

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

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

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

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

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

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

**PART A**

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

**PART B**

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

**PART C**

**Sec. C-1. 20-A MRSA §13013-A,** as amended by PL 2021, c. 398, Pt. JJ, §1 is further amended to read:

1. **Department of Education salary supplement.** Notwithstanding any other provision of law, the Department of Education shall provide a public school teacher, ~~or a teacher in a publicly supported secondary school,~~ or a teacher employed by an education service center as authorized

under Title 20-A, Chapter 123 who has attained certification from the National Board for Professional Teaching Standards, or its successor organization, with an annual national board certification salary supplement for the life of the certificate. The salary supplement must be added to the teacher's base salary and must be considered in the calculation for contributions to the Maine Public Employees Retirement System. If a nationally certified teacher is no longer employed as a teacher, the supplement ceases. The amount of the salary supplement is:

- A. For fiscal year 2012-13, \$2,500;
- B. For fiscal year 2013-14, \$2,750;
- C. For fiscal year 2014-15 and succeeding years, except for a teacher under paragraph D, \$3,000; and
- D. For fiscal year 2020-21 and succeeding years, for a teacher who is employed in a school in which at least 50% of students qualify for a free or reduced-price lunch under chapter 223, subchapter 7 during the year that the supplement is provided, \$5,000.

**1-A. Funding revenue.** The National Board Certification Salary Supplement Fund is established as a nonlapsing dedicated fund within the Department of Education beginning in fiscal year 2012-13. The salary supplement under subsection 1 must be funded from fees collected by the department pursuant to section 13007, subsection 1.

**2. Local filing; certification.** On or before October 15th annually, the superintendent of schools of a school administrative unit, ~~or~~ the chief administrative officer of a publicly supported secondary school, an education service center or a career and technical education region shall file with the commissioner a certified list of national board-certified teachers eligible to receive the salary supplement pursuant to subsection 1.

**3. Payment.** If there are available resources, the department shall provide the salary supplement to school administrative units, ~~and~~ publicly supported secondary schools and education service centers for eligible teachers no later than February 15th of each year. The salary supplement paid may be prorated.

**4. Expend funds.** A school administrative unit, ~~or~~ a publicly supported secondary school or an education service center may expend funds received through the salary supplement under subsection 1 without calling for a special meeting of the local legislative body.

**5. Scholarship fund.** The National Board Certification Scholarship Fund is established as a nonlapsing dedicated fund, referred to in this subsection as "the scholarship fund," within the Department of Education to encourage teachers to apply to and enroll in the certification program offered by the National Board for Professional Teaching Standards or its successor organization, referred to in this subsection and subsection 6 as "the certification program." A school administrative unit, ~~or~~ a publicly supported secondary school or an education service center may request scholarship funds on behalf of its teachers who meet the requirements set forth in subsection 6. The department shall award funds according to this subsection.

A. In fiscal year 2012-13, the department shall allocate \$50,000 from fees collected by the department pursuant to section 13007, subsection 1 to the scholarship fund. The department shall

award an amount equal to the cost of the certification program less any other funds received by the applicant on a first-come first-served basis for the first 20 teachers accepted into the certification program annually.

B. Beginning in fiscal year 2013-14, the department shall allocate \$75,000 from fees collected by the department pursuant to section 13007, subsection 1 each fiscal year to the scholarship fund. The department shall award an amount equal to the cost of enrollment in the certification program less any other funds received by the applicant to not more than 30 teachers accepted into the program annually.

**6. Eligibility requirements.** In order to receive scholarship funds according to subsection 5 on behalf of a teacher, the school administrative unit, ~~or~~ a publicly supported secondary school or an education service center must certify to the department that the teacher:

A. Is currently employed by a school administrative unit, ~~or~~ a publicly supported secondary school or an education service center;

B. Has completed at least 3 years of teaching in the State;

C. Has agreed to mentor at least one other teacher employed in the State through the national board certification process to apply to and enroll in the certification program;

D. Has provided documentation of acceptance into the certification program; and

E. Has disclosed any other funds received to cover the cost of the certification program.

**7. Nonlapsing funds.** Any unencumbered balance of the National Board Certification Scholarship Fund under subsection 5 remaining at the end of a fiscal year may not lapse but must be carried forward to be used for the same purpose.

**Sec. C-2. 20-A MRSA §15675, sub-§2, ¶A-1** is enacted to read:

A-1. Notwithstanding paragraph A, for fiscal year 2022-23 only, an additional weight of .20. The number of economically disadvantaged students for each school administrative unit is determined by multiplying the number of resident pupils in the most recent calendar year by the greater of the three most recent years elementary free or reduced-price meals percentage. The elementary free or reduced-price meals percentage may be applied to determine the number of economically disadvantaged students in the unit's secondary grades.

**Sec. C-3. 20-A MRSA §15678, sub-§2, ¶A-1**, as amended by PL 2021, c.29, Pt. C, §4 is further amended to read:

A-1. Notwithstanding paragraph A, for fiscal years 2021-22 and 2022-23 only, for the elementary school level, the student-to-teacher ratio is 16:1.

**Sec. C-4. 20-A MRSA §15678, sub-§2, ¶B-1** is enacted to read:

A-1. Notwithstanding paragraph A, for fiscal year 2022-23 only, for the middle school level, the student-to-teacher ratio is 16:1.

**Sec. C-5. 20-A MRSA §15688-A, sub-§10** is enacted to read:

**10. Career and Technical Education Early Childhood Program Expansion support.** Beginning in fiscal year 2022-2023, the Commissioner may expend and disburse funds to career and technical education centers and career and technical education regions for the purpose of expanding or developing early childhood education programs.

**Sec. C-6. 20-A MRSA §15689, sub-§16** is enacted to read:

**16. English Learner budgetary hardship adjustment.** Beginning in fiscal year 2022-2023, the following provisions apply to adjustments for English Learner budgetary hardships.

A. If a school administrative unit determined eligible pursuant to paragraph B petitions the Commissioner and demonstrates that the unexpected education costs of increased English Learner student enrollment will cause a budgetary hardship, the Commissioner may provide an amount equal to that school administrative unit's most recent enacted state share of the increased English Learner weighted allocation, as calculated pursuant to section 15675-1, resulting from the increased enrollment. If the school administrative unit's most recent enacted state share percentage is less than the statewide state share percentage enacted in section 15671-(B), then adjustment amount will be equal to the most recent enacted state share percentage.

B. The commissioner may determine that a school administrative unit is eligible for an adjustment under paragraph A if:

(1) The increased student enrollment is a result of the student(s) becoming the fiscal responsibility of the school administrative unit after the passage of the annual budget for the current fiscal year; and

(2) The school administrative unit's unexpected enrollment increase results in an increase of 5% or more in English Learner weighted allocation, as calculated pursuant to section 15675-1.

C. The funds for adjustments under paragraph A are limited to the amount appropriated by the Legislature for that purpose.

D. A school administrative unit may expend the funds from the adjustment under paragraph A without seeking approval of the school administrative unit's legislative body.

**Sec. C-7. 20-A MRSA §15689-A, sub-§12,** as amended by PL 2011, c. 702, §3, is further amended to read:

**12. National board certification salary supplement.** The commissioner may pay annual salary supplement payments to school administrative units, ~~or~~ a publicly supported secondary school or an education service center as authorized under Title 20-A, Chapter 123 for payment to school teachers who have attained certification from the National Board for Professional Teaching Standards or its successor organization pursuant to section 13013-A.

**Sec. C-8. Mill expectation.** The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2022-23 is 7.10.

**Sec. C-9. Total cost of funding public education from kindergarten to grade 12.** The total cost of funding public education from kindergarten to grade 12 for fiscal year 2022-23 is as follows:

|  | <b>2022-23<br/>TOTAL</b> |
|--|--------------------------|
| <b>Total Operating Allocation</b>  |                          |
| Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683   | \$1,534,093,140          |
| Total operating allocation for public charter schools pursuant to the Maine Revised Statutes, Title 20-A, section 15683-B  | \$32,449,350             |
| Total adjustments to state subsidy pursuant to Title 20-A, section 15689 included in subsidizable costs and total other subsidizable costs pursuant to Title 20-A, section 15681-A | \$584,323,259            |
| <b>Total Operating Allocation and Subsidizable Costs</b>   |                          |
| Total operating allocation pursuant to Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A  | \$2,150,865,749          |

**Total Debt Service Allocation**

|   |              |
|---|--------------|
| Total debt service allocation pursuant to Title 20-A, section 15683-A | \$99,403,683 |
|---|--------------|

**Total Adjustments and Targeted Education Funds**

|   |              |
|---|--------------|
| Audit adjustments pursuant to Title 20-A, section 15689, subsection 4   | \$225,000    |
| Educating students in long-term drug treatment center adjustments pursuant to Title 20-A, section 15689, subsection 5     | \$249,607    |
| Minimum teacher salary adjustment pursuant to Title 20-A, section 15689, subsection 7-A                                   | \$1,000,000  |
| Regionalization, consolidation, and efficiency assistance adjustments pursuant to Title 20-A, section 15689, subsection 9 | \$6,594,970  |
| Maine Care seed payments adjustments pursuant to Title 20-A, section 15689, subsection 14                                 | \$1,334,776  |
| Special Education Hardship adjustment pursuant to Title 20-A, section 15689, subsection 15                                | \$500,000    |
| English Learner budgetary hardship adjustment pursuant to Title 20-A, section 15689, subsection 16                        | \$500,000    |
| Total adjustments to the state share of total allocation pursuant to Title 20-A, section 15689                            | \$10,404,353 |

Targeted Education Funds pursuant to Title 20-A, section 15689-A

|   |              |
|---|--------------|
| Special education costs for state agency clients and state wards pursuant to Title 20-A, section 15689-A, subsection 1          | \$36,737,998 |
| Essential programs and services components contract pursuant to Title 20-A, section 15689-A, subsection 3                       | \$250,000    |
| Data management and support services for essential programs and services pursuant to Title 20-A, section 15689-A, subsection 10 | \$11,455,663 |
| Postsecondary course payments pursuant to Title 20-A, section 15689-A, subsection 11  | \$5,500,000  |
| National board certification salary supplement pursuant to Title 20-A, section 15689-A, subsection 12                           | \$307,551    |
| Learning through technology program pursuant to Title 20-A, section 15689-A, subsection 12-A                                    | \$14,000,000 |
| Jobs for Maine's Graduates including college pursuant to Title 20-A, section 15689-A, subsection 13                             | \$3,881,379  |
| Maine School of Science and Mathematics pursuant to Title 20-A, section 15689-A, subsection 14                                  | \$3,615,347  |
| Maine Educational Center for the Deaf and Hard of Hearing pursuant to Title 20-A, section 15689-A, subsection 15                | \$8,712,565  |
| Transportation administration pursuant to Title 20-A, section 15689-A, subsection 16  | \$666,220    |
| Special education for juvenile offenders pursuant to Title 20-A, section 15689-A, subsection 17                                 | \$407,999    |

|   |              |
|---|--------------|
| Comprehensive early college programs funding<br>(bridge year program) pursuant to Title 20-A, section<br>15689-A, subsection 23           | \$1,000,000  |
| Community schools pursuant to Title 20-A, section<br>15689-A, subsection 25   | \$250,000    |
| Maine School for Marine Science, Technology,<br>Transportation and Engineering pursuant to Title 20-<br>A, section 15689-A, subsection 26 | \$226,149    |
| Instruments and Professional Development in rural<br>schools pursuant to Title 20-A, section 15689-A,<br>subsection 28                    | \$50,000     |
| Total targeted education funds pursuant to Title 20-A,<br>section 15689-A   | \$87,060,871 |

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

|   |              |
|---|--------------|
| Career and technical education costs pursuant to Title<br>20-A, section 15688-A, subsection 1   | \$62,278,741 |
| College transitions programs through adult education<br>college readiness programs pursuant to Title 20-A,<br>section 15688-A, subsection 2 | \$450,000    |
| National industry standards for career and technical<br>education pursuant to Title 20-A, section 15688-A,<br>subsection 6                  | \$2,000,000  |
| Career and technical education early childhood<br>program expansion support pursuant to Title 20-A,<br>section 15688-A, subsection 10       | \$100,000    |



|   |              |
|---|--------------|
| Total enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D | \$64,828,741 |
|---|--------------|

**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 pursuant to Title 20-A, chapter 606-B, not including normal retirement costs | \$2,412,563,397 |
|---|-----------------|

|   |              |
|---|--------------|
| Total normal cost of teacher retirement | \$50,222,361 |
|---|--------------|

|   |                 |
|---|-----------------|
| Total cost of funding public education from kindergarten to grade 12 for fiscal year pursuant to Title 20-A, chapter 606-B, including normal retirement costs | \$2,462,785,758 |
|---|-----------------|

|  |               |
|--|---------------|
| Total cost of state contribution to unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2022-23 pursuant to Title 5, chapters 421 and 423, excluding the normal cost of teacher retirement | \$249,734,100 |
|--|---------------|

|   |                 |
|---|-----------------|
| Total cost of funding public education from kindergarten to grade 12, plus state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2022-23 pursuant to Title 5, chapters 421 and 423 | \$2,712,519,858 |
|---|-----------------|

**Sec. C-10. Local and state contributions to total cost of funding public education from kindergarten to grade 12.** The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2022 and ending June 30, 2023 is calculated as follows:

|   | <b>2022-23<br/>LOCAL</b> | <b>2022-23<br/>STATE</b> |
|---|--------------------------|--------------------------|
| <b>Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12</b>  |                          |                          |
| Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subject to statewide distributions required by law   | \$1,108,253,591          | \$1,354,532,167          |
| State contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2022-23 pursuant to Title 5, chapters 421 and 423 excluding the normal cost of teacher retirement                             |                          | \$249,734,100            |
| State contribution to the total cost of funding public education from kindergarten to grade 12 plus state contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance pursuant to Title 5, chapters 421 and 423 |                          | \$1,604,266,267          |

**Sec. C-11. Authorization of payments.** If the State's continued obligation for any individual component contained in those sections of this Act that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose exceeds the level of funding provided for that component, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual component. Any unexpended balances from this Act may not lapse but must be carried forward for the same purpose.

**Sec. C-12. Limit of State's obligation.** Those sections of this Act that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose may not be construed to require the State to provide payments that exceed the appropriation of funds for general purpose aid for local schools for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

## **PART C SUMMARY**

This Part does the following:

1. It establishes the Total Cost of Education from Kindergarten to Grade 12, the state contribution, and the mill expectation for the local contribution for fiscal year 2022-2023.
2. Enacts an annual budgetary hardship adjustment for school administrative units experiencing an increase in students requiring English Learner services.
3. It amends National Board salary supplement and scholarship fund language to include teachers employed by Education Service Centers.
4. It provides one-year adjustments to the Essential Programs and Services funding model to address student loss due to the COVID-19 pandemic.
5. It provides funding for Career and Technical Education schools to expand or develop early childhood education programs.

## **PART D**

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

**§ 1610-O. Additional securities**

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed \$39,500,000 outstanding at any one time for an inland fisheries and wildlife headquarters facility.

**Sec. D-2. Maine Governmental Facilities Authority; issuance of securities.** Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2 and section 1610-O, and notwithstanding the limitation contained in Maine Revised Statutes, Title 4, section 1606, subsection 2 regarding the amount of securities that may be issued, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$39,500,000. Proceeds must be used for the purpose of paying the costs associated with an inland fisheries and wildlife headquarters facility as designated by the Commissioner of Administrative and Financial Services.

**Sec. D-3. Land Purchase.** Notwithstanding any other provision of law, the Department of Administrative and Financial Services is authorized to purchase the following parcels of land and any buildings thereon together with railroad crossing and access rights along the Kennebec River in the City of Augusta for an Inland Fisheries and Wildlife headquarters facility:

Parcel 1, the former “Mill Site” parcel situated on the easterly side of the Kennebec River in Augusta, described in deed from American Tissue Mills of Maine, LLC, to Augusta Tissue, LLC, recorded in the Kennebec County Registry of Deeds in Book 8226, Page 167, acquired by the City of Augusta for unpaid taxes, and such rights as may be needed over the Drum Barker Road for access to a public way;

Parcel 2, containing 4.51 acres, more or less, known as 32 Willow Street, situated on the easterly side of the Kennebec River in Augusta, and described as Parcel I in deed from OneSteel Recycling, Inc. to AIM Recycling USA LLC recorded in the Kennebec County Registry of Deeds in Book 11601, Page 178; and

Such rail crossings as may be needed for access to and from Parcels 1 and 2.

## **PART D SUMMARY**

This Part authorizes the Maine Governmental Facilities Authority to issue additional securities up to an amount of \$39,500,000 for an inland fisheries and wildlife headquarters facility and provides authority for the Department of Administrative and Financial Services to purchase the land.

## **PART E**

**Sec. E-1. 36 MRSA §5219-S, sub-§1**, as amended by PL 2021, c. 398, Pt. H, §3, is further amended to read:

**1. Resident taxpayer; on or after January 1, 2020 but before January 1, 2022.** ~~A~~For tax years beginning on or after January 1, 2020 but before January 1, 2022, a resident individual who is an eligible individual is allowed a credit against the tax otherwise due under this Part in the

amount of 25% of the federal earned income credit for the same taxable year for a resident eligible individual who does not have a qualifying child and 12% of the federal earned income credit for the same taxable year for all other resident eligible individuals; except that, for taxable years beginning after December 31, 2020 and before January 1, 2022, a resident individual who is an eligible individual is allowed a credit against the tax otherwise due under this Part in the amount of 20% of the federal earned income credit for the same taxable year.

**Sec. E-2. 36 MRS §5219-S, sub-§1-A,** is enacted to read:

**1-A. Resident taxpayer; on or after January 1, 2022.** For tax years beginning on or after January 1, 2022, a resident individual who is an eligible individual is allowed a credit against the tax otherwise due under this Part in the amount of 50% of the federal earned income credit for the same taxable year for a resident eligible individual who does not have a qualifying child and 25% of the federal earned income credit for the same taxable year for all other resident eligible individuals.

**Sec. E-3. 36 MRS §5219-S, sub-§2** is amended to read:

**2. Nonresident taxpayer; on or after January 1, 2020 but before January 1, 2022.** ~~A~~For tax years beginning on or after January 1, 2020 but before January 1, 2022, a nonresident individual who is an eligible individual is allowed a credit against the tax otherwise due under this Part in the amount of 25% of the federal earned income credit for the same taxable year for a nonresident eligible individual who does not have a qualifying child and 12% of the federal earned income credit for the same taxable year for all other nonresident eligible individuals, except that, for taxable years beginning after December 31, 2020 and before January 1, 2022, all nonresident eligible individuals are allowed a credit in the amount of 20% of the federal earned income credit for the same taxable year, multiplied by the ratio of the individual's Maine adjusted gross income, as defined in section 5102, subsection 1-C, paragraph B, to the individual's entire federal adjusted gross income, as modified by section 5122.

**Sec. E-4. 36 MRS §5219-S, sub-§2-A,** is enacted to read:

**2-A. Nonresident taxpayer; on or after January 1, 2022.** For tax years beginning on or after January 1, 2022, a nonresident individual who is an eligible individual is allowed a credit against the tax otherwise due under this Part in the amount of 50% of the federal earned income credit for the same taxable year for a nonresident eligible individual who does not have a qualifying child and 25% of the federal earned income credit for the same taxable year for all other nonresident eligible individuals, multiplied by the ratio of the individual's Maine adjusted gross income, as defined in section 5102, subsection 1-C, paragraph B, to the individual's entire federal adjusted gross income, as modified by section 5122.

**Sec. E-5. 36 MRSA §5219-S, sub-§3** is amended to read:

**3. Part-year resident taxpayer; on or after January 1, 2020 but before January 1, 2022.**

~~An~~For tax years beginning on or after January 1, 2020 but before January 1, 2022, an eligible individual who files a return as a part-year resident in accordance with section 5224-A is allowed a credit against the tax otherwise due under this Part in the amount of 25% of the federal earned income credit for the same taxable year for an eligible part-year individual who does not have a qualifying child and 12% of the federal earned income credit for the same taxable year for all other eligible part-year individuals, except that, for taxable years beginning after December 31, 2020 and before January 1, 2022, all eligible part-year individuals are allowed a credit in the amount of 20% of the federal earned income credit for the same taxable year, multiplied by a ratio, the numerator of which is the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph A for that portion of the taxable year during which the individual was a resident plus the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph B for that portion of the taxable year during which the individual was a nonresident and the denominator of which is the individual's entire federal adjusted gross income, as modified by section 5122.

