

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

CHAPTER 456

S.P. 635 - L.D. 1688

An Act To Establish the Maine-New Hampshire Cooperative Trails

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

Sec. 1. 12 MRSA §13104, sub-§7, as amended by PL 2005, c. 1, §2, is repealed and the following enacted in its place:

7. Snowmobiles of nonresidents; Maine-New Hampshire Cooperative Trails. Except as specifically provided in this subsection and notwithstanding any other provision of law, a snowmobile belonging to a nonresident may be possessed or operated by any person in this State as long as the snowmobile is properly registered in this State in the name of a nonresident owner of the snowmobile. Nothing in this subsection authorizes the operation of a snowmobile in a manner contrary to this chapter.

A. A nonresident is ineligible to obtain a resident registration for a snowmobile owned by that nonresident. Snowmobiles and grooming equipment registered to federal or state entities, snowmobile clubs, municipalities or counties from bordering states or provinces and engaged in trail grooming may be operated without being registered under this subsection. Snowmobiles registered in either New Hampshire or Canada may be operated on any lake or pond that is partly in both the State and New Hampshire or Canada without being registered in the State.

B. A snowmobile registered in this State or in New Hampshire may be operated without further registration requirements on those portions of the Maine-New Hampshire Cooperative Trails located in Maine. For purposes of this paragraph, "Maine-New Hampshire Cooperative Trails" means:

(1) New Hampshire Trail 18 as identified in the Success Pond - Grafton Notch area; and

(2) Maine Trail ITS-80 as identified in the Evans Notch area of the White Mountain National Forest.

The commissioner shall adopt rules regarding the grooming and maintenance of the Maine-New Hampshire Cooperative Trails and reimbursement or payment for those services. The rules must allow reimbursement for grooming and maintenance services to be through direct cash payments by users of the Maine-New Hampshire Cooperative Trails or through

in-kind services. The costs of grooming and maintenance must be based on the average per mile costs to Maine and New Hampshire of providing these services. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Signs on Maine-New Hampshire Cooperative Trails. The Director of the Off-Road Vehicle Division of the Bureau of Parks and Lands within the Department of Conservation shall work with the director of New Hampshire's snowmobile program to develop and place signs clearly identifying the Maine-New Hampshire Cooperative Trails as defined in the Maine Revised Statutes, Title 12, section 13104, subsection 7.

See title page for effective date.

CHAPTER 457

H.P. 1199 - L.D. 1691

An Act To Eliminate Pension Cost Reduction Bonding and Provide Replacement Budgeting Measures

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

PART A

Sec. A-1. PL 2005, c. 12, Pt. PPPP, §§1, 3 and 4 are repealed.

Sec. A-2. Maine State Retirement System, Administrative Expense Reserve. Notwithstanding any other provision of law, the Maine State Retirement System shall transfer \$250,000 from the Administrative Expense Reserve account to the Retirement Allowance Fund on or before January 1, 2006. This transfer must be reflected as a prepayment of the unfunded actuarial liability of teachers.

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

EDUCATION, DEPARTMENT OF

Teacher Retirement 0170

Initiative: Provides funds for the normal cost of teachers' retirement for the 2006-2007 biennium.

GENERAL FUND	2005-06	2006-07
All Other	\$61,167,861	\$64,532,094
GENERAL FUND TOTAL	\$61,167,861	\$64,532,094

Teacher Retirement 0170

Initiative: Provides funds for the unfunded actuarial liability of teachers' retirement for the 2006-2007 biennium. The fiscal year 2005-06 appropriation is reduced by the transfer of \$41,908,402 from the General Fund unappropriated surplus provided in Public Law 2005, chapter 12, Part PPPP, section 2 and the transfer of \$250,000 from the Maine State Retirement System's Administrative Expense Reserve account to the Retirement Allowance Fund on or before January 1, 2006.

GENERAL FUND	2005-06	2006-07
All Other	\$71,157,805	\$119,548,943
GENERAL FUND TOTAL	\$71,157,805	\$119,548,943

EDUCATION, DEPARTMENT OF		
DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	\$132,325,666	\$184,081,037
DEPARTMENT TOTAL - ALL FUNDS	\$132,325,666	\$184,081,037

PART B

Sec. B-1. Appropriations and allocations.

The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

State Controller - Office of the 0056

Initiative: Eliminates a Payroll Technician position and reduces general operating expenses to maintain costs within available resources.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$55,000)	(\$56,000)
All Other	(\$175,000)	(\$175,000)
GENERAL FUND TOTAL	(\$230,000)	(\$231,000)

Administration - Human Resources 0038

Initiative: Eliminates a Public Service Manager I position.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$72,000)	(\$77,000)
GENERAL FUND TOTAL	(\$72,000)	(\$77,000)

Budget - Bureau of the 0055

Initiative: Eliminates a Budget Analyst position within the Bureau of the Budget.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$67,000)	(\$72,500)
GENERAL FUND TOTAL	(\$67,000)	(\$72,500)

Employee Relations - Office of 0244

Initiative: Eliminates a Public Service Manager I position within the Office of Employee Relations.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$87,000)	(\$89,500)
GENERAL FUND TOTAL	(\$87,000)	(\$89,500)

Financial and Personnel Services - Division of 0713

Initiative: Eliminates an Accounting Technician position within the Division of Financial and Personnel Services.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$58,000)	(\$60,500)
GENERAL FUND TOTAL	(\$58,000)	(\$60,500)

Purchases - Division of 0007

Initiative: Reduces All Other for the procurement system.

GENERAL FUND	2005-06	2006-07
All Other	(\$129,000)	(\$200,000)
GENERAL FUND TOTAL	(\$129,000)	(\$200,000)

Buildings and Grounds Operations 0080

Initiative: Reduces heat and power to the Arsenal and Stone buildings.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$100,000)
GENERAL FUND TOTAL	\$0	(\$100,000)

Buildings and Grounds Operations 0080

Initiative: Deappropriates funds from general operating expenses.

GENERAL FUND	2005-06	2006-07
All Other	(\$4,750)	(\$4,750)
GENERAL FUND TOTAL	(\$4,750)	(\$4,750)

Buildings and Grounds Operations 0080

Initiative: Deappropriates funds through the elimination of non-life safety contracts to maintain costs within available resources.

GENERAL FUND	2005-06	2006-07
All Other	(\$30,000)	(\$30,000)
GENERAL FUND TOTAL	(\$30,000)	(\$30,000)

Lottery Operations 0023

Initiative: Reduces the All Other in the information technology line to reflect the over budgeting of expenses. This initiative will result in additional General Fund revenue of \$500,000 in fiscal year 2006-07.

STATE LOTTERY FUND	2005-06	2006-07
All Other	\$0	(\$500,000)
STATE LOTTERY FUND TOTAL	\$0	(\$500,000)

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$677,750)	(\$865,250)
STATE LOTTERY FUND	\$0	(\$500,000)
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DEPARTMENT TOTAL - ALL FUNDS	(\$677,750)	(\$1,365,250)

PART C

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Maine Revenue Services 0002		
Initiative: Deappropriates funds for the multistate tax commission.		
GENERAL FUND	2005-06	2006-07
All Other	(\$200,000)	(\$200,000)
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GENERAL FUND TOTAL	(\$200,000)	(\$200,000)

Maine Revenue Services 0002		
Initiative: Deappropriates funds for training.		
GENERAL FUND	2005-06	2006-07
All Other	(\$125,000)	(\$125,000)
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GENERAL FUND TOTAL	(\$125,000)	(\$125,000)

Maine Revenue Services 0002		
Initiative: Deappropriates funds from information technology savings.		
GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$55,000)
<hr/>		
GENERAL FUND TOTAL	\$0	(\$55,000)

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$325,000)	(\$380,000)
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	(\$325,000)	(\$380,000)

PART D

Sec. D-1. Report required; distribution of departmentwide deappropriation. The Department of Agriculture, Food and Rural Resources shall determine the Division Director position to be eliminated pursuant to this Part and the balance of additional savings through the use of financial orders to be approved by the State Budget Officer. The department shall report on the position elimination and distribution of savings to the Joint Standing Committee on Appropriations and Financial Affairs and the

Joint Standing Committee on Agriculture, Conservation and Forestry by October 1, 2005.

Sec. D-2. Appropriations and allocations.
The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
Departmentwide 0706		
Initiative: Deappropriates funds to reflect the elimination of one Division Director position and other undetermined savings.		
GENERAL FUND	2005-06	2006-07
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Unallocated	(\$85,000)	(\$135,000)
<hr/>		
GENERAL FUND TOTAL	(\$85,000)	(\$135,000)

Division of Market and Production Development 0833		
Initiative: Transfers 1/2 of one Planning and Research Associate position from the General Fund to Other Special Revenue Funds.		
GENERAL FUND	2005-06	2006-07
POSITIONS - LEGISLATIVE COUNT	(0,500)	(0,500)
Personal Services	(\$36,296)	(\$37,560)
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GENERAL FUND TOTAL	(\$36,296)	(\$37,560)

OTHER SPECIAL REVENUE FUNDS		
GENERAL FUND	2005-06	2006-07
POSITIONS - LEGISLATIVE COUNT	0,500	0,500
Personal Services	\$36,296	\$37,560
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$36,296	\$37,560

Division of Market and Production Development 0833		
Initiative: Deappropriates funds to reduce the scope of contracted advertising services.		
GENERAL FUND	2005-06	2006-07
Personal Services	(\$16,900)	(\$16,900)
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GENERAL FUND TOTAL	(\$16,900)	(\$16,900)

Division of Market and Production Development 0833		
Initiative: Reduces one Planning and Research Associate II position to 1/2 time.		
GENERAL FUND	2005-06	2006-07
POSITIONS - LEGISLATIVE COUNT	(0,500)	(0,500)
Personal Services	(\$31,124)	(\$33,451)
<hr/>		
GENERAL FUND TOTAL	(\$31,124)	(\$33,451)

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$169,320)	(\$222,911)

OTHER SPECIAL REVENUE FUNDS	\$36,296	\$37,560
DEPARTMENT TOTAL - ALL FUNDS	(\$133,024)	(\$185,351)

PART E

Sec. E-1. Appropriations and allocations.

The following appropriations and allocations are made.

AUDIT, DEPARTMENT OF

Audit - Departmental Bureau 0067

Initiative: Savings resulting from the transfer of one Auditor III position from the General Fund to an Other Special Revenue Funds account.

GENERAL FUND	2005-06	2006-07
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$74,195)
GENERAL FUND TOTAL	\$0	(\$74,195)

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$74,195

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$74,195
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AUDIT, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	\$0	(\$74,195)
OTHER SPECIAL REVENUE FUNDS	\$0	\$74,195

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0
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PART F

Sec. F-1. 12 MRSA §1820, as enacted by PL 1997, c. 678, §13, is amended to read:

§1820. Fee sharing

~~Fifteen~~ Seven percent of all day use and camping fees derived from any lands classified by the director as parks or historic sites under jurisdiction of the bureau must be apportioned and paid to the municipalities having those lands within their boundaries. In determining the payment to each municipality, the bureau shall assign one unit per front foot for each foot of lake, pond, ocean or major river frontage and 5 units for each acre of all such lands within the municipality. Frontage and acreage must be determined as of April 1st for the year in which revenue is

being apportioned and computed to the nearest whole unit.

Sec. F-2. Application. The changes in percentage reimbursement authorized in section 1 of this Part apply to fees collected in calendar year 2005 and distributed to municipalities in fiscal year 2005-06.

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

CONSERVATION, DEPARTMENT OF

Forest Policy and Management - Division of 0240

Initiative: Deappropriates funds to reduce assistance to landowners.

GENERAL FUND	2005-06	2006-07
All Other	(\$50,000)	(\$50,000)
GENERAL FUND TOTAL	(\$50,000)	(\$50,000)

Division of Forest Protection 0232

Initiative: Deappropriates funds for forest fire suppression, resulting in delays for helicopter replacements.

GENERAL FUND	2005-06	2006-07
All Other	(\$390,000)	\$0
GENERAL FUND TOTAL	(\$390,000)	\$0

Administrative Services - Conservation 0222

Initiative: Transfers 1/2 of one Public Service Coordinator I position from the General Fund to Other Special Revenue Funds and reduces funds for operational costs.

GENERAL FUND	2005-06	2006-07
Positions - Legislative Count	(0.500)	(0.500)
Personal Services	(\$41,244)	(\$42,422)
All Other	(\$33,221)	(\$32,915)
GENERAL FUND TOTAL	(\$74,465)	(\$75,337)

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
Positions - Legislative Count	0.500	0.500
Personal Services	\$41,244	\$42,422

OTHER SPECIAL REVENUE FUNDS TOTAL	\$41,244	\$42,422
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Geological Survey 0237

Initiative: Transfers 80% of the funding for one Cartographer position from the General Fund to Other Special Revenue Funds.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$53,077)	(\$54,601)
GENERAL FUND TOTAL	(\$53,077)	(\$54,601)

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
Personal Services	\$53,077	\$54,601

OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$53,077	\$54,601
Natural Areas Program 0821		
Initiative: Reduces funds for operational costs.		
GENERAL FUND	2005-06	2006-07
All Other	(\$2,399)	(\$2,000)
GENERAL FUND TOTAL	(\$2,399)	(\$2,000)
CONSERVATION, DEPARTMENT OF		
DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$569,941)	(\$181,938)
OTHER SPECIAL REVENUE		
FUNDS	\$94,321	\$97,023
DEPARTMENT TOTAL - ALL FUNDS	(\$475,620)	(\$84,915)

PART G

Sec. G-1. Assessment of county jails. The Department of Corrections shall charge county jails for high-risk county prisoners at a state correctional facility. This initiative will increase General Fund revenue by \$100,000 in fiscal years 2005-06 and 2006-07.

Sec. G-2. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

Correctional Medical Services Fund 0286

Initiative: Provides for the reduction of All Other funds due to expanding the use of supervised community confinement.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$162,672)
GENERAL FUND TOTAL	\$0	(\$162,672)

Maine State Prison 0144

Initiative: Provides for the reduction of All Other funds due to expanding the use of supervised community confinement.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$81,718)
GENERAL FUND TOTAL	\$0	(\$81,718)

Correctional Center 0162

Initiative: Provides for the reduction of All Other funds due to expanding the use of supervised community confinement.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$38,206)
GENERAL FUND TOTAL	\$0	(\$38,206)

Central Maine Pre-Release Center 0392

Initiative: Provides for the reduction of All Other funds due to expanding the use of supervised community confinement.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$2,639)
GENERAL FUND TOTAL	\$0	(\$2,639)

Charleston Correctional Facility 0400

Initiative: Provides for the reduction of All Other funds due to expanding the use of supervised community confinement.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$5,304)
GENERAL FUND TOTAL	\$0	(\$5,304)

Downeast Correctional Facility 0542

Initiative: Provides for the reduction of All Other funds due to expanding the use of supervised community confinement.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$9,461)
GENERAL FUND TOTAL	\$0	(\$9,461)

Administration - Corrections 0141

Initiative: Provides for the elimination of one Public Service Coordinator I position and the transfer of one Information Support Specialist position to an Other Special Revenue Funds account. The position numbers are 035000075 and 040003624.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(2,000)	(2,000)
Personal Services	(\$145,876)	(\$152,536)
GENERAL FUND TOTAL	(\$145,876)	(\$152,536)

Correctional Center 0162

Initiative: Provides for the elimination of one Clerk Typist II position and one Correctional Electrician position. The position numbers are 036001887 and 036001723.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(2,000)	(2,000)
Personal Services	(\$93,514)	(\$100,058)
GENERAL FUND TOTAL	(\$93,514)	(\$100,058)

Correctional Center 0162

Initiative: Provides for the transfer of 1/2 of one Correctional Electrician position from the Long Creek Youth Development Center to the Maine Correctional Center. The position number is 033002721.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$34,387	\$35,630
GENERAL FUND TOTAL	\$34,387	\$35,630

Long Creek Youth Development Center 0163

Initiative: Provides for the transfer of 1/2 of one Correctional Electrician position from the Long Creek Youth Development Center to the Maine Correctional Center. The position number is 033002721.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(0,500)	(0,500)
Personal Services	(\$34,387)	(\$35,630)
GENERAL FUND TOTAL	(\$34,387)	(\$35,630)

Long Creek Youth Development Center 0163

Initiative: Provides for the elimination of one Auto Mechanic position. The position is to be eliminated on September 30, 2005. The position number is 033000371.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$32,692)	(\$54,296)
GENERAL FUND TOTAL	(\$32,692)	(\$54,296)

Office of Advocacy 0684

Initiative: Provides for the elimination of one half-time Advocate position and a reduction in All Other from reduced contracted services. Position to end on January 1, 2006. The position number is 035000105.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(0,500)	(0,500)
Personal Services	(\$18,132)	(\$37,547)
All Other	(\$5,000)	(\$5,000)
GENERAL FUND TOTAL	(\$23,132)	(\$42,547)

State Parole Board 0123

Initiative: Provides for the deappropriation of funds in All Other.

GENERAL FUND	2005-06	2006-07
All Other	(\$1,000)	(\$1,000)
GENERAL FUND TOTAL	(\$1,000)	(\$1,000)

County Jail Prisoner Support and Community Corrections Fund 0888

Initiative: Provides for the deappropriation of funds to represent a 1% reduction in both fiscal years and to fund 1/2 of the correctional alternatives study in fiscal year 2005-06.

GENERAL FUND	2005-06	2006-07
All Other	(\$204,171)	(\$55,525)
GENERAL FUND TOTAL	(\$204,171)	(\$55,525)

Adult Community Corrections 0124

Initiative: Provides for the deappropriation of funds for contractual services.

GENERAL FUND	2005-06	2006-07
All Other	(\$40,000)	(\$40,000)
GENERAL FUND TOTAL	(\$40,000)	(\$40,000)

Administration - Corrections MIS 0141

Initiative: Provides for the transfer of one Information Support Specialist position to an Other Special Revenue Funds account. The position number is 040003624.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$70,518	\$75,669
All Other	\$10,052	\$7,569

OTHER SPECIAL REVENUE FUNDS TOTAL	\$80,570	\$83,238
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CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$540,385)	(\$745,962)
OTHER SPECIAL REVENUE FUNDS	\$80,570	\$83,238

DEPARTMENT TOTAL - ALL FUNDS	(\$459,815)	(\$662,724)
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MAINE CRIMINAL JUSTICE COMMISSION

Maine Criminal Justice Commission 0795

Initiative: Provides for the deappropriation of All Other funds.

GENERAL FUND	2005-06	2006-07
All Other	(\$17,432)	(\$17,867)
GENERAL FUND TOTAL	(\$17,432)	(\$17,867)

MAINE CRIMINAL JUSTICE COMMISSION DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$17,432)	(\$17,867)

DEPARTMENT TOTAL - ALL FUNDS	(\$17,432)	(\$17,867)
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SECTION TOTALS	2005-06	2006-07
GENERAL FUND	(\$557,817)	(\$763,829)
OTHER SPECIAL REVENUE FUNDS	\$80,570	\$83,238

SECTION TOTAL - ALL FUNDS	(\$477,247)	(\$680,591)
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PART H

Sec. H-1. Appropriations and allocations.

The following appropriations and allocations are made.

ARTS COMMISSION, MAINE

Arts - Administration 0178

Initiative: Reduces funding to the Maine Arts Commission in fiscal years 2005-06 and 2006-07.

GENERAL FUND	2005-06	2006-07
All Other	(\$10,000)	(\$10,000)
GENERAL FUND TOTAL	(\$10,000)	(\$10,000)

ARTS COMMISSION, MAINE		
DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$10,000)	(\$10,000)
DEPARTMENT TOTAL - ALL FUNDS	(\$10,000)	(\$10,000)

LIBRARY, MAINE STATE

Administration - Library 0215

Initiative: Deappropriates funds from savings due to the reorganization of one Senior Staff Accountant position to an Accounting Technician position.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$15,424)	(\$16,387)
GENERAL FUND TOTAL	(\$15,424)	(\$16,387)

Administration - Library 0215

Initiative: Reduces funding to the Maine State Library in fiscal years 2005-06 and 2006-07.

GENERAL FUND	2005-06	2006-07
All Other	(\$10,000)	(\$10,000)
GENERAL FUND TOTAL	(\$10,000)	(\$10,000)

LIBRARY, MAINE STATE

DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$25,424)	(\$26,387)
DEPARTMENT TOTAL - ALL FUNDS	(\$25,424)	(\$26,387)

MUSEUM, MAINE STATE

Maine State Museum 0180

Initiative: Reduces All Other funding to the Maine State Museum in fiscal years 2005-06 and 2006-07.

GENERAL FUND	2005-06	2006-07
All Other	(\$10,000)	(\$10,000)
GENERAL FUND TOTAL	(\$10,000)	(\$10,000)

MUSEUM, MAINE STATE

DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$10,000)	(\$10,000)
DEPARTMENT TOTAL - ALL FUNDS	(\$10,000)	(\$10,000)

SECTION TOTALS

GENERAL FUND	2005-06	2006-07
	(\$45,424)	(\$46,387)
SECTION TOTAL - ALL FUNDS	(\$45,424)	(\$46,387)

PART I

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

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

- (1) In fiscal year 2005-06, 84%;
- (2) In fiscal year 2006-07, ~~90%~~ 84%;
- (3) In fiscal year 2007-08, 95%; and
- (4) In fiscal year 2008-09 and succeeding years, 100%.

Sec. I-2. Delayed school construction project. If the Commissioner of Education delays the bonding of a school construction project during the 2006-2007 biennium and the school administrative unit is allowed by the commissioner to proceed with the project by using bond anticipation notes, the commissioner may include the interest cost of the temporary borrowing that exceeds the interest income on the proceeds during the period of the delayed bonding in the school administrative unit's state and local allocation as a debt service cost or as an adjustment to that unit's monthly subsidy payments.

Sec. I-3. Federal reimbursement. Notwithstanding any other provision of law, the Department of Education is responsible for capturing the maximum federal reimbursement to local school districts for the following MaineCare services: school-based rehabilitation, day treatment and targeted case management services beginning in January 2006.

Sec. I-4. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools 0308

Initiative: Reduces funding for school bus purchases in fiscal year 2006-07.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$3,200,000)
GENERAL FUND TOTAL	\$0	(\$3,200,000)

General Purpose Aid for Local Schools 0308

Initiative: Reduces funding for debt service to reflect savings captured after payments to projects have been made.

GENERAL FUND	2005-06	2006-07
All Other	(\$974,000)	\$0
GENERAL FUND TOTAL	(\$974,000)	\$0

General Purpose Aid for Local Schools 0308

Initiative: Reduces funding for debt service as a result of postponing the start date of certain capital improvement projects.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$5,158,566)
GENERAL FUND TOTAL	\$0	(\$5,158,566)

General Purpose Aid for Local Schools 0308

Initiative: Reduces funding for special education for those school administrative units that are minimum receivers of state subsidy by holding the transition percentage for special education costs at 84% for fiscal year 2006-07.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$1,500,000)
GENERAL FUND TOTAL	\$0	(\$1,500,000)

General Purpose Aid for Local Schools 0308

Initiative: Reduces funding for general purpose aid for local schools for the savings to school districts as a result of the Department of Education assuming responsibility for capturing the maximum federal reimbursement to local school districts for the following MaineCare services: school-based rehabilitation, day treatment and targeted case management services beginning in January 2006.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$2,500,000)
GENERAL FUND TOTAL	\$0	(\$2,500,000)

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$974,000)	(\$12,358,566)
DEPARTMENT TOTAL - ALL FUNDS	(\$974,000)	(\$12,358,566)

PART J

Sec. J-1. Appropriations and allocations.

The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Management Information Systems 0838

Initiative: Transfers the funding of 4 positions to the General Purpose Aid for Local Schools program account to be funded within existing general purpose aid for local schools appropriations.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$274,892)	(\$288,898)
GENERAL FUND TOTAL	(\$274,892)	(\$288,898)

Learning Systems 0839

Initiative: Reduces funding for National Aeronautics and Space Administration grants for teachers.

GENERAL FUND	2005-06	2006-07
All Other	(\$73,501)	(\$73,501)
GENERAL FUND TOTAL	(\$73,501)	(\$73,501)

Professional Development 0859

Initiative: Reduces funding for professional development.

GENERAL FUND	2005-06	2006-07
All Other	(\$100,000)	(\$100,000)
GENERAL FUND TOTAL	(\$100,000)	(\$100,000)

Leadership 0836

Initiative: Reduces All Other funding in this program.

GENERAL FUND	2005-06	2006-07
All Other	(\$8,421)	(\$8,421)
GENERAL FUND TOTAL	(\$8,421)	(\$8,421)

Support Systems 0837

Initiative: Transfers one Public Service Manager II position and one contracted position to the School Revolving Renovation Fund administration account.

GENERAL FUND POSITIONS -	2005-06	2006-07
LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$107,677)	(\$109,742)
All Other	(\$72,280)	(\$72,280)
GENERAL FUND TOTAL	(\$179,957)	(\$182,022)

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$107,677	\$109,742
All Other	\$72,280	\$72,280

OTHER SPECIAL REVENUE FUNDS TOTAL	\$179,957	\$182,022
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EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$636,771)	(\$652,842)
OTHER SPECIAL REVENUE FUNDS	\$179,957	\$182,022
DEPARTMENT TOTAL - ALL FUNDS	(\$456,814)	(\$470,820)

PART K

Sec. K-1. Biomedical scholarships. The University of Maine System may use up to the first \$1,000,000 of distribution from the gross slot machine revenue under the Maine Revised Statutes, Title 8, section 1036 in fiscal year 2006-07 to support graduate student stipends for biomedical scholarships.

Sec. K-2. Appropriations and allocations. The following appropriations and allocations are made.

MARITIME ACADEMY, MAINE

Maritime Academy - Operations 0035

Initiative: Reduces funding to Maine Maritime Academy in fiscal years 2005-06 and 2006-07.

GENERAL FUND	2005-06	2006-07
All Other	(\$76,250)	(\$78,150)
GENERAL FUND TOTAL	(\$76,250)	(\$78,150)
MARITIME ACADEMY, MAINE DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$76,250)	(\$78,150)
DEPARTMENT TOTAL - ALL FUNDS	(\$76,250)	(\$78,150)

COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE

Maine Community College System - Board of Trustees 0556

Initiative: Reduces funding to the Maine Community College System in fiscal years 2005-06 and 2006-07.

GENERAL FUND	2005-06	2006-07
All Other	(\$326,000)	(\$326,000)
GENERAL FUND TOTAL	(\$326,000)	(\$326,000)
COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$326,000)	(\$326,000)
DEPARTMENT TOTAL - ALL FUNDS	(\$326,000)	(\$326,000)

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

Educational and General Activities - UMS 0031

Initiative: Reduces funding to the University of Maine System in fiscal years 2005-06 and 2006-07.

GENERAL FUND	2005-06	2006-07
All Other	(\$1,000,000)	(\$1,000,000)
GENERAL FUND TOTAL	(\$1,000,000)	(\$1,000,000)

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE DEPARTMENT TOTALS

GENERAL FUND	2005-06	2006-07
	(\$1,000,000)	(\$1,000,000)
DEPARTMENT TOTAL - ALL FUNDS	(\$1,000,000)	(\$1,000,000)

SECTION TOTALS	2005-06	2006-07
GENERAL FUND	(\$1,402,250)	(\$1,404,150)
SECTION TOTAL - ALL FUNDS	(\$1,402,250)	(\$1,404,150)

PART L

Sec. L-1. Appropriations and allocations.

The following appropriations and allocations are made.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Office of Innovation 0995

Initiative: Deappropriates funds for the Maine Technology Institute.

GENERAL FUND	2005-06	2006-07
All Other	(\$80,145)	(\$101,668)
GENERAL FUND TOTAL	(\$80,145)	(\$101,668)

Maine Small Business Commission 0675

Initiative: Deappropriates funds for the Maine Small Business Development Centers.

GENERAL FUND	2005-06	2006-07
All Other	(\$68,000)	(\$68,000)
GENERAL FUND TOTAL	(\$68,000)	(\$68,000)

Business Development 0585

Initiative: Deappropriates funds associated with the contract with Marshall Communications.

GENERAL FUND	2005-06	2006-07
All Other	(\$62,090)	(\$62,090)
GENERAL FUND TOTAL	(\$62,090)	(\$62,090)

Business Development 0585

Initiative: Deappropriates funds associated with the sponsorship of the Maine Public Broadcasting Corporation's "Made in Maine" program.

GENERAL FUND	2005-06	2006-07
All Other	(\$23,750)	(\$23,750)
GENERAL FUND TOTAL	(\$23,750)	(\$23,750)

Business Development 0585

Initiative: Deappropriates funds for contract positions in Farmington, Eastport, Fort Kent and Houlton.

GENERAL FUND	2005-06	2006-07
All Other	(\$3,705)	\$0
GENERAL FUND TOTAL	(\$3,705)	\$0

Regional Development - SCEDC 0219

Initiative: Deappropriates funds for the Somerset County Economic Development Corporation.

GENERAL FUND	2005-06	2006-07
All Other	(\$25,866)	(\$26,186)
GENERAL FUND TOTAL	(\$25,866)	(\$26,186)

Regional Development 0792

Initiative: Deappropriates funds for the Eastern Maine Development Corporation.

GENERAL FUND	2005-06	2006-07
All Other	(\$23,750)	\$0
GENERAL FUND TOTAL	(\$23,750)	\$0
ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF		
DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$287,306)	(\$281,694)
DEPARTMENT TOTAL - ALL FUNDS	(\$287,306)	(\$281,694)

PART M

Sec. M-1. Appropriations and allocations.

The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Land and Water Quality 0248

Initiative: Deappropriates General Fund support for sampling and laboratory analysis for surface water ambient toxics monitoring.

GENERAL FUND	2005-06	2006-07
All Other	(\$125,000)	(\$125,000)
GENERAL FUND TOTAL	(\$125,000)	(\$125,000)

PART N

Sec. N-1. Appropriations and allocations.

The following appropriations and allocations are made.

ETHICS AND ELECTIONS PRACTICES, COMMISSION ON GOVERNMENTAL

Governmental Ethics and Election Practices - Commission on 414

Initiative: Transfers 18% of the cost of one Clerk Typist III position from the General Fund to Other Special Revenue Funds.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$8,248)	(\$8,865)
GENERAL FUND TOTAL	(\$8,248)	(\$8,865)

OTHER SPECIAL REVENUE FUNDS

	2005-06	2006-07
Personal Services	\$8,248	\$8,865
OTHER SPECIAL REVENUE FUNDS TOTAL	\$8,248	\$8,865

ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL DEPARTMENT TOTALS

	2005-06	2006-07
GENERAL FUND	(\$8,248)	(\$8,865)
OTHER SPECIAL REVENUE FUNDS	\$8,248	\$8,865

DEPARTMENT TOTAL - ALL FUNDS

\$0 **\$0**

PART O

Sec. O-1. Appropriations and allocations.

The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Blaine House 0072

Initiative: Savings resulting from a reduction in intermittent staff.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$23,422)	(\$24,646)
GENERAL FUND TOTAL	(\$23,422)	(\$24,646)

Administration - Executive - Governor's Office 0165

Initiative: Savings resulting from the elimination of one Governor's Special Assistant position within the Governor's Office.

GENERAL FUND	2005-06	2006-07
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$123,000)	(\$134,000)
GENERAL FUND TOTAL	(\$123,000)	(\$134,000)

State Planning Office 0082

Initiative: Provides a departmentwide reduction in fiscal year 2005-06 and fiscal year 2006-07 to maintain costs within available resources.

GENERAL FUND	2005-06	2006-07
All Other	(\$50,000)	(\$50,000)
GENERAL FUND TOTAL	(\$50,000)	(\$50,000)

Administration - Executive - Governor's Office 0165

Initiative: Savings resulting from reductions in contractual services.

GENERAL FUND	2005-06	2006-07
All Other	(\$6,350)	(\$6,350)
GENERAL FUND TOTAL	(\$6,350)	(\$6,350)

EXECUTIVE DEPARTMENT DEPARTMENT TOTALS

	2005-06	2006-07
GENERAL FUND	(\$202,772)	(\$214,996)
DEPARTMENT TOTAL - ALL FUNDS	(\$202,772)	(\$214,996)

PART P

Sec. P-1. Appropriations and allocations.

The following appropriations and allocations are made.

FINANCE AUTHORITY OF MAINE

Business Development Finance 0512

Initiative: Reduces funds available for operating the commercial loan programs.

GENERAL FUND	2005-06	2006-07
All Other	(\$1,506)	(\$1,506)
GENERAL FUND TOTAL	(\$1,506)	(\$1,506)

Natural Resources and Marketing 0513

Initiative: Reduces funds available for operating the commercial loan programs.

GENERAL FUND	2005-06	2006-07
All Other	(\$8,129)	(\$8,129)
GENERAL FUND TOTAL	(\$8,129)	(\$8,129)

FINANCE AUTHORITY OF MAINE DEPARTMENT TOTALS

GENERAL FUND	(\$9,635)	(\$9,635)
DEPARTMENT TOTAL - ALL FUNDS	(\$9,635)	(\$9,635)

PART Q

Sec. Q-1. Appropriations and allocations.

The following appropriations and allocations are made.

ATLANTIC SALMON COMMISSION

Atlantic Salmon Commission 0265

Initiative: Deappropriates funds to reflect operational cost savings.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$10,000)	(\$11,394)
GENERAL FUND TOTAL	(\$10,000)	(\$11,394)

PART R

Sec. R-1. Appropriations and allocations.

The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Enforcement Operations 0537

Initiative: Deappropriates funds to reflect salary savings.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$95,000)	(\$95,000)
GENERAL FUND TOTAL	(\$95,000)	(\$95,000)

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	(\$95,000)	(\$95,000)
DEPARTMENT TOTAL - ALL FUNDS	(\$95,000)	(\$95,000)

PART S

Sec. S-1. PL 2005, c. 12, Pt. J, §1 is amended to read:

Sec. J-1. Overdue fines. The Judicial Department shall implement an accelerated collection effort of overdue fines, including accessing Secretary of State, Bureau of Motor Vehicles data, to increase General Fund revenue by ~~\$1,100,000~~ \$1,800,000 in fiscal year 2005-06 and ~~\$1,900,000~~ \$2,700,000 in fiscal year 2006-07.

Sec. S-2. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIARY

Courts - Supreme, Superior and District 0063

Initiative: Reduces funding to be realized through increased efficiencies.

GENERAL FUND	2005-06	2006-07
Unallocated	(\$200,000)	(\$300,000)
GENERAL FUND TOTAL	(\$200,000)	(\$300,000)

PART T

Sec. T-1. Appropriations and allocations.

The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Administration - Labor 0030

Initiative: Transfers Personal Services funds to reflect a reallocation of positions from the General Fund to the Federal Expenditures Fund.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$12,600)	(\$12,800)
GENERAL FUND TOTAL	(\$12,600)	(\$12,800)

FEDERAL EXPENDITURES FUND	2005-06	2006-07
Personal Services	\$12,600	\$12,800

FEDERAL EXPENDITURES FUND TOTAL	\$12,600	\$12,800
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Employment Services Activity 0852

Initiative: Shifts staff associated with the Career Resource Network program to the federal grant.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$70,300)	(\$73,700)
GENERAL FUND TOTAL	(\$70,300)	(\$73,700)

FEDERAL EXPENDITURES FUND	2005-06	2006-07
Personal Services	\$70,300	\$73,700

FEDERAL EXPENDITURES		
FUND TOTAL	\$70,300	\$73,700

Employment Services Activity 0852

Initiative: Shifts funding for CareerCenters to the Special Administrative Expense Fund.

GENERAL FUND	2005-06	2006-07
All Other	(\$300,000)	(\$300,000)
GENERAL FUND TOTAL	(\$300,000)	(\$300,000)

Special Administrative Expense Fund 0245

Initiative: Shifts funding for CareerCenters to the Special Administrative Expense Fund.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$300,000	\$300,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$300,000	\$300,000
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LABOR, DEPARTMENT OF DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$382,900)	(\$386,500)
FEDERAL EXPENDITURES FUND	\$82,900	\$86,500
OTHER SPECIAL REVENUE FUNDS	\$300,000	\$300,000

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0
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PART U

Sec. U-1. Legislative account; lapsed balances; Legislative General Fund. Notwithstanding any other provision of law, \$250,000 of unencumbered balance forward in the Personal Services line category and \$115,000 in the All Other line category in fiscal year 2004-05 in the Legislative General Fund account in the Legislature lapses to the General Fund in fiscal year 2005-06. In addition, \$250,000 of unencumbered balance forward in the Personal Services line category and \$150,000 in the All Other line category in fiscal year 2005-06 in the Legislative General Fund account in the Legislature lapses to the General Fund in fiscal year 2006-07.

Sec. U-2. Legislative account; lapsed balances; Law and Legislative Reference Library. Notwithstanding any other provision of law, \$35,000 of unencumbered balance forward in the Personal Services line category in fiscal year 2004-05 in the Legislative General Fund account in the Legislature lapses to the General Fund in fiscal year 2005-06.

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

LEGISLATURE

Legislature 0081

Initiative: Savings resulting from suspending step increases in fiscal year 2005-06 for only those employees earning \$60,000 or more and not represented by a bargaining agent.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$36,170)	(\$20,815)
GENERAL FUND TOTAL	(\$36,170)	(\$20,815)

Legislature 0081

Initiative: Provides a line item correction to Public Law 2005, chapter 12 regarding the reduction of funding for legal services for the House.

GENERAL FUND	2005-06	2006-07
Personal Services	\$2,000	\$2,000
All Other	(\$2,000)	(\$2,000)
GENERAL FUND TOTAL	\$0	\$0

Legislature 0081

Initiative: Provides a line item correction to Public Law 2005, chapter 12 regarding the reduction of funding for legal services for the Senate.

GENERAL FUND	2005-06	2006-07
Personal Services	\$15,000	\$15,000
All Other	(\$15,000)	(\$15,000)
GENERAL FUND TOTAL	\$0	\$0

LEGISLATURE DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$36,170)	(\$20,815)
DEPARTMENT TOTAL - ALL FUNDS	(\$36,170)	(\$20,815)

PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, OFFICE OF

Program Evaluation and Government Accountability 0976

Initiative: Savings resulting from suspending step increases in fiscal year 2005-06 for only those employees earning \$60,000 or more.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$3,297)	(\$5,660)
GENERAL FUND TOTAL	(\$3,297)	(\$5,660)

PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, OFFICE OF DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$3,297)	(\$5,660)
DEPARTMENT TOTAL - ALL FUNDS	(\$3,297)	(\$5,660)
SECTION TOTALS	2005-06	2006-07
GENERAL FUND	(\$39,467)	(\$26,475)

SECTION TOTAL - ALL FUNDS (\$39,467) (\$26,475)

PART V

Sec. V-1. Appropriations and allocations.

The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Division of Community Resource Development 0043

Initiative: Deappropriates funds for operating expenses.

GENERAL FUND	2005-06	2006-07
All Other	(\$16,081)	(\$16,769)
GENERAL FUND TOTAL	(\$16,081)	(\$16,769)

Division of Administrative Services 0258

Initiative: Deappropriates funds for capital purchases.

GENERAL FUND	2005-06	2006-07
Capital Expenditures	(\$25,920)	(\$24,072)
GENERAL FUND TOTAL	(\$25,920)	(\$24,072)

Division of Administrative Services 0258

Initiative: Deappropriates funds for operating expenses.

GENERAL FUND	2005-06	2006-07
All Other	(\$4,552)	(\$10,481)
GENERAL FUND TOTAL	(\$4,552)	(\$10,481)

Division of Administrative Services 0258

Initiative: Eliminates one Account Clerk I position.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$42,814)	(\$45,719)
GENERAL FUND TOTAL	(\$42,814)	(\$45,719)

Division of Administrative Services 0258

Initiative: Reorganizes one Public Service Executive II position to one Public Service Executive I position.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$19,034)	(\$14,885)
GENERAL FUND TOTAL	(\$19,034)	(\$14,885)

Bureau of Resource Management 0027

Initiative: Transfers funding for one Marine Resource Technician position from the General Fund to Other Special Revenue Funds.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$51,233)	(\$52,895)
GENERAL FUND TOTAL	(\$51,233)	(\$52,895)

Bureau of Resource Management 0027

Initiative: Transfers funding for one Marine Resource Technician position from the General Fund to Other Special Revenue Funds and eliminates one Word Processor position.

OTHER SPECIAL REVENUE FUNDS

	2005-06	2006-07
Personal Services	\$51,233	\$52,895
OTHER SPECIAL REVENUE FUNDS TOTAL	\$51,233	\$52,895

Bureau of Resource Management 0027

Initiative: Appropriates funds for expanded PSP sampling for the mahogany quahog fishery in Downeast Maine.

GENERAL FUND	2005-06	2006-07
Personal Services	\$30,000	\$0
GENERAL FUND TOTAL	\$30,000	\$0

Bureau of Marine Patrol 0029

Initiative: Deappropriates funds as salary savings realized from delaying scheduled certification for new Marine Patrol positions at the Maine Criminal Justice Academy.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$105,609)	\$0
GENERAL FUND TOTAL	(\$105,609)	\$0

Bureau of Marine Patrol 0029

Initiative: Deappropriates funds to reflect the mothballing of 3 Boston Whaler patrol vessels.

GENERAL FUND	2005-06	2006-07
All Other	(\$30,000)	\$0
GENERAL FUND TOTAL	(\$30,000)	\$0

MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS

	2005-06	2006-07
GENERAL FUND	(\$265,243)	(\$164,821)
OTHER SPECIAL REVENUE FUNDS	\$51,233	\$52,895
DEPARTMENT TOTAL - ALL FUNDS	(\$214,010)	(\$111,926)

PART W

Sec. W-1. Appropriations and allocations.

The following appropriations and allocations are made.

FIRE PROTECTION SERVICES COMMISSION, MAINE

Maine Fire Protection Services Commission 0936

Initiative: Transfers funding for this program to the Department of Public Safety, Other Special Revenue Funds.

GENERAL FUND	2005-06	2006-07
All Other	(\$13,885)	(\$13,885)

GENERAL FUND TOTAL	(\$13,885)	(\$13,885)
FIRE PROTECTION SERVICES COMMISSION, MAINE DEPARTMENT TOTALS		
GENERAL FUND	(\$13,885)	(\$13,885)
DEPARTMENT TOTAL - ALL FUNDS	(\$13,885)	(\$13,885)
PUBLIC SAFETY, DEPARTMENT OF Fire Marshall - Office of 0327		
Initiative: Transfers funding for the Fire Protection Services Commission from the General Fund to the Office of the State Fire Marshal, Other Special Revenue Funds.		
OTHER SPECIAL REVENUE FUNDS		
All Other	2005-06 \$13,885	2006-07 \$13,885
OTHER SPECIAL REVENUE FUNDS TOTAL	\$13,885	\$13,885
Emergency Medical Services 0485		
Initiative: Reduces grants to regional emergency medical services councils.		
GENERAL FUND	2005-06	2006-07
All Other	(\$124,678)	(\$124,678)
GENERAL FUND TOTAL	(\$124,678)	(\$124,678)
Gambling Control Board 1002		
Initiative: Eliminates one Lieutenant position and one Clerk Typist III position to reflect a reorganization of the Gambling Control Board.		
GENERAL FUND	2005-06	2006-07
POSITIONS - LEGISLATIVE COUNT	(2,000)	(2,000)
Personal Services	(\$132,211)	(\$168,891)
GENERAL FUND TOTAL	(\$132,211)	(\$168,891)
PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS		
GENERAL FUND	(\$256,889)	(\$293,569)
OTHER SPECIAL REVENUE FUNDS	\$13,885	\$13,885
DEPARTMENT TOTAL - ALL FUNDS	(\$243,004)	(\$279,684)
SECTION TOTALS		
GENERAL FUND	(\$270,774)	(\$310,454)
OTHER SPECIAL REVENUE FUNDS	\$13,885	\$13,885
SECTION TOTAL - ALL FUNDS	(\$256,889)	(\$296,569)

PART X

Sec. X-1. Appropriations and allocations.

The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF THE

Bureau of Administrative Services and Corporations 0692

Initiative: Deappropriates funds to eliminate one Account Clerk I position and reduce operating funds.

GENERAL FUND	2005-06	2006-07
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$42,446)	(\$45,394)
All Other	(\$11,955)	(\$11,743)
GENERAL FUND TOTAL	(\$54,401)	(\$57,137)

PART Y

Sec. Y-1. Appropriations and allocations.

The following appropriations and allocations are made.

TREASURER OF STATE, OFFICE OF THE

Administration - Treasury 0022

Initiative: Reduces funding for personal services in order to maintain costs within available resources.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$13,000)	(\$7,500)
GENERAL FUND TOTAL	(\$13,000)	(\$7,500)

Debt Service - Treasury 0021

Initiative: Reduces funding for debt service to maintain costs within available resources.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$4,000,000)	\$0
GENERAL FUND TOTAL	(\$4,000,000)	\$0

TREASURER OF STATE, OFFICE OF THE DEPARTMENT TOTALS

GENERAL FUND	2005-06 (\$4,013,000)	2006-07 (\$7,500)
DEPARTMENT TOTAL - ALL FUNDS	(\$4,013,000)	(\$7,500)

PART Z

Sec. Z-1. Appropriations and allocations.

The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: Reduces funding in Personal Services for the elimination of merit pay increases for unclassified positions in fiscal year 2006-07 in order to maintain program costs within available resources.

GENERAL FUND	2005-06	2006-07
Personal Services	\$0	(\$142,959)
GENERAL FUND TOTAL	\$0	(\$142,959)

Human Services Division 0696

Initiative: Reduces funding in Personal Services for the elimination of merit pay increases for unclassified positions in fiscal year 2006-07 in order to maintain program costs within available resources.

GENERAL FUND	2005-06	2006-07
Personal Services	\$0	(\$37,729)
GENERAL FUND TOTAL	\$0	(\$37,729)

Human Services Division 0696

Initiative: Deappropriates salary savings in fiscal years 2005-06 and 2006-07.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$75,000)	(\$75,000)
GENERAL FUND TOTAL	(\$75,000)	(\$75,000)

Civil Rights 0039

Initiative: Reduces funding in Personal Services for the elimination of merit pay increases for unclassified positions in fiscal year 2006-07 in order to maintain program costs within available resources.

GENERAL FUND	2005-06	2006-07
Personal Services	\$0	(\$2,107)
GENERAL FUND TOTAL	\$0	(\$2,107)

District Attorneys Salaries 0409

Initiative: Reduces funding in Personal Services for the elimination of merit pay increases for unclassified positions in fiscal year 2006-07 in order to maintain program costs within available resources.

GENERAL FUND	2005-06	2006-07
Personal Services	\$0	(\$215,186)
GENERAL FUND TOTAL	\$0	(\$215,186)

District Attorneys Salaries 0409

Initiative: Deappropriates salary savings in fiscal years 2005-06 and 2006-07.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$75,000)	(\$75,000)
GENERAL FUND TOTAL	(\$75,000)	(\$75,000)

Civil Rights 0039

Initiative: Reduces All Other funds for civil rights teams.

GENERAL FUND	2005-06	2006-07
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All Other	(\$10,000)	(\$10,000)
GENERAL FUND TOTAL	(\$10,000)	(\$10,000)

ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$160,000)	(\$557,981)
DEPARTMENT TOTAL - ALL FUNDS	(\$160,000)	(\$557,981)

PART AA

Sec. AA-1. 36 MRSA §4365, as amended by PL 2005, c. 218, §44, is further amended to read:

§4365. Rate of tax

A tax is imposed on all cigarettes imported into this State or held in this State by any person for sale at the rate of ~~50~~ 100 mills for each cigarette. Payment of the tax is evidenced by the affixing of stamps to the packages containing the cigarettes.

Sec. AA-2. 36 MRSA §4365-E, as amended by PL 2005, c. 218, §45, is repealed.

Sec. AA-3. 36 MRSA §4365-F is enacted to read:

§4365-F. Application of cigarette tax rate increase effective September 19, 2005

The following provisions apply to cigarettes held for resale on September 19, 2005.

1. Stamped rate. Cigarettes stamped at the rate of 50 mills per cigarette and held for resale after September 18, 2005 are subject to tax at the rate of 100 mills per cigarette.

2. Liability. A person possessing cigarettes for resale is liable for the difference between the tax rate of 100 mills per cigarette and the tax rate of 50 mills per cigarette in effect before September 19, 2005. Stamps indicating payment of the tax imposed by this section must be affixed to all packages of cigarettes held for resale as of September 19, 2005, except that cigarettes held in vending machines as of that date do not require that stamp.

3. Vending machines. Notwithstanding any other provision of this chapter, it is presumed that all cigarette vending machines are filled to capacity on September 19, 2005 and that the tax imposed by this section must be reported on that basis. A credit against this inventory tax must be allowed for cigarettes stamped at the rate of 100 mills per cigarette placed in vending machines before September 19, 2005.

4. Payment. Payment of the tax imposed by this section must be made to the assessor by December 19, 2005, accompanied by forms prescribed by the assessor.

Sec. AA-4. 36 MRSA §4366-A, sub-§2, ~~¶¶B and C~~, as amended by PL 2005, c. 218, §46, are further amended to read:

B. For stamps at the face value of 50 mills sold prior to July 1, 2002, 2.16%; ~~and~~

C. For stamps at the face value of 50 mills sold on or after July 1, 2002, 2.03%; ~~and~~

Sec. AA-5. 36 MRSA §4366-A, sub-§2, ~~¶D~~ is enacted to read:

D. For stamps at the face value of 100 mills, 1.15%.

Sec. AA-6. 36 MRSA §4403, sub-§§1 and 2, as amended by PL 2005, c. 218, §48, are further amended to read:

1. Smokeless tobacco. A tax is imposed on all smokeless tobacco, including chewing tobacco and snuff, at the rate of ~~62% of the wholesale price~~ 78% of the wholesale price beginning October 1, 2005.

2. Other tobacco. A tax is imposed on cigars, pipe tobacco and other tobacco intended for smoking at the rate of ~~16% of the wholesale price~~ 20% of the wholesale price beginning October 1, 2005.

Sec. AA-7. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Maine Revenue Services 0002

Initiative: Provides one-time funds for the administrative costs associated with the increase in the cigarette and other tobacco taxes.

GENERAL FUND	2005-06	2006-07
All Other	\$79,000	\$0
GENERAL FUND TOTAL	<u>\$79,000</u>	<u>\$0</u>

Sec. AA-8. Effective date. Those sections of this Part that amend the Maine Revised Statutes, Title 36, sections 4365 and 4366-A; that repeal Title 36, section 4365-E; and that enact Title 36, sections 4365-F and 4366-A, subsection 2, paragraph D take effect September 19, 2005. That section of this Part that amends Title 36, section 4403 takes effect October 1, 2005.

PART BB

Sec. BB-1. Transfer of funds. Notwithstanding any other provision of law, the Maine Municipal Bond Bank shall transfer \$5,900,000 from the School Revolving Renovation Fund account representing audit recoveries from major school construction projects paid by General Fund appropriations to the General Fund undedicated revenue no later than October 31, 2005.

PART CC

Sec. CC-1. 20-A MRSA §6103, sub-§3-A is enacted to read:

3-A. Fees. The commissioner shall assess a fee of \$55 for each criminal history record check required by this section.

Sec. CC-2. 20-A MRSA §6103, sub-§4, as amended by PL 1999, c. 791, §3, is repealed.

Sec. CC-3. 20-A MRSA §6103, sub-§6, as repealed and replaced by PL 1999, c. 110, §1, is amended to read:

6. Fingerprinting. The applicant shall submit to having fingerprints taken. The Maine State Police, upon payment by the applicant or any other entity required by law of the expenses specified in subsection ~~4~~ 3-A, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the Maine State Police for purposes of this section must be paid over to the Treasurer of State for deposit in accordance with Title 20-A, section 6103, subsection 10. ~~The money must be applied to the expenses of administration incurred by the Department of Public Safety.~~

Sec. CC-4. 20-A MRSA §6103, sub-§10 is enacted to read:

10. Criminal History Record Check Fund. The Criminal History Record Check Fund is created as a dedicated fund within the Department of Education for the deposit of any fees collected pursuant to subsection 3-A. The purpose of the fund is to reimburse the Department of Public Safety, State Bureau of Identification for the cost of conducting the fingerprinting and needed state and national criminal history record checks pursuant to this section. The fund may not lapse, but must be carried forward to carry out the purposes of this chapter.

Sec. CC-5. 25 MRSA §1542-A, sub-§3, ¶F, as enacted by PL 1999, c. 110, §7, is amended to read:

F. The Maine State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph G, at the request of that person and upon payment of the expenses specified under Title 20-A, section 6103, subsection 4 3-A.

Sec. CC-6. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Criminal History Record Check Fund NEW

Initiative: Transfers funding for this program from the Department of Public Safety, General Fund to the Department of Education, Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS		
All Other	2005-06 \$370,903	2006-07 \$369,929
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$370,903	\$369,929
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EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS		
	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$370,903	\$369,929
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	\$370,903	\$369,929

PUBLIC SAFETY, DEPARTMENT OF

Fingerprint and Background Information - State Expense 0930

Initiative: Transfers funding for this program from the Department of Public Safety, General Fund to the Department of Education, Other Special Revenue Funds.

GENERAL FUND		
All Other	2005-06 (\$370,903)	2006-07 (\$369,929)
<hr/>		
GENERAL FUND TOTAL	(\$370,903)	(\$369,929)
<hr/>		
PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS		
	2005-06	2006-07
GENERAL FUND	(\$370,903)	(\$369,929)
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	(\$370,903)	(\$369,929)
<hr/>		
SECTION TOTALS		
	2005-06	2006-07
GENERAL FUND	(\$370,903)	(\$369,929)
OTHER SPECIAL REVENUE FUNDS	\$370,903	\$369,929
<hr/>		
SECTION TOTAL - ALL FUNDS	\$0	\$0

PART DD

Sec. DD-1. Revenue sharing reduction.

Notwithstanding the Maine Revised Statutes, Title 30-A, section 5681 and any other provision of law, the State Controller shall transfer \$5,000,000 from the Local Government Fund to General Fund undedicated revenue before the distribution made to municipalities on or before August 20, 2006 pursuant to Title 30-A, section 5681, subsection 4-A. The transfer of the \$5,000,000 in this section may not be subtracted from the amount of the total transfers to the Local Government Fund for the purpose of calculating the annual growth ceiling, as defined in Title 30-A, section 5681, subsection 2, paragraph C, and the transfers to the Disproportionate Tax Burden Fund and for the purpose of calculating the transfers to the Fund for the Efficient Delivery of Local and Regional Services pursuant to Title 30-A, section 5681, subsection 5-B.

PART EE

Sec. EE-1. Transfer from Fund for Efficient Delivery of Local and Regional Services.

Notwithstanding the Maine Revised Statutes, Title 30-A, section 5681, subsection 5-B or any other provision of law, the State Controller shall transfer \$2,335,918 from the Fund for the Efficient Delivery of Local and Regional Services to the unappropriated surplus of the General Fund no later than June 30, 2006 and transfer \$2,451,935 from the Fund for the Efficient Delivery of Local and Regional Services to the unappropriated surplus of the General Fund no later than June 30, 2007.

PART FF

Sec. FF-1. 20-A MRSA §13007, sub-§1, as enacted by PL 1991, c. 528, Pt. I, §5 and affected by Pt. RRR and enacted by c. 591, Pt. I, §5, is amended to read:

1. Fees. The commissioner shall assess fees for initial and renewal of teacher, education specialist and administrator certificates ~~and for the renewal of inactive provisional and professional teacher, education specialist and administrator certificates.~~ The fee is ~~\$50~~ \$100 for the initial certification process for those teachers and education specialists found eligible and those found ineligible. A renewal fee of ~~\$50~~ \$100 must be assessed for each active and inactive teacher and education specialist. The fee is ~~\$100~~ \$200 for the initial certification process for those administrators found eligible and those found ineligible. A renewal fee of ~~\$100~~ \$200 must be assessed for each active and inactive administrator. The commissioner shall assess a \$35 fee for each additional evaluation of teacher endorsements beyond the initial endorsement. A fee of \$15 must be assessed for duplicate certificates. A

fee of \$300 must be assessed for administrative portfolios.

Sec. FF-2. 20-A MRSA §13023, sub-§6 is enacted to read:

6. Fees. The commissioner shall assess fees for authorization under this section. The fee for each initial educational technician authorization and for renewal of an educational technician authorization is \$25.

Sec. FF-3. 20-A MRSA §13024 is enacted to read:

§13024. Approval for person paid to work in school

1. Approval. A person paid to work in a school in a position that does not require certification or authorization must be issued an approval by the department. This section applies to:

A. Personnel employed in a public school or an approved private school as regular or substitute employees;

B. Personnel in a private school that enrolls more than 60% of its students at public expense;

C. Personnel employed by or serving the school administrative unit as contracted service providers;

D. Personnel paid to work at a Child Development Services System site, pursuant to chapter 307-A, in positions that do not require certification or authorization; and

E. Personnel employed by or serving a Child Development Services System site, pursuant to chapter 307-A, as contracted service providers.

2. Qualifications. The commissioner shall adopt rules to define the function, eligibility, term and renewal of the approval under subsection 1. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Fees. The commissioner shall assess fees for approvals under subsection 1. The fee is \$15 for the initial approval and for renewal.

PART GG

Sec. GG-1. 20-A MRSA c. 502-B is enacted to read:

CHAPTER 502-B

PROFESSIONAL STANDARDS BOARD

§13101. Professional Standards Board

1. Board established. There is established the Professional Standards Board, referred to in this chapter as "the board," to advise the state board regarding professional growth, certification, endorsement, authorization and governance of the education profession in this State. The board consists of the following 22 members and 2 ex officio members:

A. Two elementary school teachers;

B. Two middle school teachers;

C. Two high school teachers;

D. Two educational specialists;

E. Two special education teachers;

F. Two education technicians;

G. Three building administrators, one from an elementary school, one from a middle school and one from a high school;

H. One special education director;

I. One curriculum coordinator;

J. Two district-level administrators;

K. Two faculty members teaching in an approved teacher preparation program;

L. One member of the public;

M. One member, ex officio, of the state board; and

N. The commissioner, or the commissioner's designee, serving as an ex officio, nonvoting member of the board.

The board shall consider the commissioner's or the designee's recommendations.

A member whose employment status changes during that member's term on the board remains on the board for the duration of the term for which that member was appointed.

2. Appointments. The Governor shall appoint the 22 members of the board specified in paragraphs A to M from nominations submitted by the education profession and interested persons. Members representing practitioner groups must be active practitioners and are appointed from a list of nominees presented by the largest organization in the State representing

education paraprofessionals, elementary and secondary teachers, university faculty and each administrator specialty.

3. Terms. The appointed members of the board serve for 3-year terms and may not serve more than 2 full terms.

4. Compensation. The appointed members of the board serve without compensation and are entitled to reimbursement by the state board for mileage and expenses incurred in performing required duties. The state board shall furnish the board with materials, secretarial assistance and meeting facilities.

5. Chair; duties. The members of the board shall annually elect a chair from among their membership. The chair shall present budget requests to the state board.

6. Powers and duties. The board has the following powers and duties.

A. The board shall make recommendations to the state board, including, but not limited to, pre-service education, continuing education, professional growth, initial certification, recertification and paraprofessional training and certification, and shall advise the department on rule-making procedures.

B. The board shall monitor the impact of the policies adopted pursuant to paragraph A on the education profession in making recommendations and reports to the commissioner and the state board.

C. In making policy recommendations on the certification process, the board shall consider complaints received by the department regarding the certification or certification approval process.

D. The board shall meet 5 times annually.

E. The board shall maintain records and minutes of its meetings and shall file them in the certification office within the department.

§13102. Work plan and annual report

The board shall develop an annual work plan in consultation with the commissioner and the state board that includes ongoing work and new issues for study. The annual work plan must be set by September 1st of each year.

The board shall submit a report by June 30th of each year to the commissioner and the state board with its recommendations.

§13103. Recommendations to State Board of Education

The state board shall act on standards definitions or other recommendations within 60 days of presentation to the state board by the board.

§13104. Rulemaking

The state board may adopt rules to implement this chapter. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. GG-2. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 20-A, section 13101, subsection 3, of the 22 initial appointments made in accordance with Title 20-A, section 13101, subsection 2, 7 of the appointees must be appointed for one-year terms, 7 of the appointees must be appointed for 2-year terms and 8 appointees must be appointed for 3-year terms.

PART HH

Sec. HH-1. Cost-of-living adjustment; delay. Notwithstanding any other provision of law, the nursing facility and residential care facility cost-of-living adjustments authorized under Public Law 2005, chapter 12, Pt. IIII are delayed for one month during fiscal year 2005-06. The Department of Health and Human Services is authorized to use the resulting savings in the Nursing Facility, Other Special Revenue Funds account to fund other MaineCare costs.

Sec. HH-2. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Mental Health Services - Community 0121

Initiative: Deappropriates funds for savings to be achieved by eliminating 3 contract Housing Coordinator positions located in the regions, shifting these responsibilities to state employees.

GENERAL FUND	2005-06	2006-07
All Other	(\$194,731)	(\$194,731)
GENERAL FUND TOTAL	(\$194,731)	(\$194,731)
HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)		
DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	(\$194,731)	(\$194,731)
DEPARTMENT TOTAL - ALL FUNDS	(\$194,731)	(\$194,731)
HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)		

Departmentwide 0640

Initiative: Deappropriates funds for savings to be achieved by managing department vacancies.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$750,000)	(\$750,000)
GENERAL FUND TOTAL	(\$750,000)	(\$750,000)

Foster Care 0137

Initiative: Deappropriates and deallocates funds to reflect the elimination of the foster care supplemental clothing payment made in the spring and fall of each year.

GENERAL FUND	2005-06	2006-07
All Other	(\$120,000)	(\$120,000)
GENERAL FUND TOTAL	(\$120,000)	(\$120,000)

FEDERAL EXPENDITURES FUND	2005-06	2006-07
All Other	(\$207,869)	(\$203,450)
FEDERAL EXPENDITURES FUND TOTAL	(\$207,869)	(\$203,450)

Child Welfare 0139

Initiative: Deappropriates funds to reflect the elimination of the foster care supplemental clothing payment made in the spring and fall of each year.

GENERAL FUND	2005-06	2006-07
All Other	(\$480,000)	(\$480,000)
GENERAL FUND TOTAL	(\$480,000)	(\$480,000)

Maternal and Child Health Block Grant Match Z008

Initiative: Deappropriates funds for savings to be achieved by restructuring the maternal and child health program.

GENERAL FUND	2005-06	2006-07
All Other	(\$211,378)	(\$211,378)
GENERAL FUND TOTAL	(\$211,378)	(\$211,378)

Bureau of Health 0143

Initiative: Deappropriates funds for savings to be achieved by eliminating funding for hospital specialty clinics at Central Maine Medical Center, Eastern Maine Medical Center and Maine Medical Center.

GENERAL FUND	2005-06	2006-07
All Other	(\$212,813)	(\$213,713)
GENERAL FUND TOTAL	(\$212,813)	(\$213,713)

Elder and Adult Services - Bureau of 0140

Initiative: Deappropriates funds for savings to be achieved by consolidating the homemaker and independent housing programs. These savings are to be achieved in administrative costs and not direct services.

GENERAL FUND	2005-06	2006-07
All Other	(\$100,000)	(\$100,000)
GENERAL FUND TOTAL	(\$100,000)	(\$100,000)

Nursing Facilities 0148

Initiative: Deappropriates funds to reflect a one-month delay in the implementation of the nursing facility and residential care facility cost-of-living adjustments authorized under Public Law 2005, chapter 12, Part III.

GENERAL FUND	2005-06	2006-07
All Other	(\$250,000)	\$0
GENERAL FUND TOTAL	(\$250,000)	\$0

Nursing Facilities 0148

Initiative: Allocates funds from savings resulting from the one-month delay in nursing facility and residential care facility cost-of-living adjustments to be used for other MaineCare expenses.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$250,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$250,000	\$0

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

GENERAL FUND	(\$2,124,191)	(\$1,875,091)
FEDERAL EXPENDITURES FUND	(\$207,869)	(\$203,450)
OTHER SPECIAL REVENUE FUNDS	\$250,000	\$0

DEPARTMENT TOTAL - ALL FUNDS	(\$2,082,060)	(\$2,078,541)
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SECTION TOTALS 2005-06 2006-07

GENERAL FUND	(\$2,318,922)	(\$2,069,822)
FEDERAL EXPENDITURES FUND	(\$207,869)	(\$203,450)
OTHER SPECIAL REVENUE FUNDS	\$250,000	\$0

SECTION TOTAL - ALL FUNDS	(\$2,276,791)	(\$2,273,272)
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PART II

Sec. II-1. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$400,000 no later than June 30, 2006 and \$4,600,000 no later than June 30, 2007 from the Fund for a Healthy Maine to the unappropriated surplus of the General Fund.

Sec. II-2. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (Formerly BDS)

FHM - Substance Abuse 0948

Initiative: Deallocates funds for substance abuse prevention and treatment services funded by the Fund for a Healthy Maine.

FUND FOR A HEALTHY MAINE	2005-06	2006-07
All Other	\$0	(\$292,037)

FUND FOR A HEALTHY MAINE		
TOTAL	\$0	(\$292,037)

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (Formerly BDS)
DEPARTMENT TOTALS**

FUND FOR A HEALTHY MAINE	2005-06	2006-07
	\$0	(\$292,037)

DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$292,037)
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**HEALTH AND HUMAN SERVICES, DEPARTMENT OF
(Formerly DHS)**

FHM Bureau of Health 0953

Initiative: Deallocates funds for tobacco prevention and control programs funded by the Fund for a Healthy Maine.

FUND FOR A HEALTHY MAINE	2005-06	2006-07
All Other	\$0	(\$346,482)

FUND FOR A HEALTHY MAINE		
TOTAL	\$0	(\$346,482)

FHM - Bureau of Health 0953

Initiative: Deallocates funds for home visitation programs funded by the Fund for a Healthy Maine.

FUND FOR A HEALTHY MAINE	2005-06	2006-07
All Other	\$0	(\$243,128)

FUND FOR A HEALTHY MAINE		
TOTAL	\$0	(\$243,128)

FHM - Bureau of Health 0953

Initiative: Deallocates funds for community/school grants and statewide coordination programs funded by the Fund for a Healthy Maine.

FUND FOR A HEALTHY MAINE	2005-06	2006-07
All Other	\$0	(\$406,447)

FUND FOR A HEALTHY MAINE		
TOTAL	\$0	(\$406,447)

FHM - Service Center 0957

Initiative: Deallocates funds for community service center programs funded by the Fund for a Healthy Maine.

FUND FOR A HEALTHY MAINE	2005-06	2006-07
All Other	\$0	(\$35,179)

FUND FOR A HEALTHY MAINE		
TOTAL	\$0	(\$35,179)

FHM - Head Start 0959

Initiative: Deallocates funds for Head Start program services funded by the Fund for a Healthy Maine.

FUND FOR A HEALTHY MAINE	2005-06	2006-07
All Other	\$0	(\$71,353)

FUND FOR A HEALTHY MAINE		
TOTAL	\$0	(\$71,353)

FHM - Medical Care 0960

Initiative: Deallocates funds allocated for the elderly low-cost drug program.

FUND FOR A HEALTHY MAINE	2005-06	2006-07
All Other	\$0	(\$3,000,000)

FUND FOR A HEALTHY MAINE		
TOTAL	\$0	(\$3,000,000)

FHM - Purchased Social Services 0961

Initiative: Deallocates funds allocated for purchased social services programs funded by the Fund for a Healthy Maine.

FUND FOR A HEALTHY MAINE	2005-06	2006-07
All Other	\$0	(\$205,374)

FUND FOR A HEALTHY MAINE		
TOTAL	\$0	(\$205,374)

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (Formerly DHS)
DEPARTMENT TOTALS**

FUND FOR A HEALTHY MAINE	2005-06	2006-07
	\$0	(\$4,307,963)

DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$4,307,963)
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SECTION TOTALS	2005-06	2006-07
FUND FOR A HEALTHY MAINE	\$0	(\$4,600,000)

SECTION TOTAL - ALL FUNDS	\$0	(\$4,600,000)
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PART JJ

Sec. JJ-1. Deposit of Medicare drug subsidy payments. Notwithstanding any other provision of law, all retiree drug subsidy payments received by the State under the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 must be deposited in the State's Accident, Sickness and Health Insurance Internal Service Fund.

Sec. JJ-2. Transfer to General Fund; Accident, Sickness and Health Insurance Internal Service Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$1,227,064 from the Accident, Sickness and Health Insurance Internal Service Fund to the unappropriated surplus of the General Fund no later than June 30, 2007.

Sec. JJ-3. Transfer to Highway Fund; Accident, Sickness and Health Insurance Internal Service Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$443,276 from the Accident, Sickness and Health Insurance Internal Service Fund to the unallocated

surplus of the Highway Fund no later than June 30, 2007.

Sec. JJ-4. Other drug subsidy payment uses. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of drug subsidy payments received under the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003 that applies against all funds other than the General Fund and the Highway Fund. Based on this calculation, the State Controller shall make the appropriate transfers from the Accident, Sickness and Health Insurance Internal Service Fund to the affected funds no later than June 30, 2007.

PART KK

Sec. KK-1. Achievement of reduction through maximizing access to existing resources. The reduction made in this Part may not result in the loss of access to health care for individuals eligible under the Maine Revised Statutes, Title 22, section 3174-G, subsection 1, paragraph F but must be achieved by maximizing access to existing community resources available to those individuals.

Sec. KK-2. Application of reduction. The Department of Health and Human Services shall apply the reduction made in this Part based on the results of an impact analysis determining the most equitable manner of application considering the capacity and other obligations of each available community resource.

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Medical Care - Payments to Providers 0147

Initiative: Deappropriates and deallocates funds for savings achieved in the MaineCare childless adult waiver program.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$1,500,000)
GENERAL FUND TOTAL	\$0	(\$1,500,000)
FEDERAL EXPENDITURES FUND	2005-06	2006-07
All Other	\$0	(\$2,543,127)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$2,543,127)

PART LL

Sec. LL-1. Hospital lawsuit payment timing. The Department of Health and Human Services shall make payments to hospitals required under the recently concluded settlements of the

MaineCare hospital reimbursement lawsuits prior to September 30, 2005.

Sec. LL-2. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (Formerly DHS)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding appropriated and allocated for payments required under the settlements of the MaineCare hospital reimbursement lawsuits to reflect the impact of making the payments prior to September 30, 2005.

GENERAL FUND	2005-06	2006-07
All Other	\$16,210,850	(\$17,860,850)
GENERAL FUND TOTAL	\$16,210,850	(\$17,860,850)
FEDERAL EXPENDITURES FUND	2005-06	2006-07
All Other	\$31,931,603	(\$30,281,603)
FEDERAL EXPENDITURES FUND TOTAL	\$31,931,603	(\$30,281,603)
HEALTH AND HUMAN SERVICES, DEPARTMENT OF (Formerly DHS)		
DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	\$16,210,850	(\$17,860,850)
FEDERAL EXPENDITURES FUND	\$31,931,603	(\$30,281,603)
DEPARTMENT TOTAL - ALL FUNDS	\$48,142,453	(\$48,142,453)

PART MM

Sec. MM-1. Dirigo Health Enterprise Fund transfer. Notwithstanding any other provision of law, the State Controller shall transfer from the unallocated surplus of the Dirigo Health Enterprise Fund to the unappropriated surplus of the General Fund \$1,125,000 no later than June 30, 2006 and \$1,125,000 no later than June 30, 2007 in a manner to be determined in consultation with the Executive Director of Dirigo Health.

PART NN

Sec. NN-1. 34-B MRSA §1001, sub-§8, ¶¶B and D, as enacted by PL 1983, c. 459, §7, are amended to read:

B. The Bangor Mental Health Institute; or

D. The Elizabeth Levinson Center;

Sec. NN-2. 34-B MRSA §1001, sub-§8, ¶E, as amended by PL 1997, c. 393, Pt. A, §38, is repealed.

Sec. NN-3. 34-B MRSA §1001, sub-§8, ¶H, as reallocated by RR 1995, c. 2, §82, is repealed.

Sec. NN-4. 34-B MRSA §1409, sub-§1, ¶C, as enacted by PL 1983, c. 580, §5, is repealed.

Sec. NN-5. 34-B MRSA c. 5, sub-c. 3, art. 1, as amended, is repealed.

Sec. NN-6. Sale of Freeport Towne Square. The Commissioner of Administrative and Financial Services is authorized to negotiate the sale of the Freeport Towne Square property and to convey the State's interest in the property. The proceeds of the sale must be deposited in the Mental Retardation Services - Community Other Special Revenue Funds account within the Department of Health and Human Services. This section takes effect 90 days after adjournment of the First Special Session of the 122nd Legislature.

Sec. NN-7. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (Formerly BDS)

Freeport Towne Square 0118

Initiative: Deappropriates funds to reflect the privatization of Freeport Towne Square, including the elimination of one Maintenance Mechanic position, 11 Houseparent I positions, 2 Houseparent II positions, one Manual Training Coordinator position and one Mental Health Worker II position and the transfer of one Developmental Disability Center Manager position and one MH & MR Caseworker position to the Mental Retardation Services - Community program. This request will decrease General Fund undedicated revenue by \$464,682 in fiscal year 2005-06 and \$824,685 in fiscal year 2006-07.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(18,000)	(18,000)
Personal Services	(\$737,762)	(\$1,204,848)
All Other	(\$37,272)	(\$74,344)
GENERAL FUND TOTAL	(\$775,034)	(\$1,279,192)

Mental Retardation Waiver - MaineCare 0987

Initiative: Appropriates funds for the state share of the costs of services to individuals as a result of the privatization of Freeport Towne Square.

GENERAL FUND	2005-06	2006-07
All Other	\$282,000	\$376,000
GENERAL FUND TOTAL	\$282,000	\$376,000

Mental Retardation Services - Community 0122

Initiative: Appropriates funds for one Developmental Disabilities Center Manager position and one MH & MR Caseworker position to reflect a transfer from Freeport Towne Square. This request will

increase General Fund undedicated revenue by \$75,149 in fiscal year 2005-06 and \$99,412 in fiscal year 2006-07.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$103,501	\$156,192
GENERAL FUND TOTAL	\$103,501	\$156,192

Mental Retardation Services - Community 0122

Initiative: Adjusts appropriations to reserve funding for Freeport Towne Square's estimated distribution of statewide Personal Services deappropriations.

GENERAL FUND	2005-06	2006-07
Personal Services	\$0	(\$78,273)
GENERAL FUND TOTAL	\$0	(\$78,273)

Mental Retardation Services - Community 0122

Initiative: Provides a one-time adjustment to appropriations and allocations to reflect the availability of Other Special Revenue Funds from the sale of the Freeport Towne Square property.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$1,000,000)
GENERAL FUND TOTAL	\$0	(\$1,000,000)

OTHER SPECIAL REVENUE FUNDS

	2005-06	2006-07
All Other	\$0	\$1,000,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,000,000
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HEALTH AND HUMAN SERVICES, DEPARTMENT OF (Formerly BDS) DEPARTMENT TOTALS

	2005-06	2006-07
GENERAL FUND	(\$389,533)	(\$1,825,273)
OTHER SPECIAL REVENUE FUNDS	\$0	\$1,000,000
DEPARTMENT TOTAL - ALL FUNDS	(\$389,533)	(\$825,273)

Sec. NN-8. Effective date. Those sections of this Part that amend the Maine Revised Statutes, Title 34-B, section 1001, subsection 8 and Title 34-B, section 1409 and that repeal Title 34-B, chapter 5, subchapter 3, Article 1 take effect October 1, 2005.

PART OO

Sec. OO-1. 34-B MRSA §1001, sub-§4-A is enacted to read:

4-A. Office of advocacy. "Office of advocacy" means a private entity contracted with by the commissioner to perform the duties described in section 1205.

Sec. OO-2. 34-B MRSA §1205, as amended by 1995, c. 560, Pt. K, §18, is further amended to read:

§1205. Office of advocacy

1. Establishment. ~~The Office of Advocacy is established within the Office of Advocacy and Consumer Affairs of the department commissioner shall contract with a private entity to perform the functions of an office of advocacy solely to investigate the claims of rights violations and grievances of clients of the department, to investigate with the Department of Human Services, as appropriate, all allegations of adult and child abuse in state institutions and to advocate on behalf of clients for compliance by any institution, other facility or agency administered, licensed or funded by the department to serve a client with all laws, administrative rules and institutional and other policies relating to the rights and dignity of clients.~~

1-A. Terms of contract. ~~The commissioner may impose standards of contract performance upon the entity contracted to perform as the office of advocacy to ensure that the entity manages and accounts for contract funds appropriately, reports to the department on the results achieved for clients and represents all clients effectively and appropriately within the limits of state and federal law.~~

2. Chief advocate. ~~A chief advocate shall direct and coordinate the program of the office.~~

A. ~~The chief advocate shall report administratively to the commissioner and advise, consult with and inform the commissioner on the issues described in this section.~~

B. ~~The chief advocate shall select other advocates needed to carry out the intent of this section who shall report only to the chief advocate.~~

C. ~~Both the chief advocate and all other advocates shall be classified state employees.~~

3. Duties. ~~The Office of Advocacy, through the chief advocate and the other advocates, office of advocacy shall:~~

A. Receive or refer complaints made by clients of the department and represent the interests of clients in any matter pertaining to the rights and dignity of clients;

B. Intercede on behalf of these clients with officials of the institutions, facilities and agencies administered, licensed or funded by the department, except that the ~~Office of Advocacy~~ office of advocacy may refuse to take action on any complaint ~~which that it deems considers~~ to be trivial or moot or for which there is clearly another remedy available;

C. Assist clients in any hearing or grievance proceeding of the department;

D. Refer clients to other agencies or entities for the purpose of advocating for the rights and dignity of these persons;

E. Act as an information source regarding the rights of all clients, keeping itself informed about all laws, administrative rules and institutional and other policies relating to the rights and dignity of the clients and about relevant legal decisions and other developments related to the field of mental health and mental retardation, both in this State and in other parts of the country; and

F. Make and publish reports necessary to the performance of the duties described in this section. ~~The chief advocate~~ office of advocacy may report findings of the office to groups outside the department, such as legislative bodies, advisory committees, commissions, law enforcement agencies and the press, ~~and may authorize the advocates in the Office of Advocacy to so communicate.~~ At least annually, the ~~chief advocate~~ office of advocacy shall report ~~both in person and~~ in writing to the joint standing committee of the Legislature having jurisdiction over mental health and mental retardation; ~~and,~~

G. ~~Negotiate joint working agreements with the Department of Human Services concerning procedures and respective responsibilities for conducting investigations in state institutions of allegations of abuse pursuant to the Child and Family Services and Child Protection Act, Title 22, chapter 1071.~~

4. Access to files and records. ~~The Office of Advocacy, through the chief advocate and the other advocates,~~ office of advocacy has access, limited only by the law, to the files, records and personnel of any institution, facility or agency administered, licensed or funded by the department. All persons with knowledge about an incident related to client care, including client-to-client assault, staff-to-client assault, client-to-staff assault, excessive use of seclusion or mechanical or chemical restraint, incidents stemming from questionable psychiatric and medical practice or any other alleged abuse or neglect, shall immediately report the details of that incident to the ~~Office of Advocacy~~ office of advocacy. A copy of any incident report ~~shall~~ must be provided to the ~~Office of Advocacy~~ office of advocacy by the person making the report.

5. Confidentiality. Requests for action ~~shall~~ must be treated confidentially as follows.

A. Any client request for action by the office of advocacy and all written records or accounts re-

lated to the request ~~shall~~ must be confidential as to the identity of the client.

B. The records and accounts may be released only as provided by law.

6. Definition. For the purposes of this section, "client" means ~~a person included in the definition of client under section 1001, subsection 2, an adult or child receiving mental health, mental retardation or behavioral health services~~ and a person seeking or requesting services as a client.

~~**7. Protection for advocates.** Advocates may not be disciplined or sanctioned for any actions taken on behalf of clients.~~

8. Budget. When submitting any budget request to the Legislature, the department and the Governor shall provide that any funds for contracting for the services of the Office of Advocacy ~~office of advocacy~~ be listed in a separate account.

Sec. OO-3. 34-B MRSA §5606, sub-§1, as amended by PL 1993, c. 326, §10, is further amended to read:

1. Report and investigation. Any alleged violation of the rights of a person receiving services must be reported immediately to the ~~Office of Advocacy of the department~~ office of advocacy pursuant to section 1205 and to the Attorney General's office.

A. The ~~Office of Advocacy~~ office of advocacy shall conduct an investigation of each alleged violation pursuant to section 1205.

B. The ~~Office of Advocacy~~ office of advocacy shall submit a written report of the findings and results of the investigation to the chief administrative officer of the facility in which the rights of the person receiving services were allegedly violated and to the commissioner within 2 working days after the day of the occurrence or discovery of the alleged incident.

Sec. OO-4. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (Formerly BDS)

Office of Advocacy 0632

Initiative: Deappropriates funds to reflect the privatization of the Office of Advocacy including the elimination of one Chief Advocate Mental Health and Mental Retardation position and 8 1/2 Advocate positions and the transfer of 3 Advocate positions. This request will reduce General Fund revenue by \$433,010 in fiscal year 2006-07.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(0.000)	(12.500)
Personal Services	(\$0)	(\$848,916)
All Other	(\$0)	(\$59,357)
GENERAL FUND TOTAL	(\$0)	(\$908,273)

Office of Advocacy 0632

Initiative: Appropriates funds to contract for advocacy services as a result of the privatization of the Office of Advocacy.

GENERAL FUND	2005-06	2006-07
All Other	\$0	\$253,856
GENERAL FUND TOTAL	\$0	\$253,856

Office of Management and Budget 0164

Initiative: Adjusts appropriations and transfers 3 Advocate positions as a result of the privatization of the Office of Advocacy. This will increase General Fund revenue by \$96,782 in fiscal year 2006-07.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	0.000	3.000
Personal Services	\$0	\$205,920
All Other	\$0	\$7,500
GENERAL FUND TOTAL	\$0	\$213,420

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (Formerly BDS)

DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	\$0	(\$440,997)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$440,997)

Sec. OO-5. Effective date. This Part takes effect July 1, 2006.

PART PP

Sec. PP-1. Managed behavioral health care services system. The Department of Health and Human Services shall establish a system of managed behavioral health care services to provide community support services, mental health services, private nonmedical institution services, psychological services and substance abuse services. The system must be implemented through a contract with an entity that:

1. Has not been and may not be throughout the duration of the contract a provider of any of the services that are the subject of and provided under the managed care system;
2. Demonstrates successful delivery of managed care systems in behavioral health within geographic and demographic parameters comparable to the State's;

3. Demonstrates that the system of managed care is based on assessed consumer needs in order to recover behavioral health and that positive client outcome will drive the system;

4. Will accommodate generally accepted state-of-the-art care and treatment when it is part of a child and family intervention requirement or in the context of any of the State's consent decrees or settlement agreements; and

5. Ensures the data derived from the managed care system will be prepared to demonstrate the efficacy of the program and will be made available periodically to the Legislature as well as consumers, family members, providers and advocacy groups.

Sec. PP-2. Reporting requirements. If implementation of the managed behavioral health care services system required under section 1, subsection 1 does not result in the budgeted savings for fiscal year 2006-07, the Commissioner of Health and Human Services shall provide the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services with alternative proposals to achieve the savings prior to any rulemaking to implement the alternative. Once the managed care program is underway, any substantive changes to the program, such as financing methodology, must be approved by the Legislature.

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (Formerly BDS)

Departmentwide 0019

Initiative: Deappropriates funds for savings to be achieved by implementing the managed behavioral health care services system.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$10,431,749)
GENERAL FUND TOTAL	\$0	(\$10,431,749)

PART QQ

Sec. QQ-1. Allotment of funds; elderly low-cost drug program. Of the funds appropriated to the Low-cost Drugs to Maine's Elderly account for fiscal year 2005-06, up to \$1,600,000 must be allotted in the 3rd quarter of fiscal year 2005-06 to fund Medicare Part D prescription drug wraparound services for individuals dually eligible for the Medicare Part D prescription drug program and the elderly low-cost drug program.

Sec. QQ-2. Unobligated balances; elderly low-cost drug program. Any unobligated balances in the Low-cost Drugs to Maine's Elderly account or

the FHM - Drugs for the Elderly and Disabled account as of June 30, 2007 must be transferred to the MaineCare Stabilization Fund.

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

FHM - Medical Care 0960

Initiative: Deallocates funds from the Fund for a Healthy Maine for the costs of the elderly low-cost drug program.

FUND FOR A HEALTHY MAINE	2005-06	2006-07
All Other	(\$10,000,000)	(\$10,000,000)
FUND FOR A HEALTHY MAINE		
TOTAL	(\$10,000,000)	(\$10,000,000)

FHM - Drugs for the Elderly and Disabled

Initiative: Allocates funds from the Fund for a Healthy Maine for the costs of the elderly low-cost drug program. Of the funds allocated for state fiscal year 2005-06, up to \$2,400,000 must be allotted in the 3rd quarter of state fiscal year 2005-06 to fund Medicare Part D prescription drug wraparound services for individuals dually eligible for the Medicare Part D prescription drug program and the elderly low-cost drug program.

FUND FOR A HEALTHY MAINE	2005-06	2006-07
All Other	\$10,000,000	\$10,000,000
FUND FOR A HEALTHY MAINE		
TOTAL	\$10,000,000	\$10,000,000

FHM - Drugs for the Elderly and Disabled

Initiative: Allocates funds from the Fund for a Healthy Maine's share of proceeds from slot machines at commercial race tracks to be used for drug programs for the elderly and disabled. These funds must supplement and not supplant any other funds for drug programs funded from the FHM - Drugs for the Elderly and Disabled or the Low-cost Drugs to Maine's Elderly accounts.

FUND FOR A HEALTHY MAINE	2005-06	2006-07
All Other	\$0	\$9,813,520
FUND FOR A HEALTHY MAINE		
TOTAL	\$0	\$9,813,520

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2005-06	2006-07
FUND FOR A HEALTHY MAINE	\$0	\$9,813,520
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$9,813,520

PART RR

Sec. RR-1. MaineCare Katie Beckett restructuring. The Department of Health and Human Services shall restructure the method by which it provides services to persons eligible for MaineCare

services under the Katie Beckett option authorized by the federal Tax Equity and Fiscal Responsibility Act of 1982 to achieve savings in the most equitable manner. The department shall consult with stakeholders before implementing any changes under this section.

Sec. RR-2. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (Formerly DHS)

Medical Care - Payments to Providers 0147

Initiative: Deappropriates funds for savings to be achieved by restructuring the method of providing services under the MaineCare Katie Beckett option.

GENERAL FUND	2005-06	2006-07
All Other	(\$500,000)	(\$1,500,000)
GENERAL FUND TOTAL	<u>(\$500,000)</u>	<u>(\$1,500,000)</u>
FEDERAL EXPENDITURES FUND	2005-06	2006-07
All Other	(\$866,120)	(\$2,543,127)
FEDERAL EXPENDITURES FUND TOTAL	<u>(\$866,120)</u>	<u>(\$2,543,127)</u>

PART SS

Sec. SS-1. Savings from vacant positions.

The Commissioner of Administrative and Financial Services shall work with executive branch departments and agencies statewide to achieve annual savings of \$500,000 in fiscal years 2005-06 and 2006-07 by managing vacant positions.

Sec. SS-2. Transfer from Salary Plan.

Notwithstanding any other provision of law, the State Controller shall transfer \$1,000,000 no later than June 30, 2006 from the General Fund Salary Plan program to the unappropriated surplus of the General Fund.

PART TT

Sec. TT-1. 20-A MRSA §13451, sub-§3, ¶C, as amended by PL 2005, c. 12, Pt. X, §1, is further amended to read:

C. Forty percent from August 1, 2003 to ~~September 30, 2005~~ December 31, 2005; and

Sec. TT-2. 20-A MRSA §13451, sub-§3, ¶D, as enacted by PL 2005, c. 12, Pt. X, §2, is amended to read:

D. Forty-five percent after ~~September 30, 2005~~ December 31, 2005.

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

EDUCATION, DEPARTMENT OF

Retired Teachers' Health Insurance 0854

Initiative: Deappropriates funds as a result of postponing the 5% increase in the State's share of funding health insurance for retired teachers from October 1, 2005 to January 1, 2006.

GENERAL FUND	2005-06	2006-07
All Other	(\$441,189)	(\$0)
GENERAL FUND TOTAL	<u>(\$441,189)</u>	<u>(\$0)</u>

PART UU

Sec. UU-1. 20-A MRSA §13451, sub-§3-B, as enacted by PL 2005, c. 12, Pt. X, §3, is repealed.

PART VV

Sec. VV-1. Transfer of funds; Department of Professional and Financial Regulation.

Notwithstanding any other provision of law, the State Controller shall transfer \$5,000,000 from the Other Special Revenue Funds accounts in the Department of Professional and Financial Regulation, including the Board of Licensure in Medicine, State Board of Nursing, Board of Optometric Examiners, Board of Dental Examiners, Board of Osteopathic Licensure and Board of Registration for Professional Engineers, to the unappropriated surplus of the General Fund no later than June 30, 2006. The Commissioner of Professional and Financial Regulation shall certify to the State Controller the accounts from which funds will be transferred and the amounts to be transferred from each account.

Sec. VV-2. Report by Commissioner of Professional and Financial Regulation.

The Commissioner of Professional and Financial Regulation shall provide a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters and the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters on the accounts affected and the amounts transferred pursuant to section 1 no later than June 30, 2006.

PART WW

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

MUNICIPAL BOND BANK, MAINE

**Maine Municipal Bond Bank -
Maine Rural Water Association 0699**

Initiative: Reduces funding for grants in order to maintain costs within available resources.

GENERAL FUND	2005-06	2006-07
All Other	(\$5,000)	(\$5,000)
GENERAL FUND TOTAL	(\$5,000)	(\$5,000)

PART XX

Sec. XX-1. Flavored malt beverages; enforcement by Department of Public Safety.

Beginning on October 1, 2005, the Department of Public Safety shall enforce all laws pertaining to flavored malt beverages in the same manner as the department enforces those laws pertaining to low-alcohol spirits pursuant to the January 2005 ruling of the federal Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau.

PART YY

Sec. YY-1. Review of training and economic and workforce development.

Notwithstanding any other provision of law, the Governor shall direct the so-called Workforce Cabinet established by the Governor and chaired by the Commissioner of Labor to study the delivery of training and economic and workforce development program in Maine. For all training and economic and workforce development programs within departments and agencies statewide, the Workforce Cabinet shall develop a structured process in which to evaluate and identify specific strategies to leverage both state and federal resources. The Workforce Cabinet shall develop recommendations to achieve cost savings through colocation, consolidation and other efficiencies. The Workforce Cabinet shall report its recommendations to the Governor no later than January 2, 2006.

Sec. YY-2. Calculation and transfer; training and economic and workforce development.

Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 3 that applies against each General Fund account for all departments and agencies from savings in the cost of delivering training and economic and workforce development programs and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2006-07. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than June 30, 2007.

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

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

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

Initiative: Deappropriates funds as a result of projected savings from departments and agencies statewide achieved through colocation, consolidation and other efficiencies through the recommendations made by the Workforce Cabinet.

GENERAL FUND	2005-06	2006-07
All Other	\$0	(\$565,000)
GENERAL FUND TOTAL	\$0	(\$565,000)

PART ZZ

Sec. ZZ-1. Maine Military Authority; transfer of rent payments to General Fund.

Notwithstanding any other provision of law, the first \$855,223 of rent paid in fiscal year 2005-06 by the Maine Military Authority to the Department of Administrative and Financial Services, Bureau of General Services for the rental of facilities in Limestone and the first \$1,109,723 of rent paid in fiscal year 2006-07 must be transferred to the General Fund.

PART AAA

Sec. AAA-1. 36 MRSA §2903, sub-§4, ¶C, as enacted by PL 1997, c. 738, §4, is amended to read:

C. Sold in bulk to any agency of this State or any political subdivision of this State;

Sec. AAA-2. 36 MRSA §2910-A, as amended by PL 1987, c. 456, §1, is repealed.

Sec. AAA-3. 36 MRSA §2910-B is enacted to read:

§2910-B. Refund to state agencies and political subdivisions

Any agency of this State and any political subdivision of this State that buys and uses internal combustion engine fuel and that has paid a tax as provided by this chapter must be reimbursed in the amount of the tax paid upon presenting to the State Tax Assessor a statement accompanied by the original invoices showing the purchases. