office to respond~~ response as established in section 4347-A
7 has expired and ~~the office has not provided its~~ comments or findings have not been
8 provided to the municipality, a state agency when awarding a grant or making a
9 discretionary investment under this subsection may not give preference over the
10 municipality to another municipality.

11 D. The ~~office~~ department shall work with state agencies to prepare mechanisms for
12 establishing preferences in specific investment and grant programs as described in
13 paragraph B.

14 **Sec. JJ-24. 30-A MRSA §4353, sub-§2, ¶B**, as enacted by PL 1989, c. 104, Pt.
15 A, §45 and Pt. C, §10, is amended to read:

16 B. Approve the issuance of a special exception permit or conditional use permit in
17 strict compliance with the ordinance except that, if the municipality has authorized
18 the planning board, agency or ~~office~~ department to issue these permits, an appeal
19 from the granting or denial of such a permit may be taken directly to Superior Court
20 if required by local ordinance; and

21 **Sec. JJ-25. 30-A MRSA §4353, sub-§3**, as enacted by PL 1989, c. 104, Pt. A,
22 §45 and Pt. C, §10, is amended to read:

23 **3. Parties.** The board shall reasonably notify the petitioner, the planning board,
24 agency or ~~office~~ department and the municipal officers of any hearing. These persons
25 ~~shall~~ must be made parties to the action. All interested persons ~~shall~~ must be given a
26 reasonable opportunity to have their views expressed at any hearing.

27 **Sec. JJ-26. 30-A MRSA §5226, sub-§2**, as enacted by PL 2001, c. 669, §1, is
28 amended to read:

29 **2. Review by commissioner.** Before final designation of a tax increment financing
30 district, the commissioner shall review the proposal to ensure that the proposal complies
31 with statutory requirements. In the case of a downtown tax increment financing district,
32 the ~~State Planning Office~~ Department of Conservation and the Department of
33 Transportation shall review the proposal and provide advice to assist the commissioner in
34 making a decision under this subsection.

35 **Sec. JJ-27. 30-A MRSA §5953-D, sub-§3, ¶D**, as amended by PL 2003, c. 288,
36 §2, is further amended to read:

37 D. In the case of a grant or loan, the Department of Economic and Community
38 Development affirms that the applicant has met the conditions of this paragraph.

39 (1) A municipality is eligible to receive a grant or a loan, or a combination of
40 both, if that municipality has adopted a growth management program certified

1 under section 4347-A that includes a capital improvement program composed of
2 the following elements:

3 (a) An assessment of all public facilities and services, such as, but not
4 limited to, roads and other transportation facilities, sewers, schools, parks and
5 open space, fire and police;

6 (b) An annually reviewed 5-year plan for the replacement and expansion of
7 existing public facilities or the construction of such new facilities as are
8 required to meet expected growth and economic development. The plan
9 must include projections of when and where those facilities will be required;
10 and

11 (c) An assessment of the anticipated costs for replacement, expansion or
12 construction of public facilities, an identification of revenue sources available
13 to meet these costs and recommendations for meeting costs required to
14 implement the plan.

15 (2) A municipality is eligible to receive a loan if that municipality:

16 (a) Has adopted a comprehensive plan that is determined by the Executive
17 Department, former State Planning Office or the Department of Conservation
18 to be consistent with section 4326, subsections 1 to 4.

19 (3) A municipality is eligible to receive a grant or a loan if that municipality is a
20 service center community.

21 Subject to the limitations of this subsection, 2 or more municipalities that each meet
22 the requirements of subparagraph (1), (2) or (3) may jointly apply for assistance
23 under this section; and

24 **Sec. JJ-28. 30-A MRSA §5953-D, sub-§5**, as amended by PL 1999, c. 776, §13,
25 is further amended to read:

26 **5. Coordination.** The bank shall coordinate the loans and grants made under this
27 section with all other community assistance loans and grants administered by the
28 Department of Economic and Community Development and with other state assistance
29 programs designed to accomplish similar objectives, including those administered by the
30 Department of Education, the Department of Transportation, ~~the State Planning Office~~
31 ~~within the Executive Department~~, the Finance Authority of Maine, the Maine State
32 Housing Authority, the Maine Historic Preservation Commission, the Department of
33 Administrative and Financial Services, the Department of Conservation and the
34 Department of Environmental Protection.

35 **Sec. JJ-29. 38 MRSA §420-D, sub-§6**, as enacted by PL 1995, c. 704, Pt. B, §2
36 and affected by PL 1997, c. 603, §§8 and 9, is amended to read:

37 **6. Urbanizing areas.** The department shall work with the ~~State Planning Office~~
38 Department of Conservation to identify urban bodies of water most at risk and
39 incorporate model ordinances protective of these bodies of water into assistance provided
40 to local governments.

1 **Sec. JJ-30. 38 MRSA §420-D, sub-§11, ¶A**, as amended by PL 2011, c. 206,
2 §10, is further amended to read:

3 A. The department may allow an applicant with a project in the direct watershed of a
4 lake to address certain on-site phosphorus reduction requirements through
5 implementation of a compensation project or payment of a compensation fee as
6 provided in this paragraph. The commissioner shall determine the appropriate
7 compensation fee for each project. The compensation fee must be paid either into a
8 compensation fund or to an organization authorized by the department and must be a
9 condition of the permit.

10 (1) The department may establish a storm water compensation fund for the
11 purpose of receiving compensation fees, grants and other related income. The
12 fund must be a nonlapsing fund dedicated to payment of the costs and related
13 expenses of compensation projects. Income received under this subsection must
14 be deposited with the Treasurer of State to the credit of the fund and may be
15 invested as provided by statute. Interest on these investments must be credited to
16 the fund. The department may make payments from the fund consistent with the
17 purpose of the fund.

18 (2) The department may enter into a written agreement with a public, quasi-
19 public or private, nonprofit organization for purposes of receiving compensation
20 fees and implementing compensation projects. If the authorized agency is a state
21 agency other than the department, it shall establish a fund meeting the
22 requirements specified in subparagraph (1). The authorized organization shall
23 maintain records of expenditures and provide an annual summary report to the
24 department. If the organization does not perform in accordance with this section
25 or with the requirements of the written agreement, the department may revoke the
26 organization's authority to conduct activities in accordance with this paragraph.
27 If an organization's authorization is revoked, any remaining funds must be
28 provided to the department.

29 (3) The commissioner may set a fee rate of no more than \$25,000 per pound of
30 available phosphorus.

31 (4) Except in an urbanized part of a designated growth area, best management
32 practices must be incorporated on site that, by design, will reduce phosphorus
33 export by at least 50%, and a phosphorus compensation project must be carried
34 out or a compensation fee must be paid to address the remaining phosphorus
35 reduction required to meet the parcel's phosphorus allocation. In an urbanized
36 part of a designated growth area, an applicant may pay a phosphorus
37 compensation fee in lieu of part or all of the on-site phosphorus reduction
38 requirement. The commissioner shall identify urbanized parts of designated
39 growth areas in the direct watersheds of lakes most at risk, in consultation with
40 the ~~State Planning Office~~ Department of Conservation.

41 (5) Projects carried out or funded through compensation fees as provided in this
42 paragraph must be located in the same watershed as the project with respect to
43 which the compensation fee is paid.

1 **Sec. JJ-31. 38 MRSA §480-Z, sub-§3**, as amended by PL 2007, c. 527, §1, is
2 further amended to read:

3 **3. Compensation fee program.** The department may develop a wetlands
4 compensation fee program for the areas listed in subsection 7, paragraphs A and B in
5 consultation with the ~~State Planning Office~~ Department of Conservation, the United
6 States Army Corps of Engineers and state and federal resource agencies, including the
7 United States Fish and Wildlife Service and the United States Environmental Protection
8 Agency. The department may develop a compensation fee program for the areas listed in
9 subsection 7, paragraphs C, D and E in consultation with the Department of Inland
10 Fisheries and Wildlife.

11 A. The program may include the following:

12 (1) Identification of wetland management priorities on a watershed or
13 biophysical region basis;

14 (1-A) Identification of management priorities for the areas listed in subsection 7,
15 paragraphs C, D and E;

16 (2) Identification of the types of losses eligible for compensation under this
17 subsection;

18 (3) Standards for compensation fee projects;

19 (4) Calculation of compensation fees based on the functions and values of the
20 affected areas and the cost of compensation, taking into account the potential
21 higher cost of compensation when a project is implemented at a later date; and

22 (5) Methods to evaluate the long-term effectiveness of compensation fee projects
23 implemented under this subsection in meeting the management priorities
24 identified pursuant to subparagraphs (1) and (1-A).

25 B. Any compensation fee may be paid into a compensation fund established by the
26 department as provided in subparagraph (1) or to an organization authorized by the
27 department as provided in subparagraph (2). A compensation project funded in
28 whole or in part from compensation fees must be approved by the department.

29 (1) The department may establish compensation funds for the purpose of
30 receiving compensation fees, grants and other related income. A compensation
31 fund must be a fund dedicated to payment of costs and related expenses of
32 restoration, enhancement, preservation and creation projects. The department
33 may make payments from the fund consistent with the purpose of the fund.
34 Income received under this subsection must be deposited with the State Treasurer
35 to the credit of the compensation fund and may be invested as provided by law.
36 Interest on these investments must be credited to the compensation fund.

37 (2) The department may enter into an enforceable, written agreement with a
38 public, quasi-public or municipal organization or a private, nonprofit
39 organization for the protection of natural areas. Such an organization must
40 demonstrate the ability to receive compensation fees, administer a compensation
41 fund and ensure that compensation projects are implemented consistent with
42 local, regional or state management priorities. If compensation fees are provided

1 to an authorized organization, the organization shall maintain records of
2 expenditures and provide an annual summary report as requested by the
3 department. If the authorized agency is a state agency other than the department,
4 the agency shall establish a fund meeting the requirements specified in
5 subparagraph (1). If the organization does not perform in accordance with this
6 subsection or with the requirements of the written agreement, the department may
7 revoke the organization's authority to conduct activities in accordance with this
8 subsection.

9 Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter
10 375, subchapter 2-A.

11 **Sec. JJ-32. 38 MRSA §488, sub-§14, ¶A**, as amended by PL 2001, c. 406, §17,
12 is further amended to read:

13 A. A development is exempt from review under flood plain, noise and
14 infrastructure standards under section 484 if that development is located entirely
15 within:

16 (1) A municipality that has adopted a local growth management program that ~~the~~
17 ~~State Planning Office~~ has been certified under Title 30-A, section 4347-A; and

18 (2) An area designated in that municipality's local growth management program
19 as a growth area.

20 An applicant claiming an exemption under this paragraph shall include with the
21 application a statement from the ~~State Planning Office~~ Department of Conservation
22 affirming that the location of the proposed development meets the provisions of
23 subparagraphs (1) and (2).

24 An applicant claiming an exemption under this paragraph shall publish a notice of
25 that application in a newspaper of general circulation in the region that includes the
26 municipality in which the development is proposed to occur. That notice must
27 include a statement indicating the standard or standards for which the applicant is
28 claiming an exemption.

29 **Sec. JJ-33. 38 MRSA §489-D, sub-§2, ¶B**, as enacted by PL 1995, c. 704, Pt.
30 A, §22 and affected by Pt. C, §2, is amended to read:

31 B. A municipality may also obtain technical assistance in the form of a peer review
32 from a private consultant or regional council and may recover costs from the
33 developer for a project of any size. The ~~State Planning Office~~ Department of
34 Conservation has the authority to establish rules as necessary for this purpose.

35 **Sec. JJ-34. 38 MRSA §909**, as enacted by PL 1997, c. 789, §4 and affected by
36 §5, is amended to read:

37 **§909. Technical assistance**

38 To the extent existing resources are available, when one or more municipalities ~~seeks~~
39 seek ownership of a dam, the ~~State Planning Office~~ Department of Conservation may

1 provide grants and technical assistance to the participating municipality or municipalities
2 or to regional planning organizations.

3 **Sec. JJ-35. 38 MRSA §956, sub-§1**, as enacted by PL 1979, c. 663, §233, is
4 amended to read:

5 **1. Guide for boundaries.** The comprehensive plan submitted to the 106th
6 Legislature by the Saco River Environmental Advisory Committee ~~shall~~ must be used as
7 a guide by the planning boards of the municipalities within the corridor in making
8 recommendations for district boundaries and by the commission in establishing final
9 boundaries. The comprehensive plan ~~shall~~ may not be regarded as a final and complete
10 design for the future of the land and water areas within the corridor, but as the basis of a
11 continuing planning process to be carried out by the commission in conjunction with
12 local officials, regional planning districts, councils of government and the ~~State Planning~~
13 ~~Office~~ Department of Conservation.

14 **Sec. JJ-36. 38 MRSA §956, sub-§2, ¶B**, as enacted by PL 1979, c. 663, §233, is
15 amended to read:

16 B. The proposed amendment or revision has been submitted to the ~~State Planning~~
17 ~~Office, pursuant to Title 5, section 3305, subsection 1, paragraph G~~ Department of
18 Conservation, which shall forward its comments and recommendations, if any, to the
19 commission within 30 days; and

20 **Sec. JJ-37. 38 MRSA §961**, as amended by PL 1989, c. 890, Pt. A, §40 and Pt. B,
21 §204, is further amended to read:

22 **§961. Relation to municipal, state and federal regulations**

23 Nothing in this chapter prevents municipal, state or federal authorities from adopting
24 and administering more stringent requirements regarding performance standards or
25 permitted uses within use districts established by the commission or within districts
26 overlapping the districts established pursuant to this chapter. Where there is a conflict
27 between a provision adopted under this chapter and any other municipal, state or federal
28 requirement applicable to the same land or water areas within the corridor, the more
29 restrictive provision takes precedence. All performance standards, rules and regulations
30 proposed for hearing by the commission must be submitted to the Commissioner of
31 Environmental Protection, the ~~State Planning Office~~ Department of Conservation, the
32 Greater Portland Council of Governments and the Southern Maine Regional Planning
33 Commission at least 7 days prior to the hearing for review and comment. The
34 commission ~~shall~~ may not ~~promulgate~~ adopt any rule establishing air or water quality
35 standards within the corridor in conflict with the rules of the Department of
36 Environmental Protection without the prior approval of the Board of Environmental
37 Protection.

38 **Sec. JJ-38. 38 MRSA §1163, sub-§2**, as enacted by PL 1995, c. 636, §1, is
39 amended to read:

1 **2. Appeal.** For an intermunicipal sewer extension, when written assurance is denied
2 by municipal officers pursuant to subsection 1, an aggrieved party may appeal, within 15
3 days of the decision, to the ~~State Planning Office, referred to in this subsection as the~~
4 ~~"office,"~~ Department of Conservation for a review of the municipal officers' decision.
5 Notwithstanding Title 5, chapter 375, subchapter ~~IV~~ 4, the following procedures apply to
6 the review by the ~~office~~ Department of Conservation.

7 A. The ~~office~~ Department of Conservation may request any additional information
8 from the sanitary district, the municipality or the department. All information
9 requested by the ~~office~~ Department of Conservation must be submitted within 30
10 days of the request, unless an extension is granted by the ~~office~~ Department of
11 Conservation.

12 B. Within a reasonable time, the ~~office~~ Department of Conservation shall hold a
13 hearing. The ~~office~~ Department of Conservation shall give at least 7 days' written
14 notice of the hearing to the sanitary district, the municipality and the party that
15 requested the hearing. The hearing is informal and the ~~office~~ Department of
16 Conservation may receive any information it considers necessary.

17 C. Within 15 days of the hearing and within 60 days of the request for review, the
18 ~~office~~ Department of Conservation shall make a decision that must include findings
19 of fact on whether the sewer extension proposal is inconsistent with adopted
20 municipal plans and ordinances regulating land use. The decision of the ~~office~~
21 Department of Conservation constitutes final agency action.

22 D. Notwithstanding subsection 1, if the ~~office~~ Department of Conservation
23 determines that the sewer extension proposal is not inconsistent with adopted
24 municipal plans and ordinances regulating land use, the ~~office~~ Department of
25 Conservation shall issue written assurance that the proposal is consistent with
26 adopted municipal plans and ordinances regulating land use, and the sanitary district
27 may construct the sewer extension.

28 **Sec. JJ-39. 38 MRSA §1252, sub-§7, ¶B,** as enacted by PL 1995, c. 636, §2, is
29 amended to read:

30 B. For an intermunicipal sewer extension, when written assurance is denied by
31 municipal officers pursuant to paragraph A, an aggrieved party may appeal, within 15
32 days of the decision, to the ~~State Planning Office, referred to in this paragraph as the~~
33 ~~"office,"~~ Department of Conservation for a review of the municipal officers' decision.
34 Notwithstanding Title 5, chapter 375, subchapter ~~IV~~ 4, the following procedures
35 apply to the review by the ~~office~~ Department of Conservation.

36 (1) The ~~office~~ Department of Conservation may request any additional
37 information from the sewer district, the municipality or the department. All
38 information requested by the ~~office~~ Department of Conservation must be
39 submitted within 30 days of the request, unless an extension is granted by the
40 ~~office~~ Department of Conservation.

41 (2) Within a reasonable time, the ~~office~~ Department of Conservation shall hold a
42 hearing. The ~~office~~ Department of Conservation shall give at least 7 days' written
43 notice of the hearing to the sewer district, the municipality and the party that

1 requested the hearing. The hearing is informal and the office may receive any
2 information it considers necessary.

3 (3) Within 15 days of the hearing and within 60 days of the request for review,
4 the ~~office~~ Department of Conservation shall make a decision that must include
5 findings of fact on whether the sewer extension proposal is inconsistent with
6 adopted municipal plans and ordinances regulating land use. The decision of the
7 ~~office~~ Department of Conservation constitutes final agency action.

8 (4) Notwithstanding paragraph A, if the ~~office~~ Department of Conservation
9 determines that the sewer extension proposal is not inconsistent with adopted
10 municipal plans and ordinances regulating land use, the ~~office~~ Department of
11 Conservation shall issue written assurance that the proposal is consistent with
12 adopted municipal plans and ordinances regulating land use, and the sewer
13 district may construct the sewer extension.

14 **Sec. JJ-40. Transition provisions; land use planning-related matters.** The
15 following provisions apply to the reassignment of duties, responsibilities and activities of
16 the Executive Department, State Planning Office regarding land use planning and related
17 technical assistance to municipalities, including but not limited to those under the Maine
18 Revised Statutes, Title 30-A, chapter 187, to the Department of Conservation.

19 1. Four authorized positions and incumbent personnel in the State Planning Office
20 that are assigned to that office's land use planning program are transferred to the
21 Department of Conservation. These employees retain their rights as unclassified
22 employees as well as their accrued fringe benefits, including but not limited to vacation
23 and sick leave, health and life insurance and retirement benefits.

24 **Sec. JJ-41. Effective date.** This Part takes effect July 1, 2012.

25 **PART KK**

26 **Sec. KK-1. 1 MRSA §25,** as amended by PL 1999, c. 556, §1, is further amended
27 to read:

28 **§25. Topographic mapping**

29 The Bureau of Geology ~~and~~, Natural Areas and Coastal Resources has charge of
30 topographic mapping on behalf of the State. The Bureau of Geology ~~and~~, Natural Areas
31 and Coastal Resources is authorized and directed to enter into such agreements with the
32 Director of the United States Geological Survey as will ~~assure~~ ensure the progress of the
33 work in an efficient and economical manner.

34 **Sec. KK-2. 2 MRSA §6, sub-§5,** as amended by PL 2005, c. 405, Pt. D, §4, is
35 further amended to read:

36 **5. Range 86.** The salaries of the following state officials and employees are within
37 salary range 86:

38 Director of Labor Standards;

1 State Archivist;
2 Director, Bureau of Geology ~~and~~, Natural Areas and Coastal Resources;
3 Executive Director, Maine Land Use Regulation Commission;
4 Chair, Maine Unemployment Insurance Commission;
5 Child Welfare Services Ombudsman; and
6 Director of the Maine Drug Enforcement Agency.

7 **Sec. KK-3. 5 MRSA §935, sub-§1, ¶D**, as amended by PL 1999, c. 556, §3, is
8 further amended to read:

9 D. Director, Bureau of Geology ~~and~~, Natural Areas and Coastal Resources;

10 **Sec. KK-4. 12 MRSA §541-A**, as enacted by PL 1999, c. 556, §12, is amended to
11 read:

12 **§541-A. Bureau of Geology, Natural Areas and Coastal Resources**

13 The Bureau of Geology ~~and~~, Natural Areas and Coastal Resources is established
14 within the Department of Conservation and is administered by the commissioner. The
15 bureau consists of the Maine Geological Survey, referred to in this chapter as the
16 "survey," ~~and~~ the Natural Areas Program and the Maine Coastal Program. The executive
17 director of the bureau is the director of the survey.

18 **Sec. KK-5. 12 MRSA §544-D** is enacted to read:

19 **§544-D. Maine Coastal Program**

20 **1. Establishment.** The Maine Coastal Program is established within the Department
21 of Conservation and is administered by the commissioner.

22 **2. Definitions.** As used in this section, unless the context otherwise indicates, the
23 following terms have the following meanings.

24 A. "Coastal area" has the same meaning as provided in Title 38, section 1802,
25 subsection 1.

26 B. "Coastal management" has the same meaning as provided in Title 38, section
27 1802, subsection 2.

28 C. "Coastal resources" has the same meaning as provided in Title 38, section 1802,
29 subsection 3.

30 D. "Commissioner" means the Commissioner of Conservation.

31 E. "State coastal zone management program" means the coastal management
32 program originally approved by the National Oceanic and Atmospheric
33 Administration in September 1978 and as subsequently changed in accordance with
34 the federal Coastal Zone Management Act of 1972, 16 United States Code, Sections
35 1451 to 1466 (2012).

1 **3. Purpose.** The Maine Coastal Program is established to manage and administer and
2 to coordinate implementation and ongoing development and improvement of the state
3 coastal zone management program in accordance with and in furtherance of the
4 requirements of the federal Coastal Zone Management Act of 1972, 16 United States
5 Code, Sections 1451 to 1466 (2012) and the State's coastal management policies
6 established in Title 38, section 1801.

7 **4. Authorities.** In order to and to the extent needed to carry out its responsibilities
8 under subsection 3, the Maine Coastal Program is authorized to:

9 A. Receive and administer federal grants from the National Oceanic and
10 Atmospheric Administration, as well as financial assistance from other public or
11 private sources, for implementation of the state coastal zone management program;

12 B. At the request of the Governor or the Legislature, or on its own initiative, prepare
13 or coordinate plans, studies, technical assistance and policies to identify immediate
14 and long-range needs regarding coastal management, coastal resources and related
15 human uses in the coastal area and to guide and carry forward the wise, coordinated
16 and well-balanced development and conservation of coastal resources;

17 C. Implement aspects of the state coastal zone management program and be the lead
18 state agency for purposes of federal consistency review under the federal Coastal
19 Zone Management Act of 1972, 16 United States Code, Section 1456 (2012); and

20 D. Act as the coordinating agency among the several officers, authorities, boards,
21 commissions, departments and political subdivisions of the State on matters relative
22 to management of coastal resources and related human uses in the coastal area.

23 Nothing in this section may be construed as limiting the powers and duties of any
24 officer, authority, board, commission, department or political subdivision of the State.

25 **Sec. KK-6. 12 MRSA §549**, as amended by PL 1999, c. 556, §14, is further
26 amended to read:

27 **§549. Jurisdiction**

28 The Bureau of Geology ~~and~~, Natural Areas and Coastal Resources and the agencies
29 having jurisdiction over state-owned lands have jurisdiction, as set forth in this
30 subchapter, over all state-owned lands for the purpose of mineral development and
31 mining on that land. The Bureau of Geology ~~and~~, Natural Areas and Coastal Resources
32 and the agencies having jurisdiction over state-owned lands may make such rules as each
33 ~~deems~~ considers proper with respect to the authority delegated pursuant to this
34 subchapter.

35 **Sec. KK-7. 12 MRSA §549-A, sub-§2**, as amended by PL 1999, c. 556, §15, is
36 further amended to read:

37 **2. Director of the survey.** "Director of the survey" means the Director of the
38 Bureau of Geology ~~and~~, Natural Areas and Coastal Resources.

1 **Sec. KK-8. 12 MRSA §550-B, sub-§3, ¶A**, as amended by PL 2003, c. 175, §3,
2 is further amended to read:

3 A. Within 30 days after completion of any well or dry hole, or the enlarging or
4 deepening of an existing well, a well drilling company shall submit a report to the
5 Bureau of Geology ~~and~~ Natural Areas, and Coastal Resources on forms designed and
6 provided by the Bureau of Geology ~~and~~ Natural Areas and Coastal Resources. The
7 report must contain information as may be required by the Bureau of Geology ~~and~~,
8 Natural Areas and Coastal Resources, including, but not limited to, location,
9 construction and well yield.

10 **Sec. KK-9. 12 MRSA §550-B, sub-§6**, as amended by PL 2009, c. 567, §6, is
11 further amended to read:

12 **6. Information use.** Information collected by the Bureau of Geology ~~and~~ Natural
13 Areas and Coastal Resources, Maine Geological Survey under this section is subject to
14 Title 1, chapter 13, subchapter 1, unless the well drilling company to whom the
15 information belongs or pertains requests that it be designated as confidential and the
16 bureau has determined it contains proprietary information. For the purposes of this
17 subsection, "proprietary information" means information that is a trade secret or
18 production, commercial or financial information the disclosure of which would impair the
19 competitive position of the person submitting the information and would make available
20 information not otherwise publicly available. The Bureau of Geology ~~and~~ Natural Areas
21 and Coastal Resources, Maine Geological Survey shall make information collected under
22 this chapter available to any federal, state or municipal entity or authorized agent of such
23 entity.

24 **Sec. KK-10. 12 MRSA §1835, sub-§1, ¶A**, as amended by PL 1999, c. 556,
25 §18, is further amended to read:

26 A. The first \$20,000 in the aggregate of any money accruing from the alienation of
27 rights to mine upon nonreserved public land, or other income arising out of mining
28 operations, that is actually received during any fiscal year, and every portion thereof
29 accruing from these mining operations, must be paid into the Bureau of Geology ~~and~~,
30 Natural Areas and Coastal Resources.

31 **Sec. KK-11. 12 MRSA §1849, sub-§1, ¶A**, as amended by PL 1999, c. 556,
32 §20, is further amended to read:

33 A. The first \$20,000 in the aggregate of any money accruing from the alienation of
34 rights to mine upon public reserved land, or other income arising out of mining
35 operations, that is actually received during any fiscal year, and every portion thereof
36 accruing from these mining operations, must be paid to the Bureau of Geology ~~and~~,
37 Natural Areas and Coastal Resources.

38 **Sec. KK-12. 12 MRSA §1863-A, sub-§4, ¶A**, as enacted by PL 2009, c. 615,
39 Pt. B, §3, is amended to read:

40 A. Fifty percent to fund research, monitoring and other efforts to avoid, minimize
41 and compensate for potential adverse effects of renewable ocean energy projects, as

1 defined in section 1862, subsection 1, paragraph F-1, on noncommercial fisheries,
2 seabirds, marine mammals, shorebirds, migratory birds and other coastal and marine
3 natural resources, including but not limited to development, enhancement and
4 maintenance of map-based information resources developed to guide public and
5 private decision making on siting issues and field research to provide baseline or
6 other data to address siting issues presented by renewable ocean energy projects. The
7 department shall consult with the Department of Inland Fisheries and Wildlife ~~and~~
8 ~~the Executive Department, State Planning Office~~ in allocating funds it receives
9 pursuant to this paragraph; and

10 **Sec. KK-13. 12 MRSA §1868, sub-§1**, as enacted by PL 2009, c. 270, Pt. C, §1,
11 is amended to read:

12 **1. Site identification process.** No later than December 15, 2009, following
13 consultation with the Department of Environmental Protection, the Public Utilities
14 Commission, the Department of Inland Fisheries and Wildlife, the Maine Land Use
15 Regulation Commission, the Department of Marine Resources, the Maine Historic
16 Preservation Commission and the University of Maine System and opportunity for public
17 comment, the department, ~~in conjunction with the Executive Department, State Planning~~
18 ~~Office~~, shall identify and map up to 5 specific offshore wind energy test areas. An
19 offshore wind energy test area identified under this subsection must be a geographic area
20 on state-owned submerged lands suitable for offshore wind energy demonstration projects
21 constructed and operated in accordance with Title 38, section 480-HH. In identifying
22 each such area, the department must consider existing information regarding pertinent
23 ecological, environmental, social and development-related factors, including but not
24 limited to:

25 A. Potential adverse effects on a protected natural resource, as defined by Title 38,
26 section 480-B, subsection 8, or a scenic resource of state or national significance, as
27 defined by Title 35-A, section 3451, subsection 9;

28 B. Potential adverse effects on species listed as threatened or endangered under
29 section 6975 or section 12803, subsection 3; avian species, including seabirds,
30 passerines, raptors, shorebirds, water birds and waterfowl; bats; and marine
31 mammals;

32 C. Potential adverse effects on commercial fishing, recreation, navigation, existing
33 public access ways to intertidal and subtidal areas and other existing uses;

34 D. Proximity to deep water port facilities, rail transportation, transmission
35 infrastructure facilities and existing ocean-based environmental monitoring devices;

36 E. Data regarding wind speed, ocean wave height and period, ocean currents and
37 water depth;

38 F. Geology, including substrate type and other seafloor characteristics;

39 G. Public support in pertinent coastal communities; and

40 H. Historic sites and archaeological resources of state or national significance.

1 **Sec. KK-14. 12 MRSA §5013, sub-§5**, as amended by PL 1999, c. 556, §21, is
2 further amended to read:

3 **5. Bureau of Geology, Natural Areas and Coastal Resources.** The Bureau of
4 Geology ~~and~~ Natural Areas and Coastal Resources is under the direction and supervision
5 of a director who is appointed by, and serves at the pleasure of, the commissioner.

6 **Sec. KK-15. 12 MRSA §6022, sub-§11**, as enacted by PL 1977, c. 661, §5, is
7 amended to read:

8 **11. Interagency cooperation.** The commissioner shall consult with, offer advice to
9 and cooperate with ~~the State Planning Office~~, the Department of Environmental
10 Protection, the Department of Inland Fisheries and Wildlife and the Department of
11 Conservation in carrying out ~~his~~ the commissioner's duties, and these agencies shall do
12 the same in carrying out their duties. Cooperation ~~shall include~~ includes the exchange of
13 information and the filing of copies of any application, petition, request, report or similar
14 document ~~which~~ that may bear upon the responsibilities of any of these departments.
15 Details of those exchanges ~~shall~~ must be worked out by the heads of the departments.

16 **Sec. KK-16. 12 MRSA §13001, sub-§12**, as enacted by PL 2003, c. 414, Pt. A,
17 §2 and affected by c. 614, §9, is amended to read:

18 **12. Freshwater marshes and bogs.** "Freshwater marshes and bogs" means naturally
19 occurring open areas with saturated soils or peat, often associated with standing water and
20 dominated by low herbaceous vegetation, grasses, weeds and shrubs and including
21 wetlands, as shown on the Freshwater Wetlands Map Series, Bureau of Geology ~~and~~,
22 Natural Areas and Coastal Resources, Maine Geological Survey, or zoned as a Wetland
23 Protection Subdistrict, P-WL, by the Maine Land Use Regulation Commission.

24 **Sec. KK-17. 22 MRSA §676, sub-§5**, as amended by PL 1999, c. 556, §26, is
25 further amended to read:

26 **5. Geology.** The Bureau of Geology ~~and~~ Natural Areas and Coastal Resources,
27 Maine Geological Survey within the Department of Conservation shall provide technical
28 assistance for waste management.

29 **Sec. KK-18. 22 MRSA §679-B, sub-§8**, as amended by PL 1999, c. 556, §27, is
30 further amended to read:

31 **8. Transfer of funds.** Notwithstanding Title 5, section 1585, funds allocated under
32 this section must be transferred as necessary to accomplish the purposes of this section
33 and Title 38, chapter 14-A from the department to other agencies, including the
34 Department of Environmental Protection, ~~the State Planning Office~~, the Bureau of
35 Geology ~~and~~ Natural Areas and Coastal Resources, Maine Geological Survey within the
36 Department of Conservation and the Maine Land Use Regulation Commission.

37 **Sec. KK-19. 32 MRSA §4700-G, sub-§2**, as amended by PL 2009, c. 153, §8, is
38 further amended to read:

1 **2. Membership.** The commission consists of the director of the division of
2 environmental health within the Department of Health and Human Services or the
3 director's designee; the Director of the Bureau of Geology ~~and~~, Natural Areas and Coastal
4 Resources within the Department of Conservation or the director's designee; the
5 Commissioner of Transportation or the commissioner's designee; and 4 public members,
6 3 of whom must be well drillers.

7 **Sec. KK-20. 32 MRSA §4700-G, sub-§6,** as amended by PL 1999, c. 556, §29,
8 is further amended to read:

9 **6. Administrative provision.** The department shall administer the affairs and
10 activities of the commission, keep all books and records, excluding data reports. All
11 appropriations for use of the commission must be made to the department. The
12 Department of Conservation, Bureau of Geology ~~and~~, Natural Areas and Coastal
13 Resources shall keep all well data reports and work with the department in the
14 administration of the commission's activities.

15 **Sec. KK-21. 33 MRSA §1213,** as enacted by PL 1973, c. 616, §1, is amended to
16 read:

17 **§1213. Water boundaries**

18 For the purposes of this chapter, the ~~State Planning Office is directed to~~ Department
19 of Conservation, Bureau of Geology, Natural Areas and Coastal Resources shall draw the
20 water boundaries of the 8 coastal counties in order to determine in which registry of
21 deeds the island ~~shall~~ must be registered. These lines ~~shall~~ must be drawn in accordance
22 with the corporate charters of the counties as amended. In instances in which the charter
23 does not clearly specify the seaward boundaries of the counties, the boundaries ~~shall~~ must
24 be drawn in accordance with state law and the principles contained in the International
25 Convention for the Contiguous and Territorial Sea in determining seaward boundaries
26 between adjacent nation states.

27 **Sec. KK-22. 35-A MRSA §3451, sub-§9, ¶H,** as enacted by PL 2007, c. 661,
28 Pt. A, §7, is amended to read:

29 H. Scenic viewpoints located in the coastal area, as defined by Title 38, section 1802,
30 subsection 1, that are ranked as having state or national significance in terms of
31 scenic quality in:

32 (1) One of the scenic inventories prepared for and published by the Executive
33 Department, State Planning Office: "Method for Coastal Scenic Landscape
34 Assessment with Field Results for Kittery to Scarborough and Cape Elizabeth to
35 South Thomaston," Dominie, et al., October 1987; "Scenic Inventory Mainland
36 Sites of Penobscot Bay," Dewan and Associates, et al., August 1990; or "Scenic
37 Inventory: Islesboro, Vinalhaven, North Haven and Associated Offshore Islands,"
38 Dewan and Associates, June 1992; or

39 (2) A scenic inventory developed by or prepared for the Executive Department,
40 former State Planning Office or the Department of Conservation in accordance
41 with section 3457.

1 **Sec. KK-23. 35-A MRSA §3457, sub-§2**, as enacted by PL 2007, c. 661, Pt. A,
2 §7, is amended to read:

3 **2. Scenic inventory.** ~~The Executive Department, State Planning Office~~ Department
4 of Conservation, Bureau of Geology, Natural Areas and Coastal Resources shall adopt
5 rules regarding the methodology for conducting a scenic inventory of scenic resources of
6 state or national significance that are located in the coastal area, as defined by Title 38,
7 section 1802, subsection 1, in a manner comparable to that used for an inventory listed in
8 section 3451, subsection 9, paragraph H, subparagraph (1). ~~The office~~ Department of
9 Conservation, Bureau of Geology, Natural Areas and Coastal Resources may contract
10 with an outside entity for the preparation of a scenic inventory conducted pursuant to the
11 methodology developed pursuant to this subsection.

12 **Sec. KK-24. 38 MRSA §361-A, sub-§1-D**, as amended by PL 1999, c. 556, §30,
13 is further amended to read:

14 **1-D. Aquifer.** "Aquifer" means a geologic formation composed of rock or sand and
15 gravel that stores and transmits significant quantities of recoverable water, as identified
16 by the Bureau of Geology ~~and~~, Natural Areas and Coastal Resources, Maine Geological
17 Survey within the Department of Conservation.

18 **Sec. KK-25. 38 MRSA §401, 7th ¶**, as enacted by PL 1979, c. 472, §12, is
19 amended to read:

20 It is the intention of the Legislature that the Bureau of Geology, Natural Areas and
21 Coastal Resources provide coordination and develop programs for the collection and
22 analysis of information relating to the nature, extent and quality of aquifers and aquifer
23 recharge areas.

24 **Sec. KK-26. 38 MRSA §402**, as amended by PL 1999, c. 556, §31, is further
25 amended to read:

26 **§402. Research**

27 The Bureau of Geology, Natural Areas and Coastal Resources in cooperation with the
28 Department of Environmental Protection, is authorized to conduct research and studies to
29 determine recharge and cleansing rates of ground water in different sand and gravel and
30 bedrock formations.

31 The Bureau of Geology ~~and~~, Natural Areas and Coastal Resources, Maine Geological
32 Survey within the Department of Conservation in cooperation with other agencies as
33 appropriate shall conduct a 3-year program to assess the impact of agricultural practices
34 and chemicals on ground water quality in selected agricultural areas and selected
35 aquifers. The program must evaluate the extent and level of contamination associated
36 with pesticide use, the mechanisms by which pesticides move through the soil and into
37 ground water supplies, the synergistic effects of these substances and their persistence in
38 ground water.

1 The survey shall report annually its progress to the joint standing committee of the
2 Legislature having jurisdiction over natural resources.

3 **Sec. KK-27. 38 MRSA §410-I, sub-§1**, as enacted by PL 1991, c. 345 and
4 amended by PL 2003, c. 689, Pt. B, §7, is further amended to read:

5 **1. Agency cooperation.** The commissioner shall cooperate and coordinate with the
6 Commissioner of Agriculture, Food and Rural Resources; the Commissioner of
7 Conservation; the Commissioner of Transportation; the Commissioner of Economic and
8 Community Development; the Commissioner of Health and Human Services; and the
9 Commissioner of Marine Resources; ~~and the Director of the State Planning Office~~ to
10 ensure a coordinated approach to nonpoint source pollution control for agriculture,
11 forestry, transportation and development.

12 **Sec. KK-28. 38 MRSA §546-B, sub-§1**, as enacted by PL 1991, c. 454, §6, is
13 amended to read:

14 **1. Sensitive area identification and data management.** The commissioner, in
15 consultation with the Department of Marine Resources, the Department of Inland
16 Fisheries and Wildlife, the Department of Conservation, ~~the State Planning Office~~, the
17 United States Fish and Wildlife Service and other appropriate agencies and organizations,
18 both public and private, shall assess the nature and extent of sensitive areas and resources
19 in the marine environment that may be threatened by oil spills and develop a system to
20 collect and maintain the necessary data. The commissioner shall ensure that the
21 duplication of effort among agencies and creation of incompatible data and ~~data bases~~
22 databases are minimized.

23 **Sec. KK-29. 38 MRSA §549**, as amended by PL 1999, c. 556, §36, is further
24 amended to read:

25 **§549. Personnel and equipment**

26 The commissioner shall establish and maintain at such ports within the State, and
27 other places as the commissioner determines, employees and equipment necessary to
28 carry out this subchapter. The commissioner, subject to the Civil Service Law, may
29 employ personnel necessary to carry out the purposes of this subchapter, and shall
30 prescribe the duties of those employees. The salaries of those employees and the cost of
31 that equipment must be paid from the Maine Coastal and Inland Surface Oil Clean-up
32 Fund established by this subchapter. The commissioner and the Director of the Bureau of
33 Geology ~~and~~ Natural Areas and Coastal Resources shall periodically consult with each
34 other relative to procedures for the prevention of oil discharges into the coastal waters of
35 the State from offshore drilling production facilities. Inspection and enforcement
36 employees of the department in their line of duty under this subchapter have the powers
37 of a constable.

38 **Sec. KK-30. 38 MRSA §1804**, as enacted by PL 2001, c. 595, §1, is amended to
39 read:

1 **§1804. Interagency review of coastal water access issues**

2 The ~~Executive Department, State Planning Office of Conservation~~ and the
3 Department of Marine Resources, within existing budgeted resources, shall convene a
4 working group of staff from all state agencies that deal with coastal water access issues to
5 share data, program activities and areas for collaboration on coastal water access issues.
6 Each agency shall identify the coastal water access data that the agency has, the coastal
7 water access data that the agency needs and potential funding sources for the collection of
8 the needed data. Other stakeholders may be included as appropriate. The ~~State Planning~~
9 ~~Office~~ Department of Conservation and the Department of Marine Resources shall submit
10 a report of the working group's activities, including how the agencies can work
11 cooperatively to make creative use of available funds to address both recreational and
12 commercial access needs and to optimize projects that are multiuse in nature to the joint
13 standing committee of the Legislature having jurisdiction over marine resources matters
14 by January 15th of every odd-numbered year.

15 **Sec. KK-31. 38 MRSA §1905, sub-§1**, as amended by PL 1999, c. 556, §40, is
16 further amended to read:

17 **1. Maps; coastal barriers identified.** Maine's coastal barriers are identified on
18 maps, available for public review, at the Department of Conservation, Bureau of Geology
19 ~~and~~, Natural Areas and Coastal Resources, Maine Geological Survey office in Augusta.
20 They are referred to as the Maine Coastal Barrier Resources Systems and are numbered
21 consistent with the United States Coastal Barriers Resource Act.

22 **Sec. KK-32. Transition provisions; Maine Coastal Program-related**
23 **matters.** The following provisions apply to reassignment of duties, responsibilities and
24 activities regarding management and administration and implementation of aspects of the
25 State's federally approved coastal zone management program from the Executive
26 Department, State Planning Office to the Department of Conservation, Bureau of
27 Geology, Natural Areas and Coastal Resources.

28 1. The Governor shall designate the Department of Conservation to receive and
29 administer implementation grants for and serve as the state agency for federal consistency
30 review as provided by the Maine Coastal Program approved by the National Oceanic and
31 Atmospheric Administration in September 1978 and as subsequently amended in
32 accordance with the federal Coastal Zone Management Act of 1972, 16 United States
33 Code, Sections 1451 to 1466 (2012). No later than one year following the effective date
34 of this section, the Department of Conservation shall submit to the National Oceanic and
35 Atmospheric Administration, Office of Ocean and Coastal Resource Management for its
36 review and approval in accordance with 15 Code of Federal Regulations, Part 923 any
37 changes to the Maine Coastal Program necessary to conform the program to the intent of
38 this section.

39 2. Six authorized positions and incumbent personnel in the State Planning Office
40 assigned to the Maine Coastal Program are transferred to the Department of
41 Conservation, Bureau of Geology, Natural Areas and Coastal Resources. Those
42 employees retain their accrued fringe benefits, including but not limited to vacation and
43 sick leave, health and life insurance and retirement benefits.

1 3. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, the State
2 Controller, upon request of the State Budget Officer and with the approval of the
3 Governor, shall transfer to the proper account in the Department of Conservation all
4 accrued expenditures, assets and liabilities, including but not limited to any contractual
5 obligations, balances, appropriations, allocations, transfers, revenues and other available
6 funds, in any account or subdivision of an account of the State Planning Office
7 established for administration of funds related to management of coastal resources,
8 including but not limited to grant funds from the National Oceanic and Atmospheric
9 Administration pursuant to the federal Coastal Zone Management Act of 1972, 16 United
10 States Code, Sections 1451 to 1466 (2012). Nothing in this section changes or is intended
11 to change or otherwise affect the purposes or uses for which any funds transferred
12 pursuant to this section may be expended.

13 **Sec. KK-33. Maine Revised Statutes headnote amended; revision clause.**
14 In the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 1, in the subchapter
15 headnote, the words "bureau of geology and natural areas" are amended to read "bureau
16 of geology, natural areas and coastal resources" and the Revisor of Statutes shall
17 implement this revision when updating, publishing or republishing the statutes.

18 **Sec. KK-34. Effective date.** This Part takes effect July 1, 2012.

19 **PART LL**

20 **Sec. LL-1. 5 MRSA §7504,** as enacted by PL 1995, c. 54, §1, is amended to read:

21 **§7504. Staff and administrative services**

22 The ~~State Planning Office~~ Department of Education shall provide staff and
23 administrative services as follows.

24 **1. Executive director.** The ~~Director of the State Planning Office with the advice~~
25 ~~and consent of~~ Commissioner of Education, in consultation with the commission, shall
26 hire an executive director as a member of the ~~State Planning Office~~ Department of
27 Education staff. The executive director oversees day-to-day operations of the
28 commission, hires staff members with the approval of the commission and the ~~Director of~~
29 ~~the State Planning Office,~~ Commissioner of Education and carries out other
30 responsibilities as directed by the commission.

31 **2. Administrative services.** The ~~State Planning Office~~ Department of Education
32 shall provide the executive director and the commission with continuing administrative
33 support as appropriate. The ~~State Planning Office~~ Department of Education may
34 establish a dedicated account on behalf of the commission to receive funds contributed by
35 private and public agencies for use solely for commission purposes.

36 **Sec. LL-2. Transition provisions; Maine Commission for Community**
37 **Service matters.** The following provisions apply to the reassignment of duties,
38 responsibilities and activities of the Maine Commission for Community Service.

1 1. Five authorized positions and incumbent personnel in the Executive Department,
2 State Planning Office assigned to the Maine Commission for Community Service are
3 transferred to the Department of Education, Maine Commission for Community Service.
4 These employees retain their accrued fringe benefits, including but not limited to vacation
5 and sick leave, health and life insurance and retirement benefits.

6 2. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, the State
7 Controller, upon request of the State Budget Officer and with the approval of the
8 Governor, shall transfer to the proper account in the Department of Education, Maine
9 Commission for Community Service program all accrued expenditures, assets and
10 liabilities, including but not limited to any contractual obligations, balances,
11 appropriations, allocations, transfers, revenues and other available funds, in any account
12 or subdivision of an account of the State Planning Office established for funds
13 administered by the Maine Commission for Community Service. Nothing in this section
14 changes or is intended to change or otherwise affect the purposes or uses for which any
15 funds transferred pursuant to this section may be expended.

16 **Sec. LL-3. Effective date.** This Part takes effect July 1, 2012.

17 **PART MM**

18 **Sec. MM-1. 2 MRSA §9, sub-§§1 and 2,** as enacted by PL 2007, c. 656, Pt. C,
19 §1, are amended to read:

20 **1. Office established.** The Governor's ~~Office of Energy Independence and Security~~
21 Office, referred to in this section as "the office," is established in the Executive
22 Department to carry out responsibilities of the State relating to energy resources, planning
23 and development. The office is directly responsible to the Governor.

24 **2. Director.** The office is under the control and supervision of the Director of the
25 Governor's ~~Office of Energy Independence and Security~~ Office, referred to in this section
26 as "the director." The director is appointed by the Governor and serves at the pleasure of
27 the Governor.

28 **Sec. MM-2. 2 MRSA §9, sub-§2-A,** as enacted by PL 2009, c. 372, Pt. H, §1, is
29 amended to read:

30 **2-A. Funding.** The office is funded from an annual allocation from the funds of the
31 Efficiency Maine Trust, established in Title 35-A, chapter 97, and federal funds. The
32 director may request from the Efficiency Maine Trust, ~~established in Title 35-A, chapter~~
33 ~~97,~~ and the trust ~~may shall~~ provide from funds available to it funding sufficient to carry
34 out the duties of the office under ~~section~~ subsection 3 and any other applicable law.

35 **Sec. MM-3. 2 MRSA §9, sub-§3, ¶G,** as enacted by PL 2007, c. 656, Pt. C, §1,
36 is amended to read:

37 G. Seek, accept and administer funds and partnerships with from public and private
38 sources and develop partnerships with public and private entities to support the goals

1 of the office, including, but not limited to, promoting energy efficiency, demand-side
2 management and distributed generation;

3 **Sec. MM-4. 2 MRSA §9, sub-§§6 and 7** are enacted to read:

4 **6. Maine Energy Resources Development Program.** The Maine Energy
5 Resources Development Program, referred to in this subsection as "the program," is
6 established to promote energy research and demonstration activities related to both the
7 use of indigenous, renewable resources and more efficient use of energy. The office, as
8 funding allows, shall administer the program. The director may accept private money for
9 the purpose of funding the program.

10 A. The director shall include, in the comprehensive state energy plan under
11 subsection 3, paragraph C, a report that specifies, in regard to the program, the
12 expenditure of program funds, the purposes for which the funds were used and the
13 amount of the funds and the sources from which the funds were derived.

14 B. For all proposed program expenditures of \$10,000 or more, the director shall seek
15 approval for those expenditures from the Governor. If the Governor approves, the
16 director shall seek approval for those expenditures from the Legislature under the
17 procedures authorizing the transfer of funds set forth in Title 5, section 1585.

18 **7. Reporting of petroleum inventories and deliveries.** The following provisions
19 govern the reporting of petroleum inventories and deliveries.

20 A. As used in this subsection, unless the context otherwise indicates, the following
21 terms have the following meanings:

22 (1) "Petroleum product" means propane; gasoline; unleaded gasoline; gasohol;
23 kerosene; #2 heating oil; diesel fuel; kerosene-based jet fuel; aviation gasoline;
24 #4, #5 and #6 residual oil for utility and nonutility uses; and Bunker C oil;

25 (2) "Primary storage facility" means a facility that receives petroleum products
26 into the State by pipeline or by ship; and

27 (3) "Primary supplier" means a refiner, marketer, distributor, firm or person who
28 makes the first sale of any petroleum product to resellers or consumers in this
29 State.

30 B. Each owner or lessee of a primary storage facility in the State shall make an
31 accurate report of petroleum inventories and deliveries on the first and 3rd Monday of
32 each month to the office on a form provided by the director. The form must contain a
33 conspicuous statement of the penalties provided in paragraph D and must require,
34 with regard to the owner's or lessee's primary storage facility, the following
35 information:

36 (1) The total inventory of each petroleum product stored in the State, as
37 measured within not more than 3 working days prior to the reporting date; and

38 (2) The quantities of each petroleum product delivery expected into the State
39 within 15 days of the reporting date or within any longer period established by
40 the director.

1 C. Each primary supplier of petroleum products shall make an accurate report of
2 actual and anticipated deliveries on the 3rd Monday of each month to the office on a
3 form provided by the director, unless the report is already being submitted in
4 accordance with federal regulations. The form must contain a conspicuous statement
5 of the penalties provided in paragraph D and must require the following information:

6 (1) Actual deliveries of all petroleum products in this State during the preceding
7 calendar month;

8 (2) Anticipated deliveries of all petroleum products in this State during the
9 following calendar month or during any longer period established by the director;
10 and

11 (3) Allocation fractions for all petroleum products for the following month or for
12 any longer period established by the director.

13 D. A person who violates this subsection is subject to the following penalties.

14 (1) An owner or lessee of a primary storage facility or a primary supplier who
15 fails to provide the information required by this subsection commits a Class D
16 crime. Violation of this subparagraph is a strict liability crime as defined in Title
17 17-A, section 34, subsection 4-A.

18 (2) An owner or lessee of a primary storage facility or a primary supplier who
19 knowingly or recklessly supplies false or misleading information is guilty of a
20 violation of Title 17-A, section 453. An owner or lessee of a primary storage
21 facility who supplies false or misleading information commits a civil violation
22 for which a fine of \$2,500 may be adjudged.

23 E. The office shall provide reports to the joint standing committee of the Legislature
24 having jurisdiction over utilities and energy matters as follows:

25 (1) If the office determines, based on available information, that there is or may
26 be a significant shortfall in supply inventories or anticipated deliveries into the
27 State of home heating oil or kerosene, the office shall provide a report including:

28 (a) The information that suggests a supply shortfall;

29 (b) Current and anticipated inventories of home heating oil and kerosene
30 storage supplies;

31 (c) Any recommendations of the office for actions by the State in response to
32 the anticipated supply shortfall; and

33 (d) A report on inventories, deliveries, curtailments, shortfalls or other
34 matters relating to the availability of petroleum products in this State, at the
35 request of the joint standing committee of the Legislature having jurisdiction
36 over utilities and energy matters.

37 **Sec. MM-5. 7 MRSA §2, 4th ¶**, as amended by PL 1991, c. 9, Pt. I, §6, is further
38 amended to read:

39 In addition, the commissioner shall be concerned with the quality of life of Maine
40 farmers and rural communities. The commissioner shall promote: farm financing and

1 rural development proposals; conservation and preservation of agricultural lands;
2 increased and improved production of beef, poultry, sheep, dairy beef and other livestock;
3 expanded and improved production of potatoes, fruits and other vegetables and
4 horticultural ventures; coordinated foreign and domestic marketing of Maine agricultural
5 products; in conjunction with the university, crop development and integrated pest
6 management; and conservation of nonrenewable energy resources and utilization of
7 renewable energy resources in conjunction with the ~~State Planning Office~~ Governor's
8 Energy Office. To accomplish these objectives, the commissioner is authorized for, or on
9 behalf of, Maine's farmers and rural community: to engage in research and educational
10 programs; to participate directly or indirectly in programs to encourage and enable
11 individuals to enter agricultural or other rural enterprises; to institute litigation or upon
12 request to represent farmers or other members of the rural community in litigation where
13 the commissioner determines that such litigation may be beneficial to agricultural
14 industry as a whole; and to exercise all other powers of an agency of State Government.
15 The commissioner may study such issues and, consistent with statute, take such actions
16 either individually, for, or on behalf of, the State's farmers or rural residents, or jointly
17 with such other persons, agencies or organizations as the commissioner determines may
18 benefit the State's farmers and rural communities. To further accomplish these objectives,
19 the commissioner is authorized beginning July 1, 1991, on behalf of the State's rural
20 community, to administer food assistance programs including the receipt, distribution and
21 administration of federal and state funds, including block grants, for food assistance.

22 **Sec. MM-6. 10 MRSA §1023-K, sub-§1**, as amended by PL 2009, c. 124, §2, is
23 further amended to read:

24 **1. Established; fund administration.** The Clean Fuel Vehicle Fund, referred to in
25 this section as the "fund," is established under the jurisdiction of the authority to support
26 production, distribution and consumption of clean fuels and biofuels. In administering
27 the fund, the authority shall consult and provide opportunity for input from the
28 Governor's ~~Office of Energy Independence and Security~~ Office within the Executive
29 Department.

30 **Sec. MM-7. 10 MRSA §1023-K, sub-§3-B**, as enacted by PL 2009, c. 124, §2,
31 is amended to read:

32 **3-B. Application of fund.** The fund may be used in accordance with this
33 subsection.

34 A. The fund may be applied to carry out any power of the authority under or in
35 connection with section 1026-A, subsection 1, paragraph A, subparagraph (1),
36 division (c), including, but not limited to, the pledge or transfer and deposit of money
37 in the fund as security for and the application of the fund to pay principal, interest and
38 other amounts due on insured loans.

39 B. The fund may be used for direct loans to finance all or part of any clean fuel or
40 sustainable biofuel vehicle project when the authority determines that:

41 (1) The applicant demonstrates a reasonable likelihood that the applicant will be
42 able to repay the loan;

- 1 (2) The project is technologically feasible; and
2 (3) The project will contribute to a reduction of or more efficient use of fossil
3 fuels.

4 C. The fund may be used for grants to support clean fuel and sustainable biofuel
5 production, distribution and consumption. The authority, in consultation with the
6 Governor's ~~Office of Energy Independence and Security~~ Office within the Executive
7 Department, shall establish a formula and method for the awarding of grants under
8 this paragraph.

9 D. The fund may be used for reasonable development and administration costs for an
10 online contribution process, in accordance with subsection 6.

11 E. The fund may be used for reasonable initial and ongoing administrative costs of
12 the authority to implement this section.

13 The authority, in consultation with the Governor's ~~Office of Energy Independence and~~
14 ~~Security~~ Office within the Executive Department, shall adopt rules for determining
15 eligibility, project feasibility, terms, conditions and security for loans under this section.
16 Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter
17 375, subchapter 2-A.

18 **Sec. MM-8. 10 MRSA §1043, sub-§2, ¶O**, as enacted by PL 2011, c. 261, §4, is
19 amended to read:

20 O. In the case of an energy distribution system project regulated by the Public
21 Utilities Commission with respect to rates or terms of service or that requires, for
22 construction or operation, authorization or certification from the commission, the
23 following conditions are met.

24 (1) The energy distribution system project has received all authorizations or
25 certifications from the Public Utilities Commission necessary for construction
26 and operation of the project. The authority may issue a certificate of approval for
27 a project that has received conditional approvals or certifications from the
28 commission, except that the authority's certificate becomes legally effective only
29 upon fulfillment of the conditional provisions of the commission's certificates or
30 approvals. If the commission has approved rates to be charged by the project or
31 has issued a certificate of public convenience and necessity for the project, the
32 authority shall take into consideration any findings and conclusions of law of the
33 commission, including any findings and conclusions pertaining to the need for
34 the project and the financial viability of the project.

35 (2) The authority has reviewed and considered any comments provided by the
36 Director of the Governor's ~~Office of Energy Independence and Security~~ Office
37 and the Public Advocate.

38 (3) The authority has determined that the applicant is creditworthy and that there
39 is a reasonable likelihood that the revenue obligation securities will be repaid
40 through the revenues of the project and any other sources of revenues and
41 collateral pledged to the repayment of those securities. In order to make these
42 determinations, the authority shall consider such factors as it considers necessary

1 and appropriate in light of the special purpose or other nature of the business
2 entity owning the project and the specific purposes of the project to measure and
3 evaluate the project and the sufficiency of the pledged revenues to repay the
4 obligations, including, but not limited to:

5 (a) Whether the individuals or entities obligated to repay the obligations
6 have demonstrated sufficient revenues from the project or from other sources
7 to repay the obligations and a reasonable probability that those revenues will
8 continue to be available for the term of the revenue obligation securities;

9 (b) Whether the applicant demonstrates a reasonable probability that the
10 project will continue to operate and provide the public benefits projected to
11 be created for the term of the revenue obligation securities;

12 (c) Whether the applicant's creditworthiness is demonstrated by factors such
13 as its historical financial performance, management ability, plan for
14 marketing its product or service and ability to access conventional financing;

15 (d) Whether the applicant meets or exceeds industry average financial
16 performance ratios commonly accepted in determining creditworthiness in
17 that industry;

18 (e) Whether the applicant demonstrates that the need for authority assistance
19 is due to the reduced cost and increased flexibility of the financing for the
20 project that result from authority assistance and not from an inability to
21 obtain necessary financing without the capital reserve fund security provided
22 by the authority;

23 (f) Whether collateral securing the repayment obligation is reasonably
24 sufficient under the circumstances;

25 (g) Whether the proposed project enhances the opportunities for economic
26 development;

27 (h) The effect that the proposed project financing has on the authority's
28 financial resources;

29 (i) The financial performance of similar projects;

30 (j) The need for the project, as determined by the Public Utilities
31 Commission and as indicated by any comments provided by the Director of
32 the Governor's ~~Office of Energy Independence and Security~~ Office, other
33 public officials and members of the public;

34 (k) The nature and extent of customer commitment to use the project or the
35 fuel or energy the project distributes or transmits; and

36 (l) The cost advantages to end users of the fuel or energy to be distributed or
37 transmitted by the project, to the extent those advantages may affect market
38 penetration by the project.

39 **Sec. MM-9. 10 MRSA §1492, sub-§1**, as amended by PL 1989, c. 501, Pt. DD,
40 §29, is further amended to read:

1 **1. Solar energy equipment.** "Solar energy equipment" means all controls, tanks,
2 pumps, heat exchangers, collectors and all other equipment necessary for the collection,
3 transfer and storage of solar energy, as determined by the ~~State Planning Office~~
4 Governor's Energy Office. Passive solar energy systems or those systems using natural
5 means to collect, store and transfer solar energy ~~shall~~ may not be included under this
6 chapter.

7 **Sec. MM-10. 10 MRSA §9722, sub-§2, ¶I,** as enacted by PL 2007, c. 699, §6,
8 is amended to read:

9 I. An energy efficiency representative, recommended by the ~~director~~ Director of the
10 Governor's ~~Office of Energy Independence and Security Office~~ within the Executive
11 Department, who has experience or expertise in the design or implementation of
12 energy codes or in the application of energy efficiency measures in residential or
13 commercial construction;

14 **Sec. MM-11. 12 MRSA §405-A, sub-§4,** as enacted by PL 1987, c. 635, is
15 amended to read:

16 **4. Review.** The ~~State Planning Office~~ Governor's Energy Office shall review the
17 status of hydropower development on the St. Croix River and shall report to the joint
18 standing committee of the Legislature having jurisdiction over energy and natural
19 resources by January 1, ~~1993~~ 2013 and every 5 years thereafter. The report ~~shall~~ must
20 include any recommendations for changes in the provisions of this section together with
21 the justification for the changes. If the St. Croix River is included in any legislative Act
22 or regulation ~~which~~ that directly or indirectly has as its effect the essential prohibition of
23 construction of new dams or development or redevelopment of existing dams on the St.
24 Croix River, this section ~~shall be~~ is repealed on the effective date of that Act or
25 regulation.

26 **Sec. MM-12. 22 MRSA §666, sub-§§1 and 2,** as reenacted by PL 2007, c. 539,
27 Pt. KK, §5, are amended to read:

28 **1. Damages to public health and safety.** If the State Nuclear Safety Inspector has
29 reason to believe that any activity poses a danger to public health and safety, and after
30 notifying the facility licensee and the United States Nuclear Regulatory Commission, the
31 inspector shall immediately notify the Governor, and the Commissioner of Health and
32 Human Services ~~and the State Nuclear Safety Advisor within the State Planning Office~~.
33 This subsection may not be construed as precluding the State Nuclear Safety Inspector
34 from discussing the safety inspector's concerns with the United States Nuclear Regulatory
35 Commission or others before making a determination that any activity poses a danger to
36 public health and safety.

37 **2. Reports.** The State Nuclear Safety Inspector, with the cooperation of the Director
38 of Health Engineering, shall prepare a report of the safety inspector's activities under this
39 chapter to be submitted July 1st of each year to the ~~State Nuclear Safety Advisor~~
40 Governor's Energy Office and the Legislature. The State Nuclear Safety Inspector shall
41 prepare monthly reports for the ~~State Nuclear Safety Advisor~~ Governor's Energy Office.

1 the President of the Senate and the Speaker of the House, with copies to the United States
2 Nuclear Regulatory Commission and the facility licensee.

3 **Sec. MM-13. 22 MRSA §676, sub-§6**, as amended by PL 1989, c. 501, Pt. DD,
4 §31, is further amended to read:

5 **6. Energy.** The ~~State Planning Office~~ Governor's Energy Office shall serve as
6 liaison with the United States Department of Energy.

7 **Sec. MM-14. 35-A MRSA §122, sub-§1-B, ¶A**, as enacted by PL 2009, c. 655,
8 Pt. A, §2, is amended to read:

9 A. The panel includes the following members:

10 (1) The Director of the Governor's ~~Office of Energy Independence and Security~~
11 Office within the Executive Department or the director's designee;

12 (2) The Commissioner of Administrative and Financial Services or the
13 commissioner's designee;

14 (3) The commissioner of each department or the director of any other state
15 agency or authority that owns or controls land or assets within the statutory
16 corridor under consideration or that commissioner's or director's designee; and

17 (4) Four members of the public appointed by the Governor in accordance with
18 this subparagraph, subject to review by the joint standing committee of the
19 Legislature having jurisdiction over utilities and energy matters and to
20 confirmation by the Senate:

21 (a) One member with expertise in energy and utilities selected from
22 candidates nominated by the President of the Senate;

23 (b) One member with expertise in real estate or finance selected from
24 candidates nominated by the President of the Senate;

25 (c) One member representing industrial or commercial energy consumers
26 selected from candidates nominated by the Speaker of the House; and

27 (d) One member representing residential energy consumers selected from
28 candidates nominated by the Speaker of the House.

29 Public members serve 3-year terms, except that a vacancy must be filled for the
30 unexpired portion of the term. A public member serves until a successor is
31 appointed. A public member may serve a maximum of 2 consecutive terms.
32 Compensation of public members is as provided in Title 5, section 12004-G,
33 subsection 30-D.

34 **Sec. MM-15. 35-A MRSA §122, sub-§2, ¶B**, as amended by PL 2009, c. 655,
35 Pt. A, §2, is further amended to read:

36 B. The commission may commence a proceeding to designate a petitioned corridor
37 only upon the filing of a petition for the designation of a petitioned corridor by the
38 Office of the Public Advocate, the Executive Department, Governor's ~~Office of~~
39 Energy Independence and Security Office or a potential developer.

1 **Sec. MM-16. 35-A MRSA §122, sub-§7, ¶C**, as amended by PL 2009, c. 655,
2 Pt. A, §2, is further amended to read:

3 C. The commission may take and hold by right of eminent domain lands and
4 easements within an energy infrastructure corridor in accordance with this paragraph,
5 notwithstanding any transmission and distribution utility ownership of the lands or
6 easements.

7 (1) The commission may exercise the authority under this paragraph only in an
8 adjudicatory proceeding upon a petition by the Office of the Public Advocate or
9 the Executive Department, Governor's ~~Office of Energy Independence and~~
10 ~~Security Office~~ demonstrating that such action is urgently needed to avoid
11 substantial harm to electricity consumers regarding anticipated activity associated
12 with an energy infrastructure corridor. A determination by the commission that
13 the exercise of eminent domain under this paragraph is urgently needed to avoid
14 substantial harm to electricity consumers regarding anticipated activity associated
15 with an energy infrastructure corridor constitutes reviewable final agency action.

16 (2) The amount of any lands or easements taken by the commission pursuant to
17 this subsection may be no greater than is required to avoid the harm to electricity
18 consumers identified under subparagraph (1).

19 (3) The right of eminent domain granted in this paragraph does not apply to
20 personal property, fixtures or improvements that constitute transmission and
21 distribution plant or an energy transport pipeline.

22 (4) The commission may exercise the right of eminent domain for the purposes of
23 this paragraph in the same manner and under the same conditions as set forth in
24 chapter 65. For the purposes of the exercise of eminent domain authorized by
25 this paragraph, the commission is both a person and the State.

26 (5) The commission is authorized to assess transmission and distribution utilities
27 to the extent necessary to obtain sufficient funds to pay for lands and easements
28 taken pursuant to this subsection.

29 (6) The commission, in an adjudicatory proceeding upon petition by the Office of
30 the Public Advocate or the Executive Department, Governor's ~~Office of Energy~~
31 ~~Independence and Security Office~~, may transfer or convey to any person or state
32 agency or authority lands and easements once acquired, except that a
33 transmission and distribution utility or the owner of an energy transport pipeline
34 whose lands or easements were taken pursuant to this paragraph must be given
35 the first opportunity to acquire the lands or easements to the extent necessary or
36 useful in the performance of its duties as a transmission and distribution utility or
37 an owner of an energy transport pipeline.

38 (7) The commission shall report on the circumstances of any taking by eminent
39 domain to the joint standing committee of the Legislature having jurisdiction
40 over utilities and energy matters during the next regular session of the Legislature
41 following the acquisition of lands or easements by eminent domain.

42 **Sec. MM-17. 35-A MRSA §4131, sub-§3, ¶C**, as amended by PL 1995, c. 254,
43 §12, is further amended to read:

1 C. The Director of ~~the State Planning Office~~ Governor's Energy Office, or another
2 employee of ~~the State Planning Office~~ that office, as the director may from time to
3 time designate in writing filed with the clerk of the agency, shall serve as a member
4 of the board of directors.

5 **Sec. MM-18. 35-A MRSA §10103, sub-§2, ¶A**, as enacted by PL 2009, c. 372,
6 Pt. B, §3, is amended to read:

7 A. The board consists of the following 9 voting members:

8 (1) The ~~director~~ Director of the Governor's ~~Office of Energy Independence and~~
9 ~~Security Office~~;

10 (2) The director of the Maine State Housing Authority; and

11 (3) Seven members appointed by the Governor, reviewed by the joint standing
12 committee of the Legislature having jurisdiction over energy matters and
13 approved by the Senate. Among these 7 members must be persons who
14 adequately represent the interests of commercial energy consumers, industrial
15 energy consumers, small business energy consumers, residential energy
16 consumers and low-income energy consumers; among these members must be
17 persons with knowledge of and experience in financial matters and consumer
18 advocacy and who possess substantial management expertise or knowledge of or
19 experience with conservation fund programs, carbon reduction programs or
20 energy efficiency or climate change policy. The requirements of this
21 subparagraph may be met through the appointment of one or more persons who
22 satisfy more than one of the requirements, as long as at any one time the 7
23 members include among them members who adequately represent the identified
24 interests and who ~~posses~~ possess the required knowledge, expertise and
25 experience.

26 Appointed trustees serve 3-year terms. If an appointed trustee is unable to
27 complete the term, the Governor shall appoint a replacement for the remainder of
28 the unexpired term.

29 **Sec. MM-19. 37-B MRSA §742, sub-§2, ¶B**, as amended by PL 2005, c. 677,
30 Pt. C, §2, is further amended to read:

31 B. Upon the issuance of an energy emergency proclamation and after consulting with
32 the ~~Executive Department, State Planning Office~~ Governor's Energy Office, the
33 Governor may exercise all the powers granted in this chapter, except as specifically
34 limited by paragraph C. The powers of the Governor include, without limitation, the
35 authority to:

36 (1) Establish and implement programs, controls, standards, priorities and quotas
37 for the allocation, conservation and consumption of energy resources;

38 (2) Regulate the hours and days during which nonresidential buildings may be
39 open and the temperatures at which they may be maintained;

40 (3) Regulate the use of gasoline and diesel-powered land vehicles, watercraft and
41 aircraft;

- 1 (4) After consulting, when appropriate, with the New England governors and
2 upon the recommendations of the Public Utilities Commission, regulate the
3 generation, distribution and consumption of electricity;
- 4 (5) Establish temporary state and local boards and agencies;
- 5 (6) Establish and implement programs and agreements for the purposes of
6 coordinating the emergency energy response of the State with those of the
7 Federal Government and of other states and localities;
- 8 (7) Temporarily suspend truck weight and size regulations, but not in conflict
9 with federal regulations;
- 10 (8) Regulate the storage, distribution and consumption of home heating oil; and
- 11 (9) If the energy emergency was caused by a lack of electric grid reliability in
12 this State resulting from insufficient capacity resources, take appropriate action,
13 in consultation with the Public Utilities Commission, to procure sufficient
14 capacity resources including generation capacity and interruptible, demand
15 response or energy efficiency capacity resources.

16 **Sec. MM-20. 38 MRSA §480-HH, sub-§3, ¶H**, as enacted by PL 2009, c. 270,
17 Pt. A, §2, is amended to read:

18 H. Documentation that, in developing each plan required under paragraphs E to G,
19 the applicant consulted with: the Department of Marine Resources, the Department of
20 Inland Fisheries and Wildlife and the Department of Conservation; the Maine Land
21 Use Regulation Commission and the ~~Executive Department, State Planning Office~~
22 Governor's Energy Office; the United States Army Corps of Engineers, the United
23 States Coast Guard, the National Marine Fisheries Service, the National Park Service
24 and the United States Fish and Wildlife Service; the lobster management policy
25 council established under Title 12, section 6447 for the lobster management zone in
26 which the offshore wind energy demonstration project is proposed; each municipality
27 in which or adjacent to which the project is proposed; and any other local, state or
28 federal agency the applicant considers appropriate. This documentation must include
29 copies of these agencies' comments and recommendations on the plan, if any, and
30 specific descriptions of how the agencies' comments are accommodated by the plan,
31 including the applicant's reasons, based on project-specific information, for any
32 agency recommendation not adopted. The applicant shall allow a minimum of 60
33 days for the agencies to review and make comments and recommendations on each
34 draft plan before it is filed with the department. No more than 30 days prior to its
35 initiation, the applicant shall notify each municipality within or adjacent to which it
36 intends to site and operate an offshore wind energy demonstration project and invite
37 its participation in the consultation required under this paragraph;

38 **Sec. MM-21. 38 MRSA §634, sub-§3**, as amended by PL 1989, c. 501, Pt. DD,
39 §46 and affected by c. 890, Pt. A, §40 and amended by Pt. B, §183, is further amended to
40 read:

1 **3. Application review.** Within 10 working days of receiving a completed
2 application, the commissioner shall notify the applicant of the official date on which the
3 application was accepted.

4 The commissioner shall circulate the application among the Department of
5 Environmental Protection, Department of Conservation, Department of Inland Fisheries
6 and Wildlife, Department of Marine Resources, Department of Transportation, Maine
7 Historic Preservation Commission, ~~State Planning Office~~ Governor's Energy Office,
8 Public Utilities Commission and the municipal officials of the municipality in which the
9 project is located. The ~~State Planning Office~~ Governor's Energy Office and the Public
10 Utilities Commission shall submit written comments on section 636, subsection 7,
11 paragraph F. For projects within the jurisdiction of the Maine Land Use Regulation
12 Commission, the director may request and obtain technical assistance and
13 recommendations from the staff of the department. The Commissioner of Environmental
14 Protection shall respond to the requests in a timely manner. The recommendations of the
15 Commissioner of Environmental Protection must be considered by the commission in
16 acting upon a project application.

17 **Sec. MM-22. 38 MRSA §640, first ¶**, as enacted by PL 1989, c. 453, §2, is
18 amended to read:

19 Unless otherwise provided in accordance with regulations promulgated by the
20 Federal Energy Regulatory Commission, for all existing hydropower projects located in
21 Maine currently licensed under the Federal Power Act, and for all proposed hydropower
22 projects requiring a license to operate under the Federal Power Act, all state agencies that
23 review, comment on and consult in the proposed studies, plans, terms and conditions in
24 the course of licensing or relicensing these projects, including the ~~State Planning Office~~
25 Department of Conservation, the Governor's Energy Office, the Department of
26 Environmental Protection, the Department of Inland Fisheries and Wildlife and the
27 Department of Marine Resources, shall cooperatively take the following steps to ensure
28 that interested members of the public are informed of, and allowed to participate in, the
29 review and comment process.

30 **Sec. MM-23. 38 MRSA §1480-A**, as amended by PL 1995, c. 642, §19 and PL
31 2003, c. 689, Pt. B, §6, is further amended to read:

32 **§1480-A. Joint hearings; intervention**

33 The Department of Health and Human Services or the ~~State Planning Office~~
34 Governor's Energy Office may intervene in any federal licensing proceeding to carry out
35 the purpose of this chapter.

36 **Sec. MM-24. Rename Governor's Office of Energy Independence and**
37 **Security program.** Notwithstanding any other provision of law, the Governor's Office
38 of Energy Independence and Security program within the Executive Department is
39 renamed the Governor's Energy Office program.

40 **Sec. MM-25. Transition provisions; Governor's Energy Office matters.**
41 The following provisions apply to the reassignment of energy policy-related duties and

1 responsibilities of the Executive Department, State Planning Office to the Governor's
2 Energy Office.

3 1. Two authorized positions and incumbent personnel in the State Planning Office
4 currently assigned to duties and responsibilities of the Governor's Energy Office are
5 transferred to the Governor's Energy Office. Those employees retain their accrued fringe
6 benefits, including but not limited to vacation and sick leave, health and life insurance
7 and retirement benefits.

8 2. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, the State
9 Controller, upon request of the State Budget Officer and with the approval of the
10 Governor, shall transfer to the proper account in the Governor's Energy Office all accrued
11 expenditures, assets and liabilities, including but not limited to any contractual
12 obligations, balances, appropriations, allocations, transfers, revenues and other available
13 funds, in any account or subdivision of an account of the State Planning Office
14 established for administration of grant funds previously allocated to the Governor's
15 Energy Office. Nothing in this section changes or is intended to change or otherwise
16 affect the purposes or uses for which any funds transferred pursuant to this section may
17 be expended.

18 **Sec. MM-26. Effective date.** This Part takes effect July 1, 2012.

19 **PART NN**

20 **Sec. NN-1. General transition provisions.** The following provisions apply to
21 the reassignment of duties and responsibilities and transfer of personnel of the Executive
22 Department, State Planning Office to other agencies as provided in this Act.

23 1. By December 1, 2013, the Director of the Governor's Office of Policy and
24 Management within the Executive Department shall submit legislation to the First
25 Regular Session of the 126th Legislature to revise remaining references, if any, to the
26 State Planning Office in the Maine Revised Statutes and to make any additional technical
27 changes to the law needed to effectuate the intent of this Act. All references to the State
28 Planning Office that are in the Maine Revised Statutes, private and special laws, resolves,
29 rules, procedures, ordinances or plans that are in effect, in operation or are adopted by a
30 state agency or other instrumentality of the State following the effective date of this Act
31 must be construed to refer to the appropriate state agency, instrumentality or other entity
32 in accordance with the terms and intent of this Act.

33 2. All rules and procedures that have been adopted by the State Planning Office and
34 that are in effect on July 1, 2012 remain in effect until rescinded, revised or amended by
35 the appropriate authority in accordance with this Act and other applicable state law.
36 Nothing in this section is intended to increase, diminish or otherwise affect the rule-
37 making authority of any agency or other instrumentality of State Government.

38 3. All personal property and equipment previously belonging to or allocated for the
39 use of a program of the State Planning Office must be transferred to the agency to which
40 that program is transferred by this Act. The Department of Administrative and Financial

1 Services shall oversee and resolve any questions regarding such transfer in accordance
2 with the intent of this Act.

3 4. Records of the State Planning Office that are needed for continued performance of
4 a duty or function previously assigned to the State Planning Office must be transferred to
5 the agency to which that duty or function is assigned by this Act. Other essential records
6 of the State Planning Office must be transferred to the Department of Administrative and
7 Financial Services to be maintained and stored pursuant to standard procedure.

8 5. The transfer of all personal property, equipment, records and personnel under this
9 Act, except where provided otherwise, is effective July 1, 2012.

10 **Sec. NN-2. Effective date.** This Part takes effect July 1, 2012.

11 **PART OO**

12 **Sec. OO-1. 20-A MRSA §7001, sub-§1-A,** as enacted by PL 2005, c. 662, Pt. A,
13 §15, is amended to read:

14 **1-A. Child Development Services System.** "Child Development Services System"
15 means ~~regional sites, or their successor sites, and~~ the state intermediate educational unit
16 under section 7209, subsection 3, ~~or its successor, established~~ and any regional sites it
17 chooses to establish and maintain, to ensure the provision of child find activities, early
18 intervention services and free, appropriate public education services to eligible children.

19 **Sec. OO-2. 20-A MRSA §7001, sub-§2-B,** as enacted by PL 2005, c. 662, Pt. A,
20 §15, is amended to read:

21 **2-B. Intermediate educational unit.** "Intermediate educational unit" means an
22 entity that meets the definition of intermediate educational unit in the federal Individuals
23 with Disabilities Education Act, 20 United States Code, Section 1402, (23) as in effect
24 prior to June 4, 1997 and that is a public authority, other than a local educational agency,
25 under the general supervision of the department, that is established for the purpose of
26 providing free public education on a regional basis and that provides special education
27 and related services to children with disabilities within the State. An intermediate
28 educational unit is considered a local educational agency under federal law. ~~The Child~~
29 ~~Development Services System regional sites are organized as intermediate educational~~
30 ~~units.~~ In this State, a local educational agency is a school administrative unit. For
31 purposes of this chapter all references to school administrative units include intermediate
32 educational units.

33 **Sec. OO-3. 20-A MRSA §7001, sub-§4-A,** as enacted by PL 2005, c. 662, Pt. A,
34 §15, is repealed.

35 **Sec. OO-4. 20-A MRSA §7209,** as amended by PL 2007, c. 530, §1 and c. 572,
36 Pt. B, §§1 to 4, is further amended to read:

1 **§7209. General administration and supervision**

2 **1. Department of Education.** The department shall serve as the lead agency for the
3 statewide system pursuant to 20 United States Code, Section 1435, including the
4 identification and coordination of all available resources within the State for services to
5 eligible children from birth to under 3 years of age, and shall exercise general supervisory
6 authority over child find as provided in 20 United States Code, Section 1412 (a) (3) and
7 the provision of a free, appropriate public education to children at least 3 years of age and
8 under 6 years of age.

9 A. The commissioner ~~or the commissioner's designee~~ is responsible for developing
10 and adopting rules necessary to carry out the provisions of the federal Individuals
11 with Disabilities Education Act, Part B, Section 619 and Part C, 20 United States
12 Code, Section 1400 et seq.

13 B-1. The commissioner or the commissioner's designee is responsible for developing
14 and implementing a funding mechanism for the operation of the state intermediate
15 educational unit established pursuant to subsection 3 and the delivery of services to
16 eligible children with disabilities from birth to under 6 years of age.

17 C. The commissioner or the commissioner's designee is responsible for ensuring
18 legal and policy compliance throughout the early childhood special education
19 program by reviewing or performing regular audits of program records.

20 D. The commissioner or the commissioner's designee is responsible for ensuring
21 fiscal compliance throughout the early childhood special education program by
22 reviewing or performing regular audits of program records.

23 E. The department, ~~in consultation with regional sites,~~ shall develop an a corrective
24 action plan with timelines to achieve compliance with federal or state law. ~~The~~
25 ~~department may assume temporary responsibility for operations at a regional site that~~
26 ~~fails to meet compliance requirements.~~ The department shall report at least quarterly
27 to the state interagency coordinating council described in 20 United States Code,
28 Section 1441, to the state advisory panel described in 34 Code of Federal
29 Regulations, Sections 300.167 to 300.169 and to other advisory bodies that may be
30 appropriate about individual regional sites that are under an a corrective action plan
31 and about individual regional sites for whose operations the department has taken
32 temporary responsibility. These reports must describe any progress or slippage by
33 individual regional sites in meeting compliance requirements. For an individual
34 regional site under an a corrective action plan, the reports must describe how long the
35 department expects the regional site to remain under an a corrective action plan. ~~For~~
36 ~~an individual regional site for whose operation the department has taken temporary~~
37 ~~responsibility, the reports must describe when the department expects to return~~
38 ~~responsibility to the regional site.~~

39 **3. State intermediate educational unit establishment; administrative functions.**
40 The commissioner shall establish and supervise the state intermediate educational unit.
41 The state intermediate educational unit is established as a body corporate and politic and
42 as a public instrumentality of the State for the purpose of conducting child find activities
43 as provided in 20 United States Code, Section 1412 (a) (3) for children from birth to
44 under 6 years of age, ~~ensuring the provision of~~ providing early intervention services for

1 eligible children from birth to under 3 years of age and ~~ensuring~~ providing a free,
2 appropriate public education for eligible children at least 3 years of age and under 6 years
3 of age. The state intermediate educational unit shall perform the following statewide
4 coordination and administration functions:

5 A. Establish standard policies and procedures for a statewide salary and benefits
6 administration system, including personnel classifications, position descriptions and
7 salary ranges, and a standard package of health, retirement and other fringe benefits
8 for Child Development Services System personnel, ~~which must be included in the~~
9 ~~annual entitlement plan described in subsection 1~~ beginning in fiscal year 2006-07;

10 B. Develop a statewide salary and benefits administration system and perform the
11 payroll functions for Child Development Services System personnel;

12 B-1. Bargain collectively under Title 26, chapter 9-A if the employees of the
13 regional sites choose to be represented by an agent for purposes of collective
14 bargaining. In such circumstances, the state intermediate educational unit must be
15 considered the public employer for purposes of collective bargaining;

16 C. Establish a centralized system for statewide fiscal administration to be
17 implemented by September 1, 2006. The state intermediate educational unit shall
18 establish internal controls and implement accounting policies and procedures in
19 accordance with standards set forth by the State Controller;

20 D. Develop and implement a centralized data management system to be fully
21 operational beginning July 1, 2007;

22 E. Establish a standard, statewide template for regional site contracts with
23 therapeutic service providers, including policies and procedures for the review of
24 contracts, ~~that must be included in the annual entitlement plan described in subsection~~
25 ~~1~~, beginning in fiscal year 2006-07;

26 F. Refine program accountability standards for compliance with federal mandates
27 ~~that must be included in the annual entitlement plan described in subsection 1~~,
28 including the development of a performance review system to monitor and improve
29 regional site performance through the use of efficiency ratings aligned with the
30 accountability standards and through a compliance plan that requires the regional site
31 to address the unmet needs of eligible children in accordance with specific targets and
32 time frames;

33 G. Design and implement a statewide plan to provide professional development and
34 training to Child Development Services System personnel;

35 H. Employ professional and other personnel at the state level and at the regional
36 sites, including those necessary to ensure the implementation of the centralized fiscal
37 and data management systems. All state intermediate educational unit employees are
38 employees for the purposes of the Maine Tort Claims Act; and

39 I. Enter into contracts, leases and agreements and any other instruments and
40 arrangements that are necessary, incidental or convenient to the performance of its
41 duties and the execution of its powers under this chapter.

1 **3-A. State intermediate educational unit; program functions.** The state
2 intermediate educational unit established pursuant to subsection 3, through a network of
3 regional sites as appropriate, shall:

4 A. Engage in child find activities as required by the federal Individuals with
5 Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

6 B. Engage in child count activities as required by the federal Individuals with
7 Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

8 C. Engage in appropriate data collection, training, staff development and direct
9 service provision to eligible children with disabilities, from birth to under 3 years of
10 age, in accordance with Part C of the federal Individuals with Disabilities Education
11 Act, 20 United States Code, Section 1400 et seq.;

12 D. Ensure that eligible children with disabilities, from birth to under 3 years of age,
13 receive early intervention services, in accordance with the payment provisions
14 established by the State;

15 E. Ensure that eligible children with disabilities, from 3 years of age to under 6 years
16 of age, receive free, appropriate public education services;

17 F. Coordinate with eligible families the development of individualized family service
18 plans for children with disabilities from birth to 2 years of age or coordinate an
19 individualized education program for a child 3 years of age to under 6 years of age;
20 and

21 G. Ensure that children from birth until 6 years of age who are referred to the Child
22 Development Services System also receive appropriate referrals for support outside
23 of the system, including appropriate public and private programmatic resources,
24 regardless of a child's eligibility for early intervention or free, appropriate public
25 education.

26 **3-B. Provision of services by school administrative units.** Regional sites shall
27 collaborate with school administrative units when possible. School administrative units
28 may assume responsibility for providing special education and related services to children
29 3 years of age to under 6 years of age by submitting a letter of intent and a proposed
30 implementation plan to the commissioner for approval. The commissioner shall provide
31 funding to school administrative units serving children from 3 years of age to under 6
32 years of age through a funding mechanism established pursuant to subsection 1,
33 paragraph B-1.

34 **4. Director of early childhood special education.** The commissioner shall appoint
35 and supervise a director of early childhood special education. The director has the
36 following powers and duties:

37 A. To administer the state intermediate educational unit established under subsection
38 3. The director shall develop operating policies and establish organizational and
39 operational procedures that include supervision, monitoring, data and accountability
40 structures;

41 A-1. To oversee the operation of the regional sites;

1 B. To develop statewide policies and procedures for carrying out federal and state
2 laws and rules relating to child find, early intervention services and the provision of a
3 free, appropriate public education to children from birth to under 6 years of age;

4 C. To provide training in federal and state laws, regulations, rules and policies
5 relating to child find as provided in 20 United States Code, Section 1412 (a) (3), early
6 intervention services and the provision of a free, appropriate public education to
7 children from birth to under 6 years of age and to conduct regular file reviews to
8 determine compliance with federal and state laws, regulations, rules and policies and
9 conduct training and provide technical assistance where deficiencies are found; and

10 D. To report annually to the council and to the joint standing committee of the
11 Legislature having jurisdiction over education and cultural affairs on the performance
12 of the Child Development Services System. This report may include information on
13 any expansions of the connections of child find and service delivery with school
14 administrative units, with the Department of Health and Human Services and with
15 medical providers. This report may include information on any expansion of the
16 connection of child find with nurse midwives. This report may include information
17 on the number of children screened in the programs in Title 22, sections 1532, 8824
18 and 8943, the number of such children referred to the Child Development Services
19 System who were found eligible for early intervention and the number of such
20 children referred to the Child Development Services System who were found
21 ineligible for early intervention. This report may also include information on annual
22 performance over at least a 5-year period of each individual regional site and of the
23 entire Child Development Services System; may benchmark performance against
24 state and national standards; may include information about performance in child
25 find, service delivery, service coordination, eligibility and exit data for children
26 leaving the Child Development Services System; and may describe strategies that the
27 Child Development Services System has undertaken to maximize the usage of a
28 broad base of community resources including private providers, public schools,
29 resources from other agencies and other available resources serving children and
30 families. The report must be publicly posted on the website of the department.

31 ~~**5. Regional site board of directors.** A board of directors of a regional site is~~
32 ~~responsible for governance of its activities, including the management and oversight of its~~
33 ~~general operations. Membership must include representatives of the regional offices of~~
34 ~~the Department of Health and Human Services, representatives of participating school~~
35 ~~administrative units, parents of children with disabilities and other community members~~
36 ~~as determined appropriate. A regional site board member or a board member's employer~~
37 ~~may not, during the term for which the member serves on the board, derive any revenue~~
38 ~~from work performed for the Child Development Services System. A representative of a~~
39 ~~participating school administrative unit whose participation in the Child Development~~
40 ~~Services System is limited to work performed for the school administrative unit is exempt~~
41 ~~from the requirements of this subsection. Terms of membership and methods of~~
42 ~~appointment or election for each board of directors must be determined by the board of~~
43 ~~directors' bylaws, subject to approval by the department.~~

44 ~~**6. Regional site board of directors; annual entitlement plan; site budget**~~
45 ~~**approval.** A board of directors of a regional site is entitled to receive annual grant award~~

1 allocations that are approved by the department in accordance with the approval
2 provisions for the annual entitlement plan and the budget for a regional site pursuant to
3 subsection 1, paragraph B.

4 **7. Regional site; administration.** A board of directors of a regional site shall:

5 A. Hire, fire and supervise the staff of the regional site according to the job
6 classifications, pay scales and personnel policies established by the state intermediate
7 educational unit established under subsection 3;

8 B. Enter into contracts, leases and agreements and any other instruments and
9 arrangements that are necessary, incidental or convenient to the performance of its
10 duties and the execution of its powers under this chapter, using forms and procedures
11 developed by the department;

12 C. Ensure data entry and reporting; and

13 D. Provide fiscal management of money allocated to it, in compliance with federal
14 and state laws and subject to proof of an annual audit.

15 **8. Regional site; duties and obligations.** A board of directors of a regional site
16 shall:

17 A. Ensure provision of child find activities as required by the federal Individuals
18 with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

19 B. Ensure provision of childcount activities as required by the federal Individuals
20 with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

21 C. Ensure appropriate data collection, training, staff development and direct service
22 provision to eligible children with disabilities, from birth to under 3 years of age, in
23 accordance with Part C of the federal Individuals with Disabilities Education Act, 20
24 United States Code, Section 1400 et seq.;

25 D. Ensure that eligible children with disabilities, from birth to under 3 years of age,
26 receive early intervention services, in accordance with the payment provisions
27 established by the State;

28 E. Ensure that eligible children with disabilities, from 3 years of age to under 6 years
29 of age, receive free, appropriate public education services, in collaboration with
30 school administrative units when possible;

31 F. Coordinate with eligible families the development of individualized family service
32 plans for children with disabilities from birth to 2 years of age or coordinate an
33 individualized education program for a child 3 years of age to under 6 years of age
34 unless an individualized family service plan is preferred;

35 G. Designate local personnel for training to commit funds for free, appropriate public
36 education. Personnel who commit funds for free, appropriate public education must
37 be trained and certified by the state intermediate educational unit established under
38 subsection 3. The board of directors of a regional site shall determine and designate
39 which trained and certified personnel may commit funds; and

1 ~~H. Ensure that children from birth until 6 years of age who are referred to the Child~~
2 ~~Development Services System also receive appropriate referrals for support outside~~
3 ~~of the system, including appropriate public and private programmatic resources,~~
4 ~~regardless of the child's eligibility for early intervention or free, appropriate public~~
5 ~~education.~~

6 ~~All regional site employees and board of directors members of a regional intermediate~~
7 ~~education unit are employees for purposes of the Maine Tort Claims Act.~~

8 **PART PP**

9 **Sec. PP-1. Transfer; unexpended funds; Bureau of Revenue Services**
10 **Fund.** Notwithstanding any other provision of law, the State Controller shall transfer
11 \$450,000 by June 30, 2012 in unexpended funds from the Bureau of Revenue Services
12 Fund program, Internal Service Fund account in the Department of Administrative and
13 Financial Services to General Fund unappropriated surplus.

14 **PART QQ**

15 **Sec. QQ-1. 36 MRSA §111, sub-§7,** as amended by PL 1997, c. 526, §6, is
16 further amended to read:

17 **7. Taxpayer.** "Taxpayer" means any person required to file a return under this Title
18 or to pay, withhold and pay over or collect and pay over any tax imposed by this Title.
19 For the purposes of sections 171, 175-A and 176-A, "taxpayer" also means any person
20 obligated to the State for the payment of a fee, fine, penalty or other obligation to the
21 State provided for by law, if this obligation is subject to collection by the assessor
22 pursuant to an agreement entered into by the bureau and another agency of the State.
23 "Taxpayer" also means any pass-through entity doing business in the State or having a
24 Maine resident member, including an S corporation, general partnership, limited
25 partnership, limited liability partnership, limited liability company or similar entity, that
26 is not taxed as a C corporation for federal tax purposes.

27 **Sec. QQ-2. 36 MRSA §187-B, sub-§1-A,** as enacted by PL 2007, c. 437, §3 and
28 affected by §22, is repealed.

29 **Sec. QQ-3. 36 MRSA §187-B, sub-§7,** as amended by PL 2011, c. 380, Pt. L,
30 §1, is further amended to read:

31 **7. Reasonable cause.** The assessor shall waive or abate or, in the case of those
32 penalties that do not accrue automatically under subsection 6, refrain from imposing any
33 penalty imposed by subsection 1, ~~1-A~~, 2, 4-A, 4-B, 5-A or 5-B or by the terms of the
34 International Fuel Tax Agreement if grounds constituting reasonable cause are
35 established by the taxpayer or if the assessor determines that grounds constituting
36 reasonable cause are otherwise apparent. Reasonable cause includes, but is not limited to,
37 the following circumstances:

38 A. The failure to file or pay resulted directly from erroneous information provided by
39 the Bureau of Revenue Services;

- 1 B. The failure to file or pay resulted directly from the death or serious illness of the
2 taxpayer or a member of the taxpayer's immediate family;
- 3 C. The failure to file or pay resulted directly from a natural disaster;
- 4 D. A return that was due monthly was filed and paid less than one month late and all
5 of the taxpayer's returns and payments during the preceding 12 months were timely;
- 6 E. A return that was due other than monthly was filed and paid less than one month
7 late and all of the taxpayer's returns and payments during the preceding 3 years were
8 timely;
- 9 F. The taxpayer has supplied substantial authority justifying the failure to file or pay;
10 or
- 11 G. The amount subject to a penalty imposed by subsection 1, 2, 4-A or 5-A is de
12 minimis when considered in relation to the amount otherwise properly paid, the
13 reason for the failure to file or pay and the taxpayer's compliance history.

14 Absent a determination by the assessor that grounds constituting reasonable cause are
15 otherwise apparent, the burden of establishing grounds for waiver or abatement is on the
16 taxpayer.

17 **Sec. QQ-4. 36 MRSA §5102, sub-§10**, as amended by PL 1999, c. 414, §39, is
18 further amended to read:

19 **10. Taxable corporation.** "Taxable corporation" means, for any taxable year, a
20 corporation that, at any time during that taxable year, realized Maine net income-
21 "~~Taxable corporation~~" and includes any S corporation ~~that is required by section 5241 to~~
22 ~~file a return and~~ with realized Maine net income that is subject to federal tax under the
23 Code, Section 1374 and 1375.

24 **Sec. QQ-5. 36 MRSA §5222, sub-§6**, as enacted by P&SL 1969, c. 154, §F, is
25 repealed.

26 **Sec. QQ-6. 36 MRSA §5241**, as amended by PL 1997, c. 746, §23 and affected
27 by §24, is repealed.

28 **Sec. QQ-7. 36 MRSA §5245**, as amended by PL 2011, c. 1, Pt. CC, §4 and
29 affected by §5, is repealed.

30 **Sec. QQ-8. Application.** This Part applies to tax years beginning on or after
31 January 1, 2012.

32 **PART RR**

33 **Sec. RR-1. 36 MRSA §5122, sub-§2, ¶M**, as amended by PL 2005, c. 218, §53,
34 is further amended to read:

35 M. For each individual who is a primary recipient of pension benefits under an
36 employee retirement plan, an amount that is the lesser of:

1 (1) Six thousand dollars reduced by the total amount of the individual's social
2 security benefits and railroad retirement benefits paid by the United States, but
3 not less than \$0. The reduction does not apply to benefits paid under a military
4 retirement plan; or

5 (2) The aggregate of pension benefits under employee retirement plans included
6 in the individual's federal adjusted gross income.

7 For purposes of this paragraph, the following terms have the following meanings.
8 "Primary recipient" means the individual upon whose earnings the employee
9 retirement plan benefits are based or the surviving spouse of that individual.
10 "Pension benefits" means employee retirement plan benefits reported as pension or
11 annuity income for federal income tax purposes. "Employee retirement plan" means
12 a state, federal or military retirement plan or any other retirement benefit plan
13 established and maintained by an employer for the benefit of its employees under the
14 Code, Section 401(a), Section 403 or Section 457(b), except that distributions made
15 pursuant to a Section 457(b) plan are not eligible for the deduction provided by this
16 paragraph if they are made prior to age 55 and are not part of a series of substantially
17 equal periodic payments made for the life of the primary recipient or the joint lives of
18 the primary recipient and that recipient's designated beneficiary. "Employee
19 retirement plan" does not include an individual retirement account under Section 408
20 of the Code, a Roth IRA under Section 408A of the Code, a rollover individual
21 retirement account, a simplified employee pension under Section 408(k) of the Code
22 or an ineligible deferred compensation plan under Section 457(f) of the Code.
23 Pension benefits under an employee retirement plan do not include distributions that
24 are subject to the tax imposed by the Code, Section 72(t). "Military retirement plan"
25 means benefits received as a result of service in the active or reserve components of
26 the Army, Navy, Air Force, Marines or Coast Guard;

27 This paragraph does not apply to tax years beginning on or after January 1, 2014;

28 **Sec. RR-2. 36 MRSA §5122, sub-§2, ¶M-1** is enacted to read:

29 M-1. For tax years beginning on or after January 1, 2014, for each individual who is
30 a primary recipient of retirement plan benefits under an employee retirement plan or
31 an individual retirement account, an amount that is the lesser of the aggregate of
32 retirement plan benefits under employee retirement plans or individual retirement
33 accounts included in the individual's federal adjusted gross income and the pension
34 deduction amount reduced by the total amount of the individual's social security
35 benefits and railroad retirement benefits paid by the United States, but not less than
36 \$0. The social security benefits and railroad retirement benefits reduction does not
37 apply to benefits paid under a military retirement plan.

38 For purposes of this paragraph, the following terms have the following meanings.

39 (1) "Employee retirement plan" means a state, federal or military retirement plan
40 or any other retirement benefit plan established and maintained by an employer
41 for the benefit of its employees under the Code, Section 401(a), Section 403 or
42 Section 457(b), except that distributions made pursuant to a Section 457(b) plan
43 are not eligible for the deduction provided by this paragraph if they are made
44 prior to age 55 and are not part of a series of substantially equal periodic

1 payments made for the life of the primary recipient or the joint lives of the
2 primary recipient and that recipient's designated beneficiary.

3 (2) "Individual retirement account" means an individual retirement account
4 under Section 408 of the Code, a Roth IRA under Section 408A of the Code, a
5 simplified employee pension under Section 408(k) of the Code or a simple
6 retirement account for employees under Section 408(p) of the Code.

7 (3) "Military retirement plan" means benefits received as a result of service in
8 the active or reserve components of the Army, Navy, Air Force, Marines or Coast
9 Guard.

10 (4) "Pension deduction amount" means \$10,000 for taxable years beginning in
11 2014 increased by \$5,000 for each succeeding taxable year until that amount
12 reaches \$35,000 for taxable years beginning in 2019 and thereafter adjusted
13 annually by the pension adjustment factor in accordance with section 5404.

14 (5) "Primary recipient" means the individual upon whose earnings or
15 contributions the retirement plan benefits are based or the surviving spouse of
16 that individual.

17 (6) "Retirement plan benefits" means employee retirement plan benefits, except
18 pick-up contributions for which a subtraction is allowed under paragraph E,
19 reported as pension or annuity income for federal income tax purposes and
20 individual retirement account benefits reported as individual retirement account
21 distributions for federal income tax purposes. "Retirement plan benefits" does
22 not include distributions that are subject to the tax imposed by the Code, Section
23 72(t);

24 **Sec. RR-3. 36 MRSA §5402, sub-§1-C** is enacted to read:

25 **1-C. Pension adjustment factor.** "Pension adjustment factor" means one plus the
26 annualized cost-of-living adjustment for social security retirement benefits payable for
27 the calendar year during which the tax year begins.

28 **Sec. RR-4. 36 MRSA §5404** is enacted to read:

29 **§5404. Annual adjustment to subtraction modification for pension benefits**

30 Beginning in 2019, by December 1st annually, the State Tax Assessor shall determine
31 an adjustment to the subtraction modification for pension benefits under section 5122,
32 subsection 2, paragraph M-1 as follows: the State Tax Assessor shall multiply the pension
33 adjustment factor for taxable years beginning in the succeeding calendar year by the
34 pension deduction amount determined in accordance with section 5122, subsection 2,
35 paragraph M-1 for the current year. The result must be rounded to the nearest \$50 and
36 applies to taxable years beginning in the succeeding calendar year.

37 **Sec. RR-5. Application.** That section of this Part that enacts the Maine Revised
38 Statutes, Title 36, section 5122, subsection 2, paragraph M-1 applies to tax years
39 beginning on or after January 1, 2014.

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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

1 Department of Administrative and Financial Services lapses to the General Fund in fiscal
2 year 2011-12.

3 **PART VV**

4 **Sec. VV-1. Transfer of funds; Fund for a Healthy Maine.** Notwithstanding
5 any other provision of law, the State Controller shall transfer \$3,858,368 no later than
6 June 30, 2012 and \$358,409 no later than June 30, 2013 from the Fund for a Healthy
7 Maine to the unappropriated surplus of the General Fund.

8 **PART WW**

9 **Sec. WW-1. 25 MRSA §2396, first ¶**, as amended by PL 1997, c. 728, §17, is
10 further amended to read:

11 The Office of the State Fire Marshal is established as a bureau within the Department
12 of Public Safety. The Commissioner of Public Safety, with the advice and consent of the
13 Governor and subject to review by the joint standing committee of the Legislature having
14 jurisdiction over public safety matters and to confirmation by the Legislature, shall
15 appoint as State Fire Marshal a person experienced in fire prevention work, ~~who may be~~
16 ~~removed for cause by the commissioner to serve for a term of 4 years unless removed for~~
17 ~~cause. The State Fire Marshal may be removed by impeachment or by the Governor on~~
18 ~~the address of both branches of the Legislature.~~ The Commissioner of Public Safety or
19 the commissioner's designee shall appoint, subject to the Civil Service Law, such
20 investigators, inspectors and other employees as are necessary to carry out the duties
21 assigned to the office. The State Fire Marshal and the Commissioner of Public Safety or
22 the commissioner's designee have all of the duties and responsibilities assigned to the
23 office.

24 **PART XX**

25 **Sec. XX-1. Personal Services savings; transfer to General Fund**
26 **undicated revenue.** Notwithstanding the Maine Revised Statutes, Title 5, section
27 1582, subsection 4 or any other provision of law, the State Controller is authorized to
28 transfer the first \$6,600,000 of unexpended Personal Services appropriations that would
29 otherwise lapse to the Salary Plan program in the Department of Administrative and
30 Financial Services to the unappropriated surplus of the General Fund at the close of fiscal
31 year 2011-12.

32 **Sec. XX-2. General Fund Salary Plan; transfer to General Fund**
33 **undicated revenue.** Notwithstanding any other provision of law, the State
34 Controller is authorized to transfer up to \$6,600,000 from the Salary Plan program in the
35 Department of Administrative and Financial Services to the unappropriated surplus of the
36 General Fund at the close of fiscal year 2011-12 in the event that the total savings in
37 section 1 of this Part are not achieved.

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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.

Sec. YY-2. Lapsed balances; Maine Farms for the Future Program; General Fund. Notwithstanding any other provision of law, \$300,000 of unencumbered balance forward in the All Other line category in the Maine Farms for the Future Program, 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 Part A 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.

PART AAA

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

4. Use of savings; personal services funds. Savings accrued from unused funding of employee benefits may not be used to increase services provided by employees. Accrued salary savings generated within an appropriation or allocation for Personal Services may be used for the payment of nonrecurring Personal Services costs only within the account where the savings exist. Accrued savings generated from vacant positions within a General Fund account's appropriation for Personal Services may be used to offset Personal Services shortfalls in other General Fund accounts that occur as a direct result of Personal Services appropriation reductions for projected vacancies, and accrued savings generated within a Highway Fund account's allocations for Personal Services may be used to offset Personal Services shortfalls in other Highway Fund accounts that occur as a direct result of Personal Services allocation reductions for projected vacancies; except that the transfer of such accrued savings is subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Costs related to acting capacity appointments and emergency, unbudgeted overtime for which it is impractical to budget in advance may be used with

1 the approval of the appointing authority. Other actions such as retroactive compensation
2 for reclassifications or reallocations and retroactive or one-time settlements related to
3 arbitrator or court decisions must be recommended by the department or agency head and
4 approved by the State Budget Officer. Salary and employee benefits savings may not be
5 used to fund recurring Personal Services actions either in the account where the savings
6 exist or in another account. At the close of each fiscal year, except for the Division of
7 Forest Protection account within the Department of Conservation, the ~~Disproportionate~~
8 ~~Share— Riverview Psychiatric Center and the Disproportionate Share— Dorothea Dix~~
9 ~~Psychiatric Center accounts within the Department of Health and Human Services and the~~
10 ~~Education in the Unorganized Territory account within the Department of Education, any~~
11 ~~unexpended General Fund Personal Services appropriations to executive branch agencies~~
12 ~~including accounts that are authorized to carry unexpended balances forward must lapse~~
13 ~~to the Salary Plan program, General Fund account in the Department of Administrative~~
14 ~~and Financial Services.~~

15 **Sec. AAA-2. 34-B MRSA §1409, sub-§9, ¶A**, as enacted by PL 1983, c. 459,
16 §7, is amended to read:

17 A. The chief administrative officer shall ~~apply the benefits toward~~ deposit any such
18 funding received for the care and treatment of the resident in accordance with charges
19 made by the department as General Fund undedicated revenue.

20 **Sec. AAA-3. 34-B MRSA §1409, sub-§13**, as amended by PL 2005, c. 256, §4,
21 is repealed.

22 **Sec. AAA-4. 34-B MRSA §1409, sub-§14**, as enacted by PL 1991, c. 528, Pt. Q,
23 §6 and affected by Pt. RRR and enacted by c. 591, Pt. Q, §6 and amended by PL 2005, c.
24 236, §3, is repealed.

25 **Sec. AAA-5. 34-B MRSA §1409, sub-§15**, as amended by PL 2011, c. 1, Pt. S,
26 §2, is further amended to read:

27 **15. General Fund accounts; disproportionate share hospital match.** The
28 commissioner shall establish General Fund accounts to provide ~~the General Fund match~~
29 ~~for eligible disproportionate share hospital components in~~ for the care and treatment of
30 residents of the Riverview Psychiatric Center and the Dorothea Dix Psychiatric Center.
31 Any unencumbered balances of General Fund appropriations remaining at the end of each
32 fiscal year must be carried forward to be used for the same purposes. Available
33 unencumbered balances at the end of each fiscal year in the Personal Services line
34 category of the accounts may be transferred to the All Other line category by financial
35 order upon the recommendation of the State Budget Officer and approval of the
36 Governor. Reimbursement received from the Medicaid program for disproportionate
37 share hospital match must be deposited in the General Fund as undedicated revenue.

38 **Sec. AAA-6. Department of Health and Human Services; state**
39 **psychiatric centers; transfers and adjustments to position count.** The
40 Commissioner of Health and Human Services shall review the current organizational
41 structure of the State's psychiatric centers to improve organizational efficiency and cost-
42 effectiveness within the centers. Notwithstanding any other provision of law, the State

1 Budget Officer is authorized to transfer position counts and available balances by
2 financial order in order to achieve the purposes of this section. In accordance with the
3 requirements of the Maine Revised Statutes, Title 5, section 1585, a financial order
4 describing such a transfer must be submitted by the Department of Administrative and
5 Financial Services, Bureau of the Budget to the Office of Fiscal and Program Review 30
6 days before a transfer is to be implemented. In the case of extraordinary emergency
7 transfers, the 30-day prior submission requirement may be waived by vote of the joint
8 standing committee of the Legislature having jurisdiction over appropriations and
9 financial affairs. Any transfer or adjustment pursuant to this section that would result in a
10 program or mission change must be reported to the joint standing committee of the
11 Legislature having jurisdiction over health and human services matters for review before
12 the associated financial order is submitted to the Governor for approval. These transfers
13 are considered adjustments to authorized position count, appropriations and allocations.

14 PART BBB

15 **Sec. BBB-1. 36 MRSA §5122, sub-§2, ¶KK** is enacted to read:

16 KK. To the extent included in federal adjusted gross income, an amount equal to
17 military compensation earned for service pursuant to written military orders during
18 the taxable year not performed in this State. For the purposes of this paragraph,
19 "military compensation" means active duty pay received as a result of service in the
20 active or reserve components of the United States Army, Navy, Air Force, Marines or
21 Coast Guard, including active state service as defined in Title 37-B, section 101-A,
22 subsection 1.

23 **Sec. BBB-2. Application.** This Part applies to tax years beginning on or after
24 January 1, 2014.

25 PART CCC

26 **Sec. CCC-1. 36 MRSA §1752, sub-§8-C** is enacted to read:

27 **8-C. Positive airway pressure equipment and supplies.** "Positive airway pressure
28 equipment and supplies" means continuous positive air pressure and bilevel positive air
29 pressure equipment and supplies, and repair and replacement parts for such equipment,
30 used in respiratory ventilation.

31 **Sec. CCC-2. 36 MRSA §1752, sub-§11, ¶B**, as amended by PL 2011, c. 209,
32 §1 and affected by §5, is further amended to read:

33 B. "Retail sale" does not include:

- 34 (1) Any casual sale;
- 35 (2) Any sale by a personal representative in the settlement of an estate unless the
36 sale is made through a retailer or the sale is made in the continuation or operation
37 of a business;
- 38 (3) The sale, to a person engaged in the business of renting automobiles, of
39 automobiles, integral parts of automobiles or accessories to automobiles, for

- 1 rental or for use in an automobile rented for a period of less than one year. For
2 the purposes of this subparagraph, "automobile" includes a pickup truck or van
3 with a gross vehicle weight of less than 26,000 pounds;
- 4 (4) The sale, to a person engaged in the business of renting video media and
5 video equipment, of video media or video equipment for rental;
- 6 (5) The sale, to a person engaged in the business of renting or leasing
7 automobiles, of automobiles for rental or lease for one year or more;
- 8 (6) The sale, to a person engaged in the business of providing cable or satellite
9 television services, of associated equipment for rental or lease to subscribers in
10 conjunction with a sale of extended cable or extended satellite television services;
- 11 (7) The sale, to a person engaged in the business of renting furniture or audio
12 media and audio equipment, of furniture, audio media or audio equipment for
13 rental pursuant to a rental-purchase agreement as defined in Title 9-A, section
14 11-105;
- 15 (8) The sale of loaner vehicles to a new vehicle dealer licensed as such pursuant
16 to Title 29-A, section 953;
- 17 (9) The sale of automobile repair parts used in the performance of repair services
18 on an automobile pursuant to an extended service contract sold on or after
19 September 20, 2007 that entitles the purchaser to specific benefits in the service
20 of the automobile for a specific duration;
- 21 (10) The sale, to a retailer that has been issued a resale certificate pursuant to
22 section 1754-B, subsection 2-B or 2-C, of tangible personal property for resale in
23 the form of tangible personal property, except resale as a casual sale;
- 24 (11) The sale, to a retailer that has been issued a resale certificate pursuant to
25 section 1754-B, subsection 2-B or 2-C, of a taxable service for resale, except
26 resale as a casual sale;
- 27 (12) The sale, to a retailer that is not required to register under section 1754-B,
28 of tangible personal property for resale outside the State in the form of tangible
29 personal property, except resale as a casual sale;
- 30 (13) The sale, to a retailer that is not required to register under section 1754-B,
31 of a taxable service for resale outside the State, except resale as a casual sale; ~~or~~
- 32 (14) The sale of repair parts used in the performance of repair services on
33 telecommunications equipment as defined in section 2551, subsection 19
34 pursuant to an extended service contract that entitles the purchaser to specific
35 benefits in the service of the telecommunications equipment for a specific
36 duration; or
- 37 (15) The sale of positive airway pressure equipment and supplies for rental for
38 personal use to a person engaged in the business of renting positive airway
39 pressure equipment.

40 **Sec. CCC-3. 36 MRSA §1760, sub-§94** is enacted to read:

1 B-1. "Commercial wood harvesting" means the commercial severance and yarding of
2 trees for sale or for processing into logs, pulpwood, bolt wood, wood chips, stud
3 wood, poles, pilings, biomass or fuel wood or other products commonly known as
4 forest products.

5 C. "Depreciable machinery and equipment" means, except as otherwise provided by
6 this paragraph, that part of the following machinery and equipment for which
7 depreciation is allowable under the Code and repair parts for that machinery and
8 equipment:

9 (1) New or used machinery and equipment for use directly and primarily in
10 commercial agricultural production, including self-propelled vehicles, ~~but~~
11 ~~excluding motor vehicles as defined in section 1752, subsection 7;~~ attachments
12 and equipment for the production of field and orchard crops; new or used
13 machinery and equipment for use directly and primarily in production of milk,
14 animal husbandry and production of livestock, including poultry; new or used
15 machinery and equipment used in the removal and storage of manure; and new or
16 used machinery and equipment not used directly and primarily in commercial
17 agricultural production, but used to transport potatoes from a truck into a storage
18 location;

19 (2) New or used watercraft, nets, traps, cables, tackle and related equipment
20 necessary to and used directly and primarily in ~~the operation of a commercial~~
21 ~~fishing venture, but excluding motor vehicles as defined in section 1752,~~
22 ~~subsection 7; or~~

23 (3) New or used watercraft, machinery or equipment used directly and primarily
24 for commercial aquacultural production, including, but not limited to: nets; ropes;
25 cables; anchors and anchor weights; shackles and other hardware; buoys; fish
26 tanks; fish totes; oxygen tanks; pumping systems; generators; water-heating
27 systems; boilers and related pumping systems; diving equipment; feeders and
28 related equipment; power-generating equipment; tank water-level sensors;
29 aboveground piping; water-oxygenating systems; fish-grading equipment; safety
30 equipment; and sea cage systems, including walkways and frames, lights, netting,
31 buoys, shackles, ropes, cables, anchors and anchor weights; ~~but excluding motor~~
32 ~~vehicles as defined in section 1752, subsection 7; and~~

33 (4) New or used machinery and equipment for use directly and primarily in
34 commercial wood harvesting, including, but not limited to, chain saws, skidders,
35 delimbers, forwarders, slashers, feller bunchers and wood chippers.

36 "Depreciable machinery and equipment" does not include a motor vehicle as defined
37 in section 1752, subsection 7 or a trailer as defined in section 1752, subsection 19-A.

38 **2. Refund authorized.** Any person, association of persons, firm or corporation that
39 purchases electricity, or that purchases or leases depreciable machinery or equipment, for
40 use in commercial agricultural production, commercial fishing ~~or~~ commercial
41 aquacultural production or commercial wood harvesting or that purchases fuel for use in a
42 commercial fishing vessel must be refunded the amount of sales tax paid upon presenting
43 to the State Tax Assessor evidence that the purchase is eligible for refund under this
44 section.

1 Evidence required by the assessor may include a copy or copies of that portion of the
2 purchaser's or lessee's most recent filing under the United States Internal Revenue Code
3 that indicates that the purchaser or lessee is engaged in commercial agricultural
4 production, commercial fishing ~~or~~, commercial aquacultural production or commercial
5 wood harvesting and that the purchased machinery or equipment is depreciable for those
6 purposes or would be depreciable for those purposes if owned by the lessee.

7 In the event that any piece of machinery or equipment is only partially depreciable under
8 the United States Internal Revenue Code, any reimbursement of the sales tax must be
9 prorated accordingly. In the event that electricity or fuel for a commercial fishing vessel
10 is used in qualifying and nonqualifying activities, any reimbursement of the sales tax
11 must be prorated accordingly.

12 Application for refunds must be filed with the assessor within 36 months of the date of
13 purchase or execution of the lease.

14 **3. Purchases made free of tax with certificate.** Sales tax need not be paid on the
15 purchase of electricity, fuel for a commercial fishing vessel or a single item of machinery
16 or equipment if the purchaser has obtained a certificate from the assessor stating that the
17 purchaser is engaged in commercial agricultural production, commercial fishing ~~or~~,
18 commercial aquacultural production or commercial wood harvesting and authorizing the
19 purchaser to purchase electricity, fuel for a commercial fishing vessel or depreciable
20 machinery and equipment without paying Maine sales tax. The seller is required to
21 obtain a copy of the certificate together with an affidavit as prescribed by the assessor, to
22 be maintained in the seller's records, attesting to the qualification of the purchase for
23 exemption pursuant to this section. In order to qualify for this exemption, the electricity,
24 fuel for a commercial fishing vessel or depreciable machinery or equipment must be used
25 directly in commercial agricultural production, commercial fishing ~~or~~, commercial
26 aquacultural production or commercial wood harvesting. In order to qualify for this
27 exemption, the electricity or fuel for a commercial fishing vessel must be used in
28 qualifying activities, including support operations.

29 **4. Information on processes for refunds and appeals.** The assessor shall post
30 information describing the process for requesting a refund under this section on the
31 bureau's publicly accessible website along with a description of the process to appeal a
32 denial of refund request.

33 **Sec. DDD-3. Application.** Those sections of this Part that amend the Maine
34 Revised Statutes, Title 36, section 1760, subsection 7-B and section 2013 apply to
35 purchases made on or after January 1, 2013.

36 **PART EEE**

37 **Sec. EEE-1. Calculation and transfer; General Fund; business**
38 **communications lines savings.** Notwithstanding any other provision of law, the State
39 Budget Officer shall calculate the amount of savings in Part A of this Act that applies
40 against each General Fund account for executive branch departments and agencies
41 statewide and the judicial branch as a result of lowered costs of business communications
42 lines. The State Budget Officer shall transfer the savings by financial order upon approval

1 of the Governor. These transfers are considered adjustments to appropriations in fiscal
2 years 2011-12 and 2012-13.

3 **PART FFF**

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

6 **3. Transfer of assets and liabilities.** The University of Maine System may transfer
7 any assets and liabilities acquired pursuant to this section in order to unify operation in a
8 nonprofit, nonstock private corporation, referred to in this section as "the corporation."
9 The University of Maine System retains a reversionary interest in the university's assets
10 as provided for in the articles of incorporation of that corporation. An annual
11 appropriation for operating, constructing, equipping, maintaining, improving and
12 replacing facilities of the corporation ~~must~~ may be made ~~in amounts sufficient to ensure~~
13 for the delivery of broadcast sources throughout the State.

14 **PART GGG**

15 **Sec. GGG-1. PL 2011, c. 380, Pt. JJJ, §1**, as amended by PL 2011, c. 477, Pt.
16 HH, §1, is further amended to read:

17 **Sec. JJJ-1. Transfer from Other Special Revenue Funds to**
18 **unappropriated surplus of the General Fund.** Notwithstanding any other provision
19 of law, the State Controller shall transfer ~~\$103,500,000~~ \$91,000,000 on June 30, 2012
20 from Other Special Revenue Funds to the unappropriated surplus of the General Fund. On
21 July 1, 2012, the State Controller shall transfer ~~\$103,500,000~~ \$91,000,000 from the
22 General Fund unappropriated surplus to Other Special Revenue Funds as repayment. This
23 transfer is considered an interfund advance.

24 **PART HHH**

25 **Sec. HHH-1. 5 MRSA §1591, sub-§1**, as enacted by PL 2005, c. 12, Pt. GGGG,
26 §2, is amended to read:

27 **1. Department of Administrative and Financial Services.** The Department of
28 Administrative and Financial Services must apply:

29 A. Any balance remaining in the Salary Plan program in the Department of
30 Administrative and Financial Services at the end of any fiscal year to be carried
31 forward for the next fiscal year; ~~and~~

32 B. Any balance remaining in the General Fund ~~Capital, Construction, Repairs,~~
33 ~~Improvements—Administrative~~ Capital Construction/Repairs/Improvements -
34 Administration program in the Department of Administrative and Financial Services
35 at the end of any fiscal year to be carried forward for the next fiscal year; ~~and~~

36 C. Any balance remaining in the Debt Service - Government Facilities Authority
37 program in the Department of Administrative and Financial Services at the end of any
38 fiscal year to be carried forward for the next fiscal year.

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PART III

Sec. III-1. Calculation and transfer; General Fund savings; central administration. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in the Statewide Service Center account in Part A of this Act 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.

PART JJJ

Sec. JJJ-1. PL 2011, c. 477, Pt. U, §1 is amended to read:

Sec. U-1. Payments to State from Loan Insurance Reserve Fund. Notwithstanding any other provision of law, the Finance Authority of Maine shall transfer ~~\$1,000,000~~ \$2,000,000 from the Loan Insurance Reserve Fund to the State as undedicated General Fund revenue no later than June 30, 2012 and an additional \$1,000,000 from the Loan Insurance Reserve Fund to the State as undedicated General Fund revenue no later than June 30, 2013.

PART KKK

Sec. KKK-1. Department of Administrative and Financial Services, Office of Information Technology; online public notice services. Notwithstanding any other provision of law, the Department of Administrative and Financial Services, Office of Information Technology shall competitively bid for online public notice services in accordance with the Maine Revised Statutes, Title 5, section 1825-B.

Sec. KKK-2. Exclusive use of online public notice for 2012-2013 biennium. Notwithstanding any provision of law to the contrary, for the 2012-2013 biennium, state agencies shall provide public notices only by means of the online public notice services obtained pursuant to section 1 and not by any other means, including, but not limited to, newspaper, television and radio.

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

1 This Part makes allocations of funds for approved reclassifications.

2 **PART C**

3 This Part does the following.

4 1. It amends the law regarding general purpose aid for local schools to reflect the
5 reduced appropriation for the state agency client budget. As a result of a spending trend
6 analysis for state agency client special education services, a savings in the 2011-12 state
7 agency client budget is expected because expenditures will be less than originally
8 anticipated. The actual minimum teacher salary adjustment was less than anticipated.

9 2. It establishes the total cost of education from kindergarten to grade 12 for the state
10 contribution and the annual target state share percentage for fiscal year 2012-13.

11 3. It allows the Department of Education to expend state subsidy on behalf of a
12 school administrative unit to purchase items on statewide contracts to take advantage of
13 lower prices for these items.

14 **PART D**

15 This Part makes certain communications and other positions within the Department
16 of Education, the Department of Inland Fisheries and Wildlife and the Department of
17 Labor part of the unclassified service and subject to the appointment of the
18 commissioners of the respective departments. It also clarifies that employees of the
19 Governor's Office of Communications and the Governor's Energy Office are unclassified
20 employees.

21 **PART E**

22 This Part clarifies that municipal school units have the authority to commit property
23 taxes.

24 **PART F**

25 This Part authorizes the Commissioner of Education to establish a program for
26 increasing the state share of the cost of approved bus refurbishing.

27 **PART G**

28 This Part authorizes the Commissioner of Education, for fiscal years 2011-12 and
29 2012-13, to transfer funds to the State Charter School Commission program in order to
30 provide funding for start-up costs for the oversight of public charter schools.

31 **PART H**

32 This Part lapses \$7,009,774 of the unencumbered balance forward from the
33 Department of Education, General Purpose Aid for Local Schools program to the General
34 Fund.

35 **PART I**

1 This Part does the following.

2 It creates a new Associate Commissioner for Tax Policy position that is within the
3 Department of Administrative and Financial Services, Bureau of Revenue Services,
4 within salary range 90, but that reports directly to the Commissioner of Administrative
5 and Financial Services.

6 It eliminates the existing Director of Econometric Research position, a salary range
7 89 position within Bureau of Revenue Services that reports to the State Tax Assessor.

8 It amends the membership of the Revenue Forecasting Committee by replacing the
9 State Tax Assessor with the Associate Commissioner for Tax Policy.

10 It identifies the qualifications and duties of the new Associate Commissioner for Tax
11 Policy.

12 It establishes a new Office of Tax Policy within the Bureau of Revenue Services.

13 It clarifies for purposes of authorized disclosures of confidential taxpayer information
14 that the Bureau of Revenue Services's enforcement of the tax laws includes all aspects of
15 administering the tax laws.

16 **PART J**

17 This Part clarifies that state employees and teachers who have retired as the result of
18 a disability and who are automatically converted from a disability retirement plan to a
19 regular retirement plan are not required to contribute to the cost of health insurance if that
20 conversion occurs prior to normal retirement age. It also corrects a cross-reference.

21 **PART K**

22 This Part exempts financial orders that increase allotments in excess of legislatively
23 authorized allocations for the State - Municipal Revenue Sharing program, Other Special
24 Revenue Funds account and the Disproportionate Tax Burden Fund program, Other
25 Special Revenue Funds account in the Office of the Treasurer of State from legislative
26 review and 30-day wait provisions in order to facilitate the timely distribution of revenue-
27 sharing funds to municipalities.

28 **PART L**

29 This Part amends the consensus revenue forecasting process to eliminate the
30 provision that requires the Revenue Forecasting Committee to exclude revenue that
31 accrues from the Pine Tree Development Zone program from the revenue forecast and
32 repeals the provision requiring that all revenue attributable to the Pine Tree Development
33 Zone program be set aside in a separate fund to pay the benefits. This Part also repeals
34 the law that establishes the Pine Tree Development Zone Reserve Fund and fixes a cross-
35 reference.

36 **PART M**

1 This Part clarifies that transfers from the Maine Budget Stabilization Fund to pay for
2 death benefits are made by financial order and take effect upon the recommendation of
3 the State Budget Officer and approval of the Governor.

4 **PART N**

5 This Part requires the State Controller to transfer \$100,000 in unexpended funds from
6 the Fund for the Efficient Delivery of Local and Regional Services to General Fund
7 unappropriated surplus no later than June 30, 2012.

8 **PART O**

9 This Part renames 3 bureaus within the Department of Environmental Protection. It
10 also amends the titles of the bureau directors to be consistent with the names of the
11 bureaus and amends 2 other statutes to include the new bureau titles.

12 **PART P**

13 This Part eliminates the position of Economic Analyst from the Office of the Public
14 Advocate.

15 **PART Q**

16 This Part requires any General Fund balances remaining in the Administration -
17 Executive - Governor's Office, Blaine House, Governor's Office of Communications,
18 Office of Policy and Management and Governor's Energy Office programs to be carried
19 forward for use in the next fiscal year.

20 **PART R**

21 This Part does the following.

22 It makes individuals who receive cash assistance under the Temporary Assistance to
23 Needy Families program or who have been sanctioned for noncompliance under that
24 program ineligible for municipal general assistance.

25 It restricts housing assistance in the municipal general assistance program to no more
26 than 90 days per calendar year.

27 It clarifies certain restrictions on eligibility in the municipal general assistance
28 program.

29 It reduces the state reimbursement rate to municipalities for allowable expenditures of
30 municipal general assistance to 50% but does not change the reimbursement rate for
31 Indian tribes.

32 **PART S**

33 This Part does the following.

1 It eliminates the requirement that the Department of Health and Human Services
2 provide limited transitional food benefits to ASPIRE-TANF program recipients who lose
3 TANF eligibility due to employment earnings.

4 It authorizes the Department of Health and Human Services to provide limited
5 transitional food benefits to working families who are food supplement benefit recipients
6 with dependent children.

7 **PART T**

8 This Part repeals the provision of law that requires nursing facilities to submit
9 payment to the Department of Health and Human Services equal to 50% of Medicaid
10 savings due the State pursuant to the principles of reimbursement. The department no
11 longer calculates these savings.

12 **PART U**

13 This Part requires remaining balances of funds appropriated for state supplemental
14 income benefits to be carried forward from year to year.

15 **PART V**

16 This Part provides that a portion of unencumbered balance forward of the Department
17 of Health and Human Services, Disproportionate Share - Riverview Psychiatric Center
18 program, General Fund account and Disproportionate Share - Dorothea Dix Psychiatric
19 Center program, General Fund account lapses to the General Fund no later than June 30,
20 2012.

21 **PART W**

22 This Part amends the law that authorizes the Chief Justice of the Supreme Judicial
23 Court to approve financial orders to further authorize revisions of and increases to
24 allotment within the judicial branch. The procedure for judicial financial orders must
25 follow the same procedures as the executive branch.

26 **PART X**

27 This Part authorizes the Department of Corrections to carry all remaining Personal
28 Services balances remaining at the end of fiscal year 2011-12 to fiscal year 2012-13 to
29 the Capital Expenditures line category in the Capital Construction/Repairs/Improvements
30 - Corrections program, General Fund account in the Department of Corrections to be used
31 for capital improvements to correctional facilities.

32 **PART Y**

33 This Part transfers \$600,000 from the unappropriated surplus of the General Fund to
34 the Criminal Justice Academy program, Other Special Revenue Funds account within the
35 Department of Public Safety.

36 **PART Z**

1 This Part directs the State Controller to transfer \$700,000 from the unappropriated
2 surplus of the General Fund to the Fire Marshal - Office of program, Other Special
3 Revenue Funds account within the Department of Public Safety.

4 **PART AA**

5 This Part requires the State Controller to transfer \$1,500,000 on or before June 30,
6 2012 and \$950,000 on or before June 30, 2013 from the Clean Elections Act Chapter 1
7 Initiated Bill program, Other Special Revenue Funds account to the unappropriated
8 surplus of the General Fund.

9 **PART BB**

10 This Part provides that the unencumbered balance forward from the Department of
11 Labor, Governor's Training Initiative Program, General Fund account lapses to the
12 General Fund in fiscal year 2011-12.

13 **PART CC**

14 This Part implements the recommendations of the working group established by
15 Public Law 2011, chapter 380, Part FF regarding transfer of duties and responsibilities of
16 the State Planning Office to other state departments and agencies.

17 This Part abolishes the State Planning Office.

18 **PART DD**

19 This Part establishes in the Executive Department the Governor's Office of Policy
20 and Management whose primary mission is to facilitate achievement of long-term state
21 economic goals and objectives and improvement of efficiency and effectiveness with
22 which State Government performs its functions and delivers services. The office's duties
23 include a number of economic policy-related functions for which the Executive
24 Department, State Planning Office has been responsible.

25 **PART EE**

26 This Part amends laws regarding state boards and commissions and natural resources-
27 related planning functions to reflect the elimination of the Executive Department, State
28 Planning Office and eliminates several boards and commissions for which the State
29 Planning Office has provided support.

30 **PART FF**

31 This Part transfers the Executive Department, State Planning Office's duties and
32 responsibilities regarding training and certification for municipal code enforcement
33 officers to the Department of Economic and Community Development, Office of
34 Community Development.

35 **PART GG**

1 This Part transfers the Executive Department, State Planning Office's duties and
2 responsibilities regarding solid waste management and recycling policy to the
3 Department of Environmental Protection and transfers ownership of state-owned landfills
4 and related management duties and responsibilities to the Department of Administrative
5 and Financial Services, Bureau of General Services.

6 **PART HH**

7 This Part transfers the Executive Department, State Planning Office's duties and
8 responsibilities as the state coordinating agency for the National Flood Insurance
9 Program to the Maine Emergency Management Agency in the Department of Defense,
10 Veterans and Emergency Management.

11 **PART II**

12 This Part transfers the duties, responsibilities and activities of the Executive
13 Department, State Planning Office regarding provision of staff support for the Land for
14 Maine's Future program to the Department of Conservation, Natural Areas Program.

15 **PART JJ**

16 This Part transfers the Executive Department, State Planning Office's duties and
17 responsibilities regarding planning and land use regulation to the Department of
18 Conservation.

19 **PART KK**

20 This Part transfers the Executive Department, State Planning Office's duties and
21 responsibilities as lead agency for the Maine Coastal Program to the Department of
22 Conservation's Bureau of Geology and Natural Areas, renamed, accordingly, the Bureau
23 of Geology, Natural Areas and Coastal Resources.

24 **PART LL**

25 This Part transfers the Executive Department, State Planning Office's duties,
26 responsibilities and activities regarding provision of administrative support for the Maine
27 Commission for Community Service to the Department of Education.

28 **PART MM**

29 This Part transfers the Executive Department, State Planning Office's duties and
30 responsibilities regarding various energy policy-related matters to the Governor's Energy
31 Office.

32 This Part also changes the name of the Governor's Office of Energy Independence
33 and Security to the Governor's Energy Office. It also fixes cross-references to reflect the
34 name change.

35 **PART NN**

1 This Part contains general transition provisions regarding transfer of the Executive
2 Department, State Planning Office's duties, responsibilities and property to the other units
3 of State Government as provided in the bill.

4 **PART OO**

5 This Part amends the special education laws by:

6 1. Giving the Commissioner of Education, or the commissioner's designee,
7 responsibility for developing and implementing a funding mechanism for the operation of
8 the state intermediate educational unit and the delivery of services to eligible children
9 with disabilities from birth to under 6 years of age;

10 2. Placing sole responsibility for the development and adoption of rules necessary to
11 carry out the federal Individuals with Disabilities Education Act on the Commissioner of
12 Education;

13 3. Requiring the Department of Education to develop a corrective action plan to
14 achieve compliance with federal or state law;

15 4. Eliminating regional sites as locally governed regional intermediate educational
16 units established to ensure the provision of services to children with disabilities and
17 instead allowing the state intermediate educational unit to establish and maintain regional
18 sites, the operation of which will be overseen by the director of early childhood special
19 education; and

20 5. Requiring the state intermediate educational unit, through the use of regional sites
21 if considered appropriate by the state intermediate educational unit, to perform duties
22 such as data collection, child count and child find activities, and to ensure that eligible
23 children with disabilities, from birth to under 3 years of age, receive early intervention
24 services in accordance with payment provisions established by the State.

25 **PART PP**

26 This Part requires the State Controller to transfer \$450,000 from the Bureau of
27 Revenue Services Fund program, Internal Service Fund account to General Fund
28 unappropriated surplus by June 30, 2012.

29 **PART QQ**

30 This Part repeals the filing requirement of information returns by partnerships and S
31 corporations. It also amends the definition of "taxpayer" to include pass-through entities
32 in order to provide the State Tax Assessor the ability to audit a pass-through entity even if
33 the entity does not have a Maine filing requirement. This is especially needed in cases
34 when the owners of an entity have a Maine filing obligation. This Part also makes
35 technical changes to reflect the proposed changes. This Part applies to tax years
36 beginning on or after January 1, 2012.

37 **PART RR**

1 This Part amends the income tax subtraction modification for certain retirement
2 benefits to raise the \$6,000 limit to \$10,000 for tax years beginning in 2014 and increase
3 that amount by \$5,000 increments for succeeding tax years until the amount reaches
4 \$35,000 for tax years beginning in 2019. The deduction is increased for tax years
5 beginning after 2019 by increasing the deduction amount annually by a percentage equal
6 to the annual cost-of-living adjustment for social security benefits. The subtraction
7 modification is expanded to include all federally taxable pension income, annuity income
8 and individual retirement account distributions, except pick-up contributions for which a
9 deduction has been allowed.

10 **PART SS**

11 This Part changes the position title for the Assistant to the Commissioner for Public
12 Affairs to the Director of Legislative Affairs within the Department of Labor.

13 **PART TT**

14 This Part authorizes the State Controller to transfer funds from the Carrying Balances
15 - Inland Fisheries and Wildlife program, General Fund account to partially fund the
16 reorganization of 3 positions that were included in the retirement incentive program.

17 **PART UU**

18 This Part does the following.

19 1. It lapses \$55,798 from the unencumbered balance of the Veterans' Organization
20 Tax Reimbursement program, General Fund account in the Department of Administrative
21 and Financial Services to the General Fund in fiscal year 2011-12.

22 2. It lapses \$5,766 from the unencumbered balance in the Veterans' Organization Tax
23 Reimbursement program, General Fund account in the Department of Administrative and
24 Financial Services to the General Fund in fiscal year 2011-12.

25 **PART VV**

26 This Part requires the State Controller to transfer \$3,858,368 in fiscal year 2011-12
27 and \$358,409 in fiscal year 2012-13 from the Fund for a Healthy Maine to the General
28 Fund unappropriated surplus.

29 **PART WW**

30 This Part amends the provisions for the appointment of the State Fire Marshal so that
31 the appointment is made for a term of 4 years with the consent of the Governor, subject to
32 confirmation by the Legislature. It further clarifies circumstances for removal of the
33 State Fire Marshal from office.

34 **PART XX**

35 This Part requires the State Controller to transfer the first \$6,600,000 of unexpended
36 Personal Services appropriations that would otherwise lapse to the Salary Plan program in
37 the Department of Administrative and Financial Services to General Fund unappropriated

1 surplus at the close of fiscal year 2011-12. This Part also allows the State Controller to
2 transfer funding from the Salary Plan program to General Fund unappropriated surplus in
3 the event that the full \$6,600,000 of Personal Services savings in this Part is not achieved.

4 **PART YY**

5 This Part does the following.

6 It lapses \$6,072 from the unencumbered balance of the Agricultural Vitality Program
7 - Carrying Account, General Fund account in the Department of Agriculture, Food and
8 Rural Resources to the General Fund in fiscal year 2011-12.

9 It lapses \$300,000 from the unencumbered balance in the Maine Farms for the
10 Future, General Fund account in the Department of Agriculture, Food and Rural
11 Resources to the General Fund in fiscal year 2011-12.

12 **PART ZZ**

13 This Part increases the attrition rate for fiscal year 2012-13 only from 5% to 6%. It
14 also requires the State Budget Officer to calculate the savings in Part A and transfer the
15 savings by financial order upon approval of the Governor.

16 **PART AAA**

17 This Part does the following.

18 It revises the authority to carry unexpended Personal Services balances to reflect the
19 accounts in which the positions of the Dorothea Dix Psychiatric Center and the Riverview
20 Psychiatric Center are authorized.

21 It requires that any revenue received from the Medicaid, Medicare or other payers for
22 the care and treatment of residents at the Riverview Psychiatric Center or the Dorothea
23 Dix Psychiatric Center must be deposited as General Fund undedicated revenue.

24 It repeals provisions related to special revenue accounts at the 2 centers.

25 It requires the Commissioner of Health and Human Services to identify
26 improvements to the organizational efficiency and cost-effectiveness of the state
27 psychiatric centers and authorizes the State Budget Officer to transfer by financial order
28 positions and available balances to achieve those improvements. The transfers are made
29 by financial order and are adjustments to authorized position count, appropriations and
30 allocations.

31 **PART BBB**

32 This Part exempts from Maine income tax active duty military pay earned outside of
33 Maine for service performed pursuant to written orders during tax years beginning on or
34 after January 1, 2014.

35 **PART CCC**

1 This Part enacts a new sales and use tax exemption for positive airway pressure
2 equipment used in respiratory ventilation and for supplies and repair and replacement
3 parts for such equipment.

4 **PART DDD**

5 This Part expands the scope of the Maine Revised Statutes, Title 36, section 2013,
6 which provides for the refund of sales tax on purchases of depreciable machinery and
7 equipment used for commercial agriculture and certain other purposes, to include items
8 used in commercial wood harvesting and in the commercial production of crops, plants,
9 trees, compost and livestock, which is intended to include greenhouse and nursery
10 products.

11 **PART EEE**

12 This Part requires the State Budget Officer to calculate the savings in Part A of this
13 bill related to lowered costs of business communications lines and transfer the savings by
14 financial order upon approval of the Governor.

15 **PART FFF**

16 This Part amends the laws regarding the University of Maine System's statewide
17 public broadcasting network to replace the requirement that an annual appropriation be
18 provided to ensure the delivery of statewide broadcast sources with language that permits
19 such an appropriation.

20 **PART GGG**

21 This Part reduces the interfund advance from Other Special Revenue Funds to the
22 General Fund unappropriated surplus required for one day at the end of fiscal year 2011-
23 12 from \$103,500,000 to \$91,000,000.

24 **PART HHH**

25 This Part requires any General Fund balances remaining in the Debt Service -
26 Government Facilities Authority program in the Department of Administrative and
27 Financial Services to be carried forward for use in the next fiscal year. This Part also
28 updates the name of an existing fund.

29 **PART III**

30 This Part requires the State Budget Officer to calculate the savings from a decrease in
31 charges made by the Department of Administrative and Financial Services, Division of
32 Financial and Personnel Services for its services and transfer those savings by financial
33 order upon the approval of the Governor.

34 **PART JJJ**

35 This Part increases the amount the Finance Authority of Maine is required to transfer
36 from the Loan Insurance Reserve Fund to General Fund undedicated revenue in fiscal
37 year 2011-12 from \$1,000,000 to \$2,000,000.

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PART KKK

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This Part requires the Department of Administrative and Financial Services, Office of Information Technology to competitively bid for online public notice services. It also requires state agencies to use the online public notice service exclusively for any notice required by state law for the 2012-2013 biennium.

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