**Sec. E-6. 36 MRSA §5219-S, sub-§3-A**, is enacted to read:

**3-A. Part-year resident taxpayer; on or after January 1, 2022.** For tax years beginning on or after January 1, 2022, an eligible individual who files a return as a part-year resident in accordance with section 5224-A is allowed a credit against the tax otherwise due under this Part in the amount of 50% of the federal earned income credit for the same taxable year for an eligible part-year individual who does not have a qualifying child and 25% of the federal earned income credit for the same taxable year for all other eligible part-year individuals, multiplied by a ratio, the numerator of which is the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph A for that portion of the taxable year during which the individual was a resident plus the individual's Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph B for that portion of the taxable year during which the individual was a nonresident and the denominator of which is the individual's entire federal adjusted gross income, as modified by section 5122.

## **PART E SUMMARY**

This Part increases the earned income tax credit for tax years beginning on or after January 1, 2022, from 25% to 50% of the federal earned income tax credit for individuals with no qualifying children and from 12% to 25% of the federal earned income tax credit for all other eligible individuals.

## PART F

**Sec. F-1. 36 MRSA § 5219-KK, sub-§ 2-D**, as enacted by PL 2021, c.398, Pt H, § 8, is amended to read:

**2-D. Credit in 2022 and after.** For tax years beginning on or after January 1, 2022, a resident individual is allowed a credit against the taxes imposed under this Part equal to the amount by which the benefit base for the resident individual exceeds 4% of the resident individual's income. The credit may not exceed ~~\$750~~\$1,000 for resident individuals under 65 years of age as of the last day of the taxable year or ~~\$1,200~~\$1,500 for resident individuals 65 years of age and older as of the last day of the taxable year. In the case of married individuals filing a joint return, only one spouse is required to be 65 years of age or older to qualify for the ~~\$1,200~~\$1,500 credit limitation. Married taxpayers filing separate returns do not qualify for the credit under this section.

## PART F SUMMARY

This Part increases the maximum property tax fairness credit for tax years beginning on or after January 1, 2022, from \$750 to \$1,000 for resident individuals under 65 years of age and from \$1,200 to \$1,500 for resident individuals 65 years of age and older.

## PART G

**Sec. G-1. 36 MRSA §5122, sub-§2, ¶XX** is enacted to read:

XX. For tax years beginning on or after January 1, 2022, to the extent included in federal adjusted gross income, student loan payments made directly to a lender on behalf of the taxpayer by a student loan repayment program funded by a nonprofit foundation and administered by the Finance Authority of Maine for residents of the State employed by a business located in the State.

## PART G SUMMARY

This Part provides an income tax deduction for payments made directly to a lender on behalf of a taxpayer by a student loan repayment program funded by a nonprofit foundation and administered by the Finance Authority of Maine for residents of the State employed by a business located in the State. The deduction applies to tax years beginning on or after January 1, 2022.

## PART H

**Sec. H-1. 20-A MRSA §12541**, sub-§1-A is repealed.

**Sec. H-2. 20-A MRSA §12541**, sub-§4 is repealed.

**Sec. H-3. 20-A MRSA §12541**, sub-§4-A is repealed.

**Sec. H-4. 20-A MRSA §12541**, sub-§5 is repealed.

**Sec. H-5. 20-A MRSA §12541**, sub-§8 is repealed.

**Sec. H-6. 20-A MRSA §12541**, sub-§9 is repealed.

**Sec. H-7. 20-A MRSA §12542**, sub-§1, first full paragraph is amended to read:

**1. Program created; goals.** The Job Creation Through Educational Opportunity Program, referred to in this chapter as "the program," is created to provide ~~an educational opportunity~~ a student loan repayment tax credit to ~~Maine residents who obtain an associate degree or a bachelor's degree in this State, and live, work and pay taxes in this State thereafter.~~ The program is designed to achieve the following goals:

**Sec. H-8. 20-A MRSA §12542**, sub-§4-A is amended to read:

**4-A. Administration.** The program must be administered as described in this subsection.

A. The department, in consultation with the State Tax Assessor, shall make information about the program available on the department's publicly accessible website. The department shall refer any questions regarding the program to the relevant accredited Maine community college, college or university's financial aid office. The assessor shall provide to an accredited Maine community college, college or university information that is necessary to document a student's eligibility for the ~~educational opportunity~~ student loan repayment tax credit.

B. ~~A Maine resident who enrolls in an accredited Maine community college, college or university who receives financial aid in the form of loans must have the opportunity to participate in the program.~~ An accredited Maine community college, college or university shall, at a minimum, provide information about the program in financial aid award materials, entrance interviews, exit interviews, materials listing financial aid resources and, as appropriate, any promotional materials provided by state agencies, to the extent such contacts with students are already part of the accredited Maine community college, college or university's procedures.

C. ~~An accredited Maine community college, college or university must document for the student information required for purposes of the educational opportunity tax credit, including, once the student has earned the degree, the total principal of loans the student received as part of that student's financial aid package related to course work completed at the accredited Maine community college, college or university. The accredited Maine community college, college or university shall provide an original or certified copy to the student and shall retain a copy of the documentation in its files for at least 10 years after the student graduates.~~

**Sec. H-9. 20-A MRSA §12542**, sub-§5 is repealed.



**Sec. H-10. 20-A MRSA §12543** is amended to read:

It is the intent of the Legislature that neither the existence of the program nor the benefits provided under the ~~educational opportunity student loan repayment~~ tax credit serve as justification to decrease other funds appropriated or allocated to accredited Maine community colleges, colleges or universities, including institutions in the Maine Community College System and the University of Maine System, or to other higher education programs.

**Sec. H-11. 20-A MRSA §12545** is repealed.

**Sec H-12. 36 MRSA §2535**, is amended to read:

A taxpayer is allowed a credit against the tax otherwise due under this chapter as determined under section 5217-D. The credit provided by this section, including any carryover of excess credit from prior years, may not be claimed for tax years beginning on or after January 1, 2022.

**Sec H-13. 36 MRSA §5217-D**, sub-§6 is enacted to read:

**6. Application.** Notwithstanding any provision of this section to the contrary, the credit provided by this section, including any carryover of excess credit from prior years, may not be claimed for tax years beginning on or after January 1, 2022.

**Sec H-14. 36 MRSA §5217-E** is enacted to read:

**§5217-E. Student Loan Repayment Tax Credit**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Accredited community college, college or university" means an institution of higher education that is accredited by a regional accrediting association or by one of the specialized accrediting agencies recognized by the United States Secretary of Education.

B. "Earned income" has the same meaning as in the Code, Section 32(c)(2).

B. "Employer" has the same meaning as the term "employing unit," as defined in Title 26, section 1043, subsection 10.

C. "Financial aid package" means financial aid obtained by a student for attendance at an accredited community college, college or university for an associate, bachelor's or graduate degree obtained by the student from an accredited community college, college or university after December 31, 2007. "Financial aid package" may include private loans or less than the full amount of loans under federal programs, depending on the practices of the accredited community college, college or university.

D. "Qualified individual" means an individual, including the spouse filing a joint return with the individual under section 5221, who is eligible for the credit provided in this section. An individual is eligible for the credit if the individual:

(1) Obtained an associate, bachelor's or graduate degree from an accredited community college, college or university after December 31, 2007;

(2) During the taxable year, was a resident individual as defined in section 5102(5); and

(3) During the taxable year had earned income of at least the State minimum wage, as defined in Maine Revised Statutes, Title 26, section 664, subsection 1, as adjusted for cost of living increases, as determined on January 1 of the taxable year, multiplied by 936 hours. The assessor may adopt rules reducing this amount if a portion of the taxable year falls within a disaster period. Rules adopted pursuant to this subparagraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

E. "Regional accrediting association" means a regional accrediting association that is either (1) any of the United States accrediting associations/commissions that comprise the Council of Regional Accrediting Commissions, or (2) an equivalent non-United States accrediting association, commission, or government entity that is a reliable authority on the quality of the education or training provided by the institutions of higher education it accredits or charters and that applies standards substantially equivalent to those utilized by the associations/commissions that comprise the Council of Regional Accrediting Commissions.

**2. Credit allowed.** For taxable years beginning on or after January 1, 2022, a qualified individual is allowed a refundable credit against the tax imposed by this Part in accordance with the provisions of this section. The credit, with respect to a qualified individual, is equal to the amount of loan payments made directly by the taxpayer to the lender during the taxable year plus the amount of any carryover allowed in accordance with paragraph C, up to a maximum of \$2,000. The credit is created to implement the Job Creation Through Educational Opportunity Program established under Title 20-A, chapter 428-C.

A. A taxpayer may claim a credit under this section based on loan payments made directly by the taxpayer to a relevant lender or lenders only with respect to loans that are part of the qualified individual's financial aid package and only with respect to loan payment amounts paid directly by the taxpayer during that part of the taxable year that the qualified individual was a resident individual. Refinanced loans or consolidated loans that are part of the qualified individual's financial aid package are eligible for the credit under this section if the refinanced loans or consolidated loans remain separate from other debt, but only in proportion to the portion of the loan payments that are otherwise eligible under this section.

B. Loans obtained from a person related to the qualified individual or from any person by reason of a loan under any qualified employer plan or under a contract referred to in the Code, Section 72(p)(5) do not qualify for the credit under this section. For purposes of this paragraph, a person is considered related to the qualified individual if that person meets the criteria listed in the Code, Section 267(b) or Section 707(b)(1). As used in this paragraph, "qualified employer plan" has the same meaning as in the Code, Section 72(p)(4).

C. For taxable years beginning on or after January 1, 2022 and before January 1, 2027, a qualified individual with unused carryover credits pursuant to section 5217-D, subsection 2, paragraph A from the credit for educational opportunity generated in the past 10 years, may carry over and apply to the credit amount allowed pursuant to this section the portion, as reduced from year to year, of any unused credits.

D. A qualified individual may only receive a credit otherwise allowed pursuant to this section up to a total lifetime credit cap amount of \$25,000.

**Sec. H-15. 36 MRSA §5122, sub-§ 2, ¶ FF**, as amended by PL 2013, c. 525, §14, is repealed.

**Sec. H-16. Application.** The section of this Part that repeals Maine Revised Statutes, Title 36, section 5122, subsection 2, paragraph FF applies to taxable years beginning on or after January 1, 2022.

## **PART H SUMMARY**

This Part replaces the current credit for educational opportunity with a broader and simpler credit of up to \$2,000 for an individual's repayment of student loans for taxable years beginning on or after January 1, 2022. Unused credit carryover amounts from the credit for educational opportunity may be claimed and applied to the new credit by a qualified individual for tax years beginning before January 1, 2027, subject to the annual credit limit of \$2,000. This also repeals the insurance premiums tax credit for educational opportunity for tax years beginning on or after January 1, 2022.

## **PART I**

**Sec. I-1. Transfer from General Fund unappropriated surplus; Maine Budget Stabilization Fund.** Notwithstanding any other provision of law, on or before June 30, 2022, the State Controller shall transfer \$10,000,000 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund established in the Maine Revised Statutes, Title 5, section 1532.

## **PART I SUMMARY**

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

## **PART J**

**Sec. J-1. Transfer from General Fund unappropriated surplus; Maine Military Reserve Fund.** Notwithstanding any other provision of law, the State Controller shall transfer \$6,500,000 from the General Fund unappropriated surplus to the Maine Military Reserve Fund, established under the Maine Revised Statutes, Title 5, section 1523, within the Department of Administrative and Financial Services no later than June 30, 2022 for the purpose of settling outstanding obligations of the Maine Military Authority.

## **PART J SUMMARY**

This Part requires the transfer of \$6,500,000 in fiscal year 2021-22 from the unappropriated surplus of the General Fund to the Maine Military Reserve Fund to settle outstanding obligations of the Maine Military Authority.

## **PART K**

**Sec. K-1. Transfer; Reserve for General Fund Operating Capital to a COVID-19 response fund.** Notwithstanding any provision of law to the contrary, the State Controller may transfer up to \$8,500,000 from the balance available in the Reserve for General Fund Operating Capital to a COVID-19 response fund established by the State Controller to address funding needs related to the novel coronavirus disease, known as COVID-19, through June 30, 2023. Amounts transferred may be expended based on allotment established by financial order approved by the State Budget Officer and the Governor. The amounts transferred are considered adjustments to appropriations. The Governor shall inform the Legislative Council and the Joint Standing Committee on Appropriations and Financial Affairs immediately upon such a transfer from the Reserve for General Fund Operating Capital. Any remaining balance in the COVID-19 response fund on July 1, 2023 must be transferred by the State Controller to the Reserve for General Fund Operating Capital. All amounts received as reimbursement for expenses originally paid by the COVID-19 response fund, up to \$8,500,000, from any funding source whatsoever, must be returned to the Reserve for General Fund Operating Capital in accordance with this section.

## **PART K SUMMARY**

This Part authorizes the State Controller to transfer up to \$8,500,000 from the Reserve for General Fund Operating Capital to a COVID-19 response fund. The funds may be expended based on allotment established by financial order approved by the State Budget Officer and the Governor. Any reimbursements received for expenses paid from these funds must be returned to the Reserve for General Fund Operating Capital. Any remaining balance in the COVID-19 response fund on July 1, 2023 must be transferred by the State Controller to the Reserve for General Fund Operating Capital.

## **PART L**

**Sec. L-1. COVID Pandemic Relief Payment Program Fund, Other Special Revenue Funds account established.** The State Controller shall establish a nonlapsing COVID Pandemic Relief Payment Program Fund, Other Special Revenue Funds account, which is funded through a

transfer from the available balance of the unappropriated surplus of the General Fund pursuant to section 2 of this Part.

**Sec. L-2. Transfer from General Fund unappropriated surplus; COVID Pandemic Relief Payment Program Fund.** Notwithstanding any other provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$411,000,000 from the unappropriated surplus of the General Fund to the Department of Administrative & Financial Services, COVID Pandemic Relief Payment Program Fund, Other Special Revenue Fund account for the purpose of providing payments to help eligible Maine citizens recover from economic impacts from the epidemic related to coronavirus disease 2019, referred to in this Part as "the COVID-19 pandemic." At the close of fiscal year 2023-24, amounts remaining in the COVID Pandemic Relief Payment Program Fund, Other Special Revenue Funds account must be transferred to the Budget Stabilization Fund.

**Sec. L-3. COVID Pandemic Relief Payment Program established.** The COVID Pandemic Relief Payment Program is established to help Maine people respond to the economic fallout of the COVID-19 pandemic and enable Maine people to combat rising costs due to pandemic-induced inflation and supply-chain impacts. This relief payment can be utilized by eligible Maine citizens to offset expenses incurred as a result of the COVID-19 pandemic, including, without limitation, personal, family, living or funeral expenses.

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

**A.** "Assessor" means the State Tax Assessor.

**B.** "Eligible Maine citizen" means an individual who:

- (1) Filed, by October 31, 2022, a Maine income tax return as a full-year resident of the State for the tax year;
- (2) Has federal adjusted gross income for the tax year of less than:
  - (a) For individuals filing married joint returns or surviving spouses permitted to file a joint return, \$150,000;
  - (b) For an individual filing as a head of household, \$112,500;
  - (c) For a single individual, \$75,000; or
  - (d) For married persons filing separate returns, \$75,000; and
- (3) May not be claimed as a dependent on another taxpayer's return for that tax year.

C. “Fund” means the COVID Pandemic Relief Payment Program Fund, Other Special Revenue Funds account established by the State Controller pursuant to section 1.

D. “Relief payment” means the COVID Pandemic Relief Payment determined pursuant to subsection 2.

E. “Tax year” means a tax year beginning on or after January 1, 2021 but not later than December 31, 2021.

Any other terms used in this section have the same meaning as when used in a comparable context in the Maine Revised Statutes, Title 36, Part 8 relating to Maine income taxes, unless different meanings are clearly required.

**2. COVID Pandemic Relief Payment.** The assessor shall make COVID Pandemic Relief payments in accordance with this subsection.

A. The assessor shall identify each eligible Maine citizen, as defined pursuant to subsection 1.

B. Beginning on or after July 1, 2022 but not later than December 31, 2022, the assessor shall make a \$510 relief payment to each eligible Maine citizen. Funds for the relief payments must come from the Fund and are not subject to setoff to debts owed to agencies of the State.

C. An individual who has not received a payment under paragraph B may provide documentation to the assessor by March 31, 2023 showing that the individual is an eligible Maine citizen. The assessor shall review the documentation, determine if the individual is an eligible Maine citizen and notify the individual of any adverse determination. This determination is final agency action not reviewable pursuant to the Maine Revised Statutes, Title 36, section 151.

D. By June 30, 2023, the assessor shall make a \$510 relief payment to each eligible Maine citizen determined eligible pursuant to paragraph C. Funds for the relief payments must come from the Fund and are not subject to setoff to debts owed to agencies of the State.

**Sec. L-4. State income tax subtraction modification.** For tax years beginning on or after January 1, 2022 but not later than December 31, 2023, in determining the taxable income of a resident individual, within the meaning of the Maine Revised Statutes, Title 36, section 5122, federal adjusted gross income shall be reduced by an amount equal to the COVID Pandemic Relief Payment received by the taxpayer pursuant to this Part, to the extent the payment is included in federal adjusted gross income for the taxable year.

**Sec. L-5. Designation as unclaimed property.** For purposes of the COVID Pandemic Relief Payment Program, COVID Pandemic Relief Payment checks that remain undeposited on

January 1, 2024, are to be treated as unclaimed property, not subject to the notice and receipt provisions set forth in 33 M.R.S. § 2101 and the one-year dormancy period set forth in 33 M.R.S. § 2061, as applied to such checks. The State Treasurer shall use unclaimed property systems and networks to find the proper recipients of such checks as quickly as possible to reduce the adverse economic consequences of COVID-19.

## **PART L SUMMARY**

This Part creates the COVID Pandemic Relief Payment Program to provide COVID Pandemic Relief Payments to eligible Maine citizens to promote the general welfare of the citizens of the State for reasonable and necessary unreimbursed expenses incurred as a result of the COVID-19 pandemic disaster. To fund the program, this Part creates the COVID Pandemic Relief Payment Program Fund, Other Special Revenue Funds account and transfers \$411,000,000 to the Fund from the unappropriated surplus of the General Fund. The Fund may be used for a \$510 payment to each eligible Maine citizen and the costs of administration, programming, mailing, public outreach, and taxpayer assistance associated with the program.

## **PART M**

**Sec. M-1. 12 MRSA §1802** is amended to read:

### **§1802. Bureau of Parks and Lands established**

There is established within the Department of Agriculture, Conservation and Forestry the Bureau of Parks and Lands, which shall carry out the responsibilities of State Government relating to parks, historic sites, submerged and intertidal lands, public reserved lands and nonreserved public lands.

**1. Director.** The executive head of the bureau is the director.

A. The powers and duties of the position of director may not be combined with any other position within the bureau or department.

B. The position of director may not be filled in an acting capacity; the appointee must be a permanent full-time employee.

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

**3. Personal attendance to duties.** The director and the deputy director shall attend personally to the duties of their offices as far as practicable.

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

### **PART M SUMMARY**

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

### **PART N**

**Sec. NN-1. 5 MRSA §933, sub-§1, ¶A** is amended to read:

A. Deputy Commissioners;

### **PART N SUMMARY**

This Part changes the Deputy Commissioner reference in the Department of Agriculture, Conservation and Forestry's major policy-influencing positions list from singular to plural.

### **PART O**

**Sec. O-1. Transfer from General Fund unappropriated surplus; Community-based Greenhouses.** Notwithstanding any provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$1,500,000 from the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, Community-based Greenhouse-Bureau of Agriculture, Other Special Revenue Funds account for grants for durable (glass, polycarbonate, etc.) greenhouse structures and associated siting and installation costs to schools, community centers, and other eligible public entities as determined by the Department of Agriculture, Conservation and Forestry.



## **PART O SUMMARY**

This Part requires the transfer of \$1,500,000 in fiscal year 2021-22 from the unappropriated surplus of the General Fund to Department of Agriculture, Conservation and Forestry, Community-based Greenhouse-Bureau of Agriculture, Other Special Revenue Funds account. The transfer provides funds for the Department to make grants for community-based greenhouses to schools, community centers, and other eligible public entities for shared and educational uses, and to enhance community-based opportunities for food production.

## **PART P**

**Sec. P-1. Transfer from General Fund unappropriated surplus; PFAS Reserve-Bureau of Agriculture.** Notwithstanding any provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$3,000,000 from the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, PFAS Reserve-Bureau of Agriculture, Other Special Revenue Funds account for the purposes of abating, cleaning up and mitigating threats or hazards posed by perfluoroalkyl and polyfluoroalkyl substance, or PFAS, contamination affecting agricultural producers in the State and the food supply, to provide support to affected farms, to support critical PFAS research and to otherwise allow for the department to strategically and effectively respond to PFAS concerns and issues as they arise.

## **PART P SUMMARY**

This Part requires the transfer of \$3,000,000 on or before June 30, 2022 from the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, PFAS Reserve-Bureau of Agriculture, Other Special Revenue Funds account to assist farmers and agricultural producers in the State that have been affected by PFAS contamination, to support critical PFAS research and to otherwise allow for the department to strategically and effectively respond to PFAS concerns and issues.

## **PART Q**

**Sec. Q-1. 2 MRSA §6, sub-§3** is amended to read:

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

Director, Bureau of General Services;

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

## **PART Q SUMMARY**

This Part adds the Director, Office of Affordable Healthcare to the list of positions with salaries set by the Governor. The Office of Affordable Healthcare was established in Public Law 2021, chapter 459, An Act to Lower Health Care Costs through the Establishment of the Office of Affordable Health Care. Positions and funding for the Office were created in Public Law 2021, chapter 484, An Act to Clarify Funding for the Office of Affordable Health Care. The enacted legislation created the Director position and identified it as appointed but did not include it as a position with salary set by the Governor.

## **PART R**

**Sec. R-1. Transfer from General Fund unappropriated surplus; Victim's Compensation Fund.** Notwithstanding any provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$750,000 from the unappropriated surplus of the General Fund to the Office of the Attorney General, Victim's Compensation Fund, Other Special Revenue Funds account to support financial reimbursement for losses suffered by victims of violent crime and their families and reimburses hospitals for sexual assault examinations.

## **PART R SUMMARY**

This Part requires the transfer of \$750,000 on or before June 30, 2022 from the unappropriated surplus of the General Fund to the Office of the Attorney General, Victim's Compensation Fund, Other Special Revenue Funds account to support the operations of the program. Revenues for the program declined during the pandemic. This funding will support financial reimbursement for

losses suffered by victims of violent crime and their families and reimburses hospitals for sexual assault examinations.

## **PART S**

**Sec. S-1. Transfer of Personal Services balances to All Other; Department of Corrections.** Notwithstanding any provision of law to the contrary, for fiscal years 2021-22 and 2022-23 only, the Department of Corrections is authorized to transfer available balance of Personal Services appropriations and allocations in the Long Creek Youth Development Center program after all salary, benefit and other obligations are met to the All Other line category of the Long Creek Youth Development Center program for the purposes of funding juvenile community programs and services. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

## **PART S SUMMARY**

This Part authorizes the Department of Corrections to transfer by financial order available Personal Services balances in the Long Creek Youth Development Center program, for fiscal years 2021-22 and 2022-23 only, in order to fund juvenile community programs and services.

## **PART T**

**Sec. T-1. Carrying provision; Department of Defense, Veterans and Emergency Management Agency.** Notwithstanding any provision of law to the contrary, the State Controller shall carry forward any unexpended balance of the \$400,000 provided under Public Law 2021, chapter 398, in the All Other line category at the end of fiscal year 2021-22 to fiscal year 2022-23 in the Administration-Department of Defense, Veterans and Emergency Management Agency to continue the environmental closure activity costs at the former Maine Military Authority site in Limestone.

## **PART T SUMMARY**

This Part carries forward the remaining portion of one-time funding for environmental closure activity costs at the former Maine Military Authority site in Limestone appropriated in Public Law 2021, chapter 398. Two sequential contracts are required to conduct a full background investigation and sampling plan and then use the results of the first contract to

develop remedial action plans. Given the environmental and weather conditions of Northern Maine, these closure activities will extend into fiscal year 2022-23. Therefore, a portion of the \$400,000 provided under Public Law 2021, chapter 398 will be needed in next fiscal year.

## **PART U**

**Sec. U-1. 5 MRSA §13056-J** is enacted to read:

### **§13056-J Housing Opportunity Program**

**1. Program established; administration.** The Housing Opportunity Program is established within the department to encourage and support the development of additional housing units in Maine, including housing units that are affordable for low and moderate income people and housing units targeted to community workforce housing needs. The department shall administer the program and provide technical and financial assistance to support communities implementing zoning and land uses related policies required to support increased housing development. The program will support regional approaches, municipal model ordinance development, and will encourage policy that supports increased housing density where feasible to protect working and natural lands.

**2. Housing Opportunity Fund.** The Housing Opportunity Fund referred to in this section as "the fund," is established as a fund within the department for the purpose of providing funds for the program. The fund consists of money appropriated to the fund by the Legislature and any funds received by the department for the purposes of the program.

**A. Service Provider grants.** The department shall solicit applications for grants from the fund through a competitive application process that may be awarded to experienced service providers to support municipal ordinance development, technical assistance, and public process and community engagement support. These programs may encourage regional coordination between municipalities.

**B. Community Housing Incentive Program grants.** The department shall solicit applications for the following:

1. Community housing planning grants to be awarded through a competitive process to municipalities to support the creation of housing development plans which include ordinance and policy amendments to support those plans. The grants shall be awarded for a period of up to three years, with required progress reports each year.
2. Community housing implementation grants to be awarded through a competitive process to support the implementation of community housing priorities.

**C. Direct Technical Assistance.** The department shall provide technical assistance, housing policy development, and guidance directly to regional groups, municipalities and other housing stakeholders, to the extent feasible with available resources. This may include, but is not limited

to, assisting municipalities with information about available grant opportunities, sharing best practices from jurisdictions inside and outside of Maine, providing model language for local ordinances and policies, and providing information to the general public which may support local and statewide policy changes meant to increase the supply of housing.

**3. Program evaluation.** Any recipient of grant funds through this program shall cooperate with the department in performing program evaluation and specific reporting requirements.

**4. Report.** By January 15, 2024, the department shall report to the Governor and the joint standing committees of the Legislature having jurisdiction over economic development and housing matters about the program with any recommendations for changes in the statutes to improve the program and its delivery of services to municipalities. The joint standing committees of the Legislature having jurisdiction over economic development and housing matters may report out a bill relating to this program and continued funding.

## **PART U SUMMARY**

This Part establishes the Housing Opportunity Program within the Department of Economic and Community Development to encourage and support the development of additional housing units in Maine, including housing units that are affordable to low and moderate income people and housing units targeted to community workforce housing needs.

## **PART V**

**Sec. V-1. Transfer from General Fund unappropriated surplus; Department of Economic and Community Development – Admin account.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$970,100 from the unappropriated surplus of the General Fund to the Department of Economic and Community Development - Admin, Other Special Revenue Funds account within the Department of Economic and Community Development on or before June 30, 2022 for the purpose of covering certain operating expenses of the Loring Development Authority of Maine.

## **PART V SUMMARY**

This Part requires the transfer of \$970,100 in fiscal year 2021-22 from the unappropriated surplus of the General Fund to the Department of Economic and Community Development - Admin, Other Special Revenue Funds account. The funds will cover certain operating expenses associated with Loring Development Authority of Maine established in Title 5, section 13080.

**PART W**

**Sec. W-1. 5 MRSA §937, sub-§1** is amended to read:

- F. ~~Director, Legislative Affairs;~~ Director of Policy and Government Affairs;
- M. Director of Marketing and Communications; ~~and~~
- N. ~~Chief Innovation Officer.~~
- O. Associate Commissioner of Policy and Programs; and
- P. Associate Commissioner of Public Education.

**Sec. W-2. 20-A MRSA §203, sub-§1** is amended to read:

- F. ~~Director, Legislative Affairs;~~ Director of Policy and Government Affairs;
- O. ~~Chief Innovation Officer; and~~
- P. ~~Chief of Staff and Operations.~~
- Q. Associate Commissioner of Policy and Programs; and
- R. Associate Commissioner of Public Education.

**PART W  
SUMMARY**

This Part makes the following changes to several positions in the Department of Education:

1. The name of Director, Legislative Affairs is changed to Director of Policy and Government Affairs;
2. The Chief Innovation Officer is removed from major policy-influencing positions and the Associate Commissioner of Policy and Programs and the Associate Commissioner of Public Education are added as major policy-influencing positions.
3. The Chief Innovation Officer and Chief of Staff and Operations are removed from positions appointed by the Commissioner and the Associate Commissioner of Policy and Programs and the Associate Commissioner of Public Education are added as appointed positions.

## PART X

**Sec. X-1. 4 MRSA §1603, sub-§3-A** is repealed.

**Sec. X-2. 4 MRSA §1603, sub-§3-B** is repealed.

**Sec. X-3. 4 MRSA §1603, sub-§4-A** is repealed.

**Sec. X-4. 4 MRSA §1603, sub-§7** is amended to read:

**7. Project, projects or part of any project.** "Project, projects or part of any project" means the acquisition, construction, improvement, reconstruction or equipping of, or construction of an addition or additions to, any structure designed for use as a court facility, state office or state activity space and intended to be used primarily by the State, any agency, instrumentality or department of the State or by any branch of State Government. The structure may include facilities for the use of related agencies of state, county or local government. "Project, projects or part of any project" includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, parking lots, parking facilities, rights-of-way, utilities, easements and other interests in land, machinery and equipment and all fixtures, appurtenances and facilities either on, above or under the ground that are used or usable in connection with the structure, and also includes landscaping, site preparation, furniture, machinery, equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended. "Project, projects or part of any project" also includes the acquisition, construction, improvement, reconstruction or repair of any equipment, device, technology, software or other personal property intended to be used primarily by the State, any agency, instrumentality or department of the State or by any branch of State Government or any related agency of state, county or local government. ~~For the purpose of implementing section 1610-N, "project, projects or part of any project" also includes equipment purchases for career and technical education centers and career and technical education regions.~~ The exact scope of each project, projects or part of any project, other than those for the Judicial Branch and the Legislative Branch, must be set forth in a written designation by the Commissioner of Administrative and Financial Services to the authority and the exact scope of each project, projects or part of any project for the Judicial Branch must be set forth in a written designation by the State Court Administrator to the authority. The scope of each project for the Legislative Branch must receive a majority vote of the Legislative Council and be set forth in a written designation by the Executive Director of the Legislative Council to the authority. "Project, projects or part of any project" does not include such items as fuel, supplies or other items that are customarily considered as a current operating charge.

**Sec. X-5. 4 MRSA §1604, sub-§18** is amended to read:

**18. Lease or rent any land, buildings, structures, facilities or equipment.** To lease or rent any land, buildings, structures, facilities or equipment comprising all or a portion of a project, projects or part of any project for such amounts as the authority determines to the State or any agency, instrumentality or department of the State ~~or a career and technical education center~~

~~or career and technical education region~~ or by any branch of State Government or any related agency of state, county or local government ~~or a career and technical education center or career and technical education region~~, to further the purposes of the Act, provided that the obligation of the State or of any such agency, instrumentality, department or branch ~~or of a career and technical education center or career and technical education region~~ to make any rental or other payments is considered executory only to the extent of money made available by the Legislature, and that no liability on account of the state agency, instrumentality, department or branch ~~or career and technical education center or career and technical education region~~ may be incurred by the State or any such agency, instrumentality, department or branch ~~or career and technical education center or career and technical education region~~ beyond the money available for that purpose;

**Sec. X-6. 4 MRSA §1610-N** is repealed.

**Sec. X-7. 30-A MRSA §5903, sub-§3D** is enacted to read:

**3-D. Career and technical education center.** "Career and technical education center" has the same meaning as "center" in Title 20-A, section 8301-A, subsection 3.

**Sec. X-8. 30-A MRSA §5903, sub-§3E** is enacted to read:

**3-E. Career and technical education region.** "Career and technical education region" has the same meaning as "region" in Title 20-A, section 8301-A, subsection 6.

**Sec. X-9. 30-A MRSA §5903, sub-§3F** is enacted to read:

**3-F. Equipment purchases.** "Equipment purchases" means the purchase of new or updated equipment and any capital improvements necessary to use the new or updated equipment by career and technical education centers or career and technical education regions.

**Sec. X-10. 30-A MRSA §5953-G** is enacted to read:

**§5953-G. Additional securities; career and technical education centers and regions**

**1. Additional securities.** The bond bank may issue additional securities in an aggregate amount not to exceed \$20,000,000 for equipment purchases to career and technical education centers and career and technical education regions in accordance with this section, and the additional securities must be used for those purposes.

**2. Delegation.** The bond bank may delegate those powers that may be delegated to the Department of Administrative and Financial Services, Bureau of General Services pursuant to section 1604, subsection 26 to the career and technical education region cooperative board, as defined in Title 20-A, section 1, subsection 6, or the school administrative unit that governs a career and technical education center subject to the same terms and conditions.



**3. Issuance.** The bond bank may not issue any additional securities pursuant to this section after June 30, 2024.

**4. Report.** The bond bank shall report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs upon the maturity of all bond proceeds pursuant to this section. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to repeal this section and any related provisions of law upon receipt of that report.

**5. Department of Education national industry standards evaluation.** A career and technical education center or career and technical education region may submit an application for a project, projects or part of any project to the Department of Education. The Department of Education shall establish criteria, including an evaluation pursuant to Title 20-A, section 15688-A, subsection 6, for the approval of any project, projects or part of any project. The Department of Education shall notify the bond bank of any approved project, projects or part of any project under this subsection.

**6. Debt service.** Debt service costs for bonds issued by the bond bank to career and technical education centers and career and technical education regions for equipment purchases pursuant to this section must be paid by the State. Debt service costs must be paid by the Commissioner of Education to the bond bank according to each career and technical education center's or career and technical education region's debt retirement schedule developed by the bond bank. All debt service costs must be paid by the Commissioner of Education to the bond bank 15 days prior to the date of the career and technical education center's or career and technical education region's next debt service cost payment as outlined in the career and technical education center's or career and technical education region's debt retirement schedule.

## **PART X SUMMARY**

This Part changes the authority to issue securities for equipment purchases for career and technical education centers and career and technical education regions from the Maine Governmental Facility to the Maine Municipal Bond Bank. The ability to access funds through this mechanism provides a limited alternative for career and technical education centers and regions to fund equipment purchases to better serve the State's students.

## PART Y

**Sec. Y-1. 20-A MRSA §15698** is enacted to read:

- 1. Fund established.** The Education Stabilization Fund, referred to in this section as "the fund," is established as an Other Special Revenue Funds account for the purposes specified in this section.
- 2. Nonlapsing.** Any unexpended balances in the fund may not lapse but must be carried forward.
- 3. Fund purposes.** Allocations from the fund must be used to prevent any reduction in the budgeted state share of Essential Programs and Services pursuant to Title 20-A, section 15671, subsection 7-B that would otherwise result from insufficient General Fund appropriations or any other shortage of funds.
- 4. Report by State Controller.** The State Controller shall report at least annually on the fund on or before the 2nd Friday in November to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs matters. The report must summarize the status of and activity in the fund.

**Sec. Y-2. Transfer from General Fund unappropriated surplus; Education Stabilization Fund.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$30,000,000 from the unappropriated surplus of the General Fund to the Education Stabilization Fund established in the Maine Revised Statutes, Title 20-A, section 15698 on or before June 30, 2022.

**Sec. Y-3. Transfer for payments.** Notwithstanding any provision of law to the contrary, the State Controller may transfer from the balance available in the Education Stabilization Fund established in the Maine Revised Statutes, Title 20-A, section 15698 for Essential Programs and Services payments in the Department of Education. Amounts transferred may be expended based on allotment established by financial order upon recommendation by the State Budget Officer and approval by the Governor. The amounts transferred are considered adjustments to allocations. The Governor shall inform the Legislative Council and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and education matters immediately upon such a transfer from the Education Stabilization Fund.

## PART Y SUMMARY

This Part creates the Education Stabilization Fund and requires the transfer of \$30,000,000 in fiscal year 2021-22 from the unappropriated surplus of the General Fund to the Education Stabilization Fund. The Fund will provide resources to maintain budgeted levels of funding for Essential Programs and Services should there otherwise be insufficient General Funds, federal matching funds or any other shortage of funds.

## **PART Z**

**Sec. Z-1. Transfer from General Fund unappropriated surplus; Efficiency Maine Trust.** Notwithstanding any provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$7,000,000 from the unappropriated surplus of the General Fund to the Efficiency Maine Trust, Efficiency Maine Trust, Other Special Revenue Funds account to support electric vehicle rebate programs including incentive programs.

## **PART Z SUMMARY**

This Part requires the transfer of \$7,000,000 on or before June 30, 2022 from the unappropriated surplus of the General Fund to the Efficiency Maine Trust, Other Special Revenue Funds account to support electric vehicle rebate programs including incentive programs. Efficiency Maine Trust calculates that currently available funds will be fully expended by the summer of 2022.

## **PART AA**

**Sec. AA-1. Transfer from General Fund unappropriated surplus; Department of Environmental Protection, Uncontrolled Sites Fund.** Notwithstanding any provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$3,200,000 from the unappropriated surplus of the General Fund to the Department of Environmental Protection, Uncontrolled Sites Fund, Other Special Revenue Funds account for the purpose of assisting Maine laboratories with equipment purchases that will increase capacity for sample testing and analysis of perfluoroalkyl and polyfluoroalkyl substances, or PFAS.

**Sec. AA-2. Segregation of funds transferred to the Department of Environmental Protection, Uncontrolled Sites Fund.** The Department of Environmental Protection shall establish within the Uncontrolled Sites Fund a segregated subsidiary account. The department shall deposit into the subsidiary account the amount transferred pursuant to section 1 of this Part and, in accordance with its authority under the Maine Revised Statutes, Title 38, chapter 13-B, may expend funds from that subsidiary account only for the purpose of assisting Maine laboratories with equipment purchases that will increase capacity for sample testing and analysis of perfluoroalkyl and polyfluoroalkyl substances.

## **PART AA SUMMARY**

This Part requires the transfer of \$3,200,000 on or before June 30, 2022 from the unappropriated surplus of the General Fund to the Department of Environmental Protection, Uncontrolled Sites Fund, Other Special Revenue Funds account to assist Maine laboratories with

equipment purchases that will increase capacity for sample testing and analysis of perfluoroalkyl and polyfluoroalkyl substances, or PFAS.

## PART BB

**Sec. BB-1. 22 MRSA §4087-A, sub-§2** is amended to read:

**2. Program established.** The ombudsman program is established as an independent program within the Executive Department to provide ombudsman services to the children and families of the State regarding child welfare services provided by the Department of Health and Human Services. The program shall consider and promote the best interests of the child involved, answer inquiries and investigate, advise and work toward resolution of complaints of infringement of the rights of the child and family involved. The program must be staffed, under contract, by a full-time director who is an attorney or a master's level social worker who must have with experience in child welfare, development and advocacy, and support staff as determined to be necessary. The program shall function through the staff of the program and volunteers recruited and trained, at the discretion of the nonprofit organization under contract pursuant to subsection 3, to assist in the duties of the program.

**Sec. BB-2. 22 MRSA §4087-A, sub-§3** is amended to read:

**3. Contracted services; terms.** The program shall operate by contract with a nonprofit organization that the Executive Department determines to be free of potential conflict of interest and best able to provide the services on a statewide basis. The contract must include funds for the nonprofit organization to provide health insurance benefits to the staff of the ombudsman program. The ombudsman may not be actively involved in state-level political party activities or publicly endorse, solicit funds for or make contributions to political parties on the state level or candidates for statewide elective office. The ombudsman may not be a candidate for or hold any statewide elective or appointive public office. The contract must include funds for the nonprofit organization to provide health insurance benefits to the staff of the ombudsman program. The contract must be for a term of 5 years, except that the contract may be terminated consistent with the terms of the contract.

**Sec. BB-3. 22 MRSA §4087-A, sub-§4** is amended to read:

**4. Services.** The program shall provide services directly or under contract to persons and families involved with child welfare services and may provide input on the State's child welfare system to the department and the joint standing committee of the Legislature having jurisdiction over health and human services matters. The first priority in the work of the program and any contract for ombudsman services must be case-specific advocacy services. In performing services under this section, the program, as it determines to be appropriate, may create and maintain records and case-specific reports. Any work on systems improvements or lobbying must be adjunctive to case-specific activities. The program may:

- A. Provide information to the public about the services of the program through a comprehensive outreach program. The ombudsman shall provide information through a toll-free telephone number ~~or numbers~~ and a publicly accessible website;
- B. Answer inquiries, investigate and work toward resolution of complaints regarding the performance and services of the department and participate in conferences, meetings and studies that may improve the performance of the department;
- C. Provide services to persons to assist them in protecting their rights;
- D. Inform persons of the means of obtaining services from the department;
- E. Provide information and referral services;
- F. Analyze and provide opinions and recommendations to agencies, the Governor and the Legislature on current or proposed state programs, rules, policies and laws;
- G. Determine what types of complaints and inquiries will be accepted for action by the program and adopt policies and procedures regarding communication with persons making inquiries or complaints and the department;
- H. Apply for and utilize grants, gifts and funds for the purpose of performing the duties of the program; and
- I. Collect and analyze records and data relevant to the duties and activities of the program and make reports as required by law or determined to be appropriate.

The department or designee of the department shall notify the ombudsman of any statewide policy changes affecting the State's child welfare system before the changes take effect.

**Sec. BB-4. 22 MRSA §4087-A, sub-§12** is enacted to read:

**12. Notification of child fatality required.** The department shall notify the ombudsman of a fatality of a child if:

- A. The child was involved with child welfare services at any time; or
- B. The fatality is suspected of being the result of abuse or neglect.

Notification under this subsection must occur within 48 hours of a determination by the department that this subsection applies to the fatality. The notification may be provided by oral or electronic communication.

## **PART BB SUMMARY**

This Part makes the following changes to the laws governing the child welfare services ombudsman program.

1. It provides that the director of the ombudsman program must serve full time and expands the director's required experience to include child welfare.
2. It provides that the staffing for the ombudsman program is at the discretion of the nonprofit organization under contract to provide ombudsman service.
3. It provides that the contract to provide ombudsman services is for a period of 5 years, except that the contract may be terminated consistent with the terms of the contract.
4. It provides that the contract to provide ombudsman services must include funds for the nonprofit organization to provide health insurance benefits for employees of the ombudsman program.
5. It provides that the ombudsman program must provide information about its services through a publicly accessible website and makes a technical correction regarding plural language.
6. It clarifies that the ombudsman program may provide opinions and recommendations on current or proposed state programs, rules, policies, and laws.
7. It clarifies that the ombudsman program may provide input on the State's child welfare system to the Department of Health and Human Services and the joint standing committee of the Legislature having jurisdiction over health and human services matters.
8. It clarifies that the ombudsman program provides services to persons and families involved with the State's child welfare system.
9. It requires that the Department of Health and Human Services to notify the ombudsman program of any statewide policy changes affecting the State's child welfare system before the changes take effect.
10. It requires the Department of Health and Human Services to notify the ombudsman program of certain child fatalities.

## **PART CC**

**Sec. CC-1. 10 MRSA §1019, sub-§2** is amended to read:

**2. Criteria.** For an applicant to participate in the nursing education loan repayment program established under subsection 1, the applicant must:

- A. Be a nurse;
- B. Be currently enrolled in a master's or doctoral degree program in nursing or have completed a master's or doctoral degree in nursing;
- C. Possess an outstanding education loan relating to the master's or doctoral nursing degree; and
- D. Sign a statement of intent in a form acceptable to the authority to work as full-time nursing faculty in a nursing education program in the State for a minimum of ~~5~~3 years after acceptance into the nursing education loan repayment program.

**Sec. CC-2. 10 MRSA §1019, sub-§4** is amended to read:

4. **Administration.** The nursing education loan repayment program and the nursing education loan repayment fund are administered by the authority. The authority shall repay the loan of an applicant who meets the criteria in subsection 2 in the amount of up to \$20,000 for a master's degree and up to \$40,000 for a doctoral degree. The authority may adopt rules to carry out the purposes of this subchapter. Rules adopted pursuant to this subsection are ~~major substantive rules~~ routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. CC-3. PL 2021, c. 483, Pt. H, §1,** is amended to read:

**Sec. H-1. Maine Health Care Provider Loan Repayment Pilot Program.** The Finance Authority of Maine shall establish the Maine Health Care Provider Loan Repayment Pilot Program, referred to in this section as "the program," for certain health care professionals who commit to living and working in Maine for at least 3 years. Under the program, the authority shall pay up to \$25,000 per year and, in aggregate, the lesser of \$75,000 and 50% of the recipient's outstanding loan balance. The program terminates when the funds allocated pursuant to this Part to the Maine Health Care Provider Loan Repayment Program Fund established in the Maine Revised Statutes, Title 20-A, section 12953 are fully expended or by December 31, 2024~~6~~, whichever occurs first, unless other funding is made available to carry out the purpose of the program. Costs and expenses of maintaining, servicing and administering the Maine Health Care Provider Loan Repayment Program Fund and of administering the program may be paid out of amounts in the fund.

The authority shall adopt routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to carry out the purposes of the program, including application requirements and program eligibility.

## **PART CC SUMMARY**

This Part amends the Nurse Educators Loan Repayment Program by changing the required program commitment period from a minimum of five years to three years and by making any program rules adopted routine technical rules instead of major substantive rules. This Part also amends the date by which funds in the Maine Health Care Provider Loan Repayment Pilot Program must be expended.

## PART DD

**Sec. DD-1. 22-A MRSA, §205, sub-§4** is amended to read:

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

**Sec. DD-2. 2 MRSA, §6, sub-§2** is amended to read:

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

Superintendent of Financial Institutions;

Superintendent of Consumer Credit Protection;

State Tax Assessor;

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

Superintendent of Insurance;

Executive Director of the Maine Consumer Choice Health Plan;

Two deputy commissioners, Department of Administrative and Financial Services;

Deputy Commissioner, Department of Corrections;

Public Advocate;

Two deputy commissioners, Department of Health and Human Services;

Chief Information Officer;

Associate Commissioner, Department of Corrections;

Chief of the State Police;

Securities Administrator, Office of Securities; ~~and~~

Director, Office of Professional and Occupational Regulation; and

Senior Legal Advisor, Department of Health and Human Services.

## PART DD SUMMARY

This Part adds the Department of Health and Human Services Senior Legal Advisor position to the list of positions appointed by the Commissioner and adds the Senior Legal Advisor to the list of positions whose salaries are subject to adjustment by the Governor.



## PART EE

**Sec. EE-1. 36 MRSA §2559** is amended to read:

### **§2559. Application of revenues**

Revenues derived by the tax imposed by this chapter must be credited to a General Fund suspense account. On or before the last day of each month, the State Controller shall transfer a percentage of the revenues received by the State Tax Assessor during the preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraphs A to F and L to the Local Government Fund as provided by Title 30-A, section 5681, subsection 5. The balance remaining in the General Fund suspense account must be transferred to service provider tax General Fund revenue. ~~On~~ ~~Until July 1, 2022, on~~ or before the 15th day of each month, the State Controller shall transfer all revenues received by the assessor during the preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraphs G to J and M to the Medical Care Services Other Special Revenue Funds account, the Other Special Revenue Funds Mental Health Services – Community Medicaid program, the Medicaid Services - Adult Developmental Services program and the Office of Substance Abuse - Medicaid Seed program within the Department of Health and Human Services. ~~Beginning July 1, 2022, on or before the 15th day of each month, the State Controller shall transfer all revenues received by the assessor during the preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraphs G to J and M to the Medical Care – Payments to Providers program, Other Special Revenue Funds account.~~

**Sec. EE-2. 36 MRSA §2873, sub-§4, ¶B** is amended to read:

B. ~~All~~ ~~Until July 1, 2022, all~~ revenues received by the assessor during the month pursuant to this chapter from residential treatment facilities net of refunds must be credited to the Residential Treatment Facilities Assessment Other Special Revenue Funds account in the Department of Health and Human Services. ~~Beginning July 1, 2022, all revenues received by the assessor during the month pursuant to this chapter from residential treatment facilities net of refunds must be credited to the Nursing Facilities Other Special Revenue Funds account in the Department of Health and Human Services.~~ Beginning October 1, 2011, a percentage equal to the State's annual Federal Medical Assistance percentage of the revenues generated by the increase in the tax rate from 5.5% to 6% received by the assessor during the month must be credited to an Other Special Revenue Funds account in the Department of Health and Human Services, Developmental Services Waiver - Supports program and all revenues credited to that account must be applied to providing services to individuals on the waiting list for the community support benefit provided under a federal 1915(c) waiver under the MaineCare Benefits Manual, Chapter II, Section 29. The balance must be credited to an Other Special Revenue Funds account in the Department of Health and Human Services, Medicaid Services - Developmental Services program.

**Sec. EE-3. PL 2021, c. 398, Pt. SS** is repealed.

## **PART EE SUMMARY**

This Part repeals the language associated with the consolidation of MaineCare related programs and accounts approved in Public Law 2021, chapter 398. Due to technical adjustments that would need to be made and the volume of MaineCare related systems work already in process, this initiative cannot be completed within the required timeframe.

## **PART FF**

**Sec. FF-1. Transfer from General Fund unappropriated surplus; MaineCare Stabilization Fund.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$30,000,000 from the unappropriated surplus of the General Fund to the MaineCare Stabilization Fund established in the Maine Revised Statutes, Title 22, section 3174-KK on or before June 30, 2022.

**Sec. FF-2. Transfer for MaineCare payments.** Notwithstanding any provision of law to the contrary, the State Controller may transfer from the balance available in the MaineCare Stabilization Fund established in the Maine Revised Statutes, Title 22, section 3174-KK for MaineCare payments in the Department of Health and Human Services. Amounts transferred may be expended based on allotment established by financial order upon recommendation by the State Budget Officer and approval by the Governor. The amounts transferred are considered adjustments to appropriations. The Governor shall inform the Legislative Council and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters immediately upon such a transfer from the MaineCare Stabilization Fund.

## **PART FF SUMMARY**

This Part requires the transfer of \$30,000,000 in fiscal year 2021-22 from the unappropriated surplus of the General Fund to the MaineCare Stabilization Fund.

## **PART GG**

**Sec. GG-1. Transfer of American Rescue Plan savings funds.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law to the contrary, until June 30, 2023, balances of appropriations in various General Fund accounts in the Department of Health and Human Services, MaineCare program that are available as part of the increased 10% Federal Medical Assistance Percentage (FMAP) for MaineCare Home and Community Based Services per

the American Rescue Plan Act of 2021, section 9817, may be transferred by financial order, upon recommendation of the State Budget Officer and approval of the Governor, to the Medical Care – Payments to Providers program, Home and Community Based Services – ARP Savings, Other Special Revenue Funds account and the Office of MaineCare Services program, Home and Community Based Services Admin – ARP Savings, Other Special Revenue Funds account within the Department of Health and Human Services to be used for federally authorized purposes.

#### **PART GG SUMMARY**

This Part authorizes the Department of Health and Human Services to transfer savings incurred from the increase in FMAP per the American Rescue Plan Act of 2021, section 9817, from various General Fund MaineCare program accounts to Other Special Revenue Funds accounts in the Medical Care - Payments to Providers and the Office of MaineCare Services programs to be used for federally authorized purposes.

#### **PART HH**

**Sec. HH-1. Carrying balances; Department of Health and Human Services Food Supplement Administration program.** Notwithstanding any provision of law to the contrary, beginning with fiscal year 2021-22, the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$1,335,770 appropriated in Public Law 2021, chapter 1 in the All Other line category in the Office for Family Independence - Food Supplement Administration program, General Fund account for the purpose of reinvestment to resolve obligations to the federal government for Supplemental Nutrition Assistance Program error penalty incurred in federal fiscal year 2019.

#### **PART HH SUMMARY**

This Part allows the Department of Health and Human Services, Office for Family Independence to carry forward any unexpended balance of the \$1,335,770 appropriated in Public Law 2021, chapter 1 to meet reinvestment obligations for penalties incurred in the Supplemental Nutrition Assistance Program in 2019.

## **PART II**

**Sec. II-1. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account.** On or before June 1, 2022, the State Controller shall transfer \$655,200 from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Resource Management Services – Inland Fisheries and Wildlife program, General Fund account to provide matching funds for the construction of the Fryeburg shooting range.

## **PART II SUMMARY**

This Part transfers funds from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Resource Management Services – Inland Fisheries and Wildlife program, General Fund account to provide matching funds for the construction of the Fryeburg shooting range.

## **PART JJ**

**Sec. JJ-1. Transfer from General Fund unappropriated surplus; Maine Civil Legal Services.** Notwithstanding any provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$1,300,000 from the unappropriated surplus of the General Fund to Maine Civil Legal Services, Other Special Revenue Funds account within the Judicial Branch to support the increased costs for civil legal services for persons unable to afford a lawyer by providing additional funds available for distribution by the Civil Legal Service Fund pursuant to Maine Revised Statutes, Title 4, section 18-A, subsection 1.

## **PART JJ SUMMARY**

This Part requires the transfer of \$1,300,000 in fiscal year 2021-22 from the unappropriated surplus of the General Fund to Maine Civil Legal Services, Other Special Revenue Funds account within the Judicial Branch to support the increased costs for civil legal services for persons unable to afford a lawyer by providing additional funds available for distribution by the Civil Legal Service Fund. This is a one-time transfer to support increased costs resulting from the pandemic.

## **PART KK**

**Sec. KK-1. Transfer from General Fund unappropriated surplus; Paid Family and Medical Leave Study.** Notwithstanding any provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$300,000 from the unappropriated surplus of the General Fund to the Legislature, Study Commissions - Funding Other Special Revenue Funds account to support the costs of contracting with an outside entity to conduct and complete an actuarial study as required for the Commission To Develop a Paid Family and Medical Leave Benefits Program.

## **PART KK SUMMARY**

This Part requires the transfer of \$300,000 in fiscal year 2021-22 from the unappropriated surplus of the General Fund to the Legislature, Study Commissions - Funding Other Special Revenue Funds account to support the costs of contracting with an outside entity to conduct and complete an actuarial study as required for the Commission To Develop a Paid Family and Medical Leave Benefits Program.

## **PART LL**

**Sec. LL-1. 27 MRSA §10** is enacted to read:

### **§10. Imagination Library of Maine Fund**

The Imagination Library of Maine Program is hereby established within the Maine State Library. The State Librarian shall administer the Imagination Library of Maine Fund, referred to in this section as "the fund." The fund may receive appropriations, allocations, grants or gifts from public and private sources, and eligible federal funds. All moneys included in the fund shall be appropriated for the purposes set forth in this section.

1. **Fund Purpose.** The purpose of the program shall be to promote and encourage reading by children of the state of Maine and to develop a statewide initiative for encouraging children to develop a love of reading by providing age-appropriate books to children at their homes from birth to age 5 on a monthly basis.
  - A. The fund shall provide a 50% dollar match of the necessary funds, if available, to support local partners in the provision of one (1) book per month for registered children through the program described in this section.
  - B. The State Librarian, or their designee, shall manage the daily operations and provide oversight of the fund including but not limited to establishing region-based programs throughout Maine and advancing and stretching the programs to ensure enrollment growth, and administration of the 50% dollar match from the fund for each program.

- C. Develop, promote and coordinate a public awareness program to make donors aware of the opportunity to donate to the Imagination Library of Maine Fund.
  - D. Develop, promote and coordinate a public awareness program to make the public aware of the opportunity to register children to receive age-appropriate books on a monthly basis. To receive books on a monthly basis, a child shall be under the age of 5 and shall have a Maine residence.
2. **Reporting.** The State Librarian shall submit a report that includes updates on the implementation of the Fund and recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters by January 31, 2023.

**Sec. LL-2. Transfer from General Fund unappropriated surplus; Imagination Library of Maine Fund.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$200,000 from the unappropriated surplus of the General Fund to the Imagination Library of Maine Fund, Other Special Revenue Funds account within the Maine State Library on or before June 30, 2022 to provide funding for the creation of the Imagination Library of Maine Fund.

**PART LL  
SUMMARY**

This Part requires the transfer of \$200,000 in fiscal year 2021-22 from the unappropriated surplus of the General Fund to Imagination Library of Maine Fund, Other Special Revenue Funds account within the Maine State Library. The initiative will provide funding for the creation of the Imagination Library of Maine Fund with a goal to promote and encourage reading by children of the state of Maine and to develop a statewide initiative for encouraging children to develop a love of reading by providing age-appropriate books to children at their homes from birth to age 5 on a monthly basis.

**PART MM**

**Sec. MM-1. P&SL 1941, c. 37, §2, 2nd ¶** is amended to read:

The Maine Maritime Academy by action of its board may borrow money, not in excess of \$10,000,000 in the aggregate at any one time outstanding, make and issue negotiable notes, bonds and other evidences of indebtedness or obligations of the academy for the construction of dormitories, dining facilities, student union, and any other buildings and improvements, including land acquisition in connection therewith, and equipment and furnishings therefor, or in anticipation of appropriated state or federal funds, and secure the payment of such obligations or any part thereof by mortgaging its properties or pledging any part of its revenues, and do all other lawful things necessary and incidental to the foregoing powers, except that the ~~portion~~ entire amount of any borrowing for which the related debt service is funded by an appropriation by the State, in whole or in part, or contractually committed to the Maine Maritime Academy from 3rd-party

sources, including foundations, public-private partnership arrangements or donors, is not included in calculating the amount limitation in this paragraph. The Maine Maritime Academy may borrow money or accept grants from federal and state governments and agencies thereof and from any other sources, or both. Such construction shall be under the supervision of the Bureau of General Services.

#### **PART MM SUMMARY**

This Part provides that the entire amount of any borrowing where at least part of the related debt service will be funded by a commitment from the Maine Legislature should be excluded from the total amount limitation.

#### **PART NN**

**Sec. NN-1. Transfer from General Fund unappropriated surplus; Reserve for retirement benefits.** Notwithstanding any provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer up to \$14,700,000 an amount certified by the Executive Director of the Maine Public Employees Retirement System from the unappropriated surplus of the General Fund to a retirement benefits reserve account established within the General Fund for the purpose of providing the resources to fund a one-time retirement payment for retired state employees and teachers.

#### **PART NN SUMMARY**

This Part authorizes the State Controller to transfer up to \$14,700,000 from the unappropriated surplus of the General Fund to a reserve for retirement benefits established within the General Fund in 5 MRSA §1552. The purpose of the transfer is to fund a one-time retirement payment for retired state employees and teachers.

#### **PART OO**

**Sec. OO-1. Transfer from General Fund unappropriated surplus; MCCS Free Community College - 2 Enrollment Years.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$20,000,000 from the unappropriated surplus of the General Fund to the MCCS Free Community College - 2 Enrollment Years, Other Special Revenue Funds account within the Maine Community College System on or before June 30, 2022 to provide two years of free community college for all high school graduates in the Classes of 2020, 2021, 2022 and 2023 who enroll in a Maine community college full-time in the fall of 2022 or the fall of 2023.

**Sec. OO-2. Reporting.** Notwithstanding any provision of law to the contrary, by October 1, 2022 and October 1, 2023 the Maine Community College System shall submit a report to the Governor and the legislative committee having jurisdiction over education matters on the utilization and success of the pilot project.

## **PART OO SUMMARY**

This Part requires the transfer of \$20,000,000 in fiscal year 2021-22 from the unappropriated surplus of the General Fund to the MCCA Free Community College - 2 Enrollment Years, Other Special Revenue Funds account. The initiative will be directed at students who graduated from high school in the Classes of 2020, 2021, 2022, and 2023, enroll in a Maine community college on a full-time basis, and matriculate towards a degree. Students from the classes of '20, '21 and '22 must enroll or be enrolled in the fall of 2022. Students from the Class of 2023 must enroll in the fall of 2023. This Part also requires the Maine Community College System to report to the Governor and the Legislature on utilization and success of the pilot project.

## **PART PP**

**Sec. PP-1. Transfer from General Fund unappropriated surplus; Highway and Bridge Capital.** Notwithstanding any other provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$85,000,000 from the unappropriated surplus of the General Fund to the Department of Transportation, Highway and Bridge Capital, Other Special Revenue Funds account for the purpose of supporting highway and bridge projects.

**Sec. PP-2. Transfer from General Fund unappropriated surplus; Multimodal Transportation Fund.** Notwithstanding any other provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer \$15,000,000 from the unappropriated surplus of the General Fund to the Department of Transportation, Multimodal Transportation Fund, Other Special Revenue Funds account for the purpose of supporting multimodal transportation projects.

## **PART PP SUMMARY**

This Part requires one-time transfers from the General Fund unappropriated surplus in fiscal year 2021-22 to the Highway & Bridge Capital, Other Special Revenue Funds account and the Multimodal Transportation Fund, Other Special Revenue Funds account within the Department of Transportation to support highway, bridge and multimodal transportation projects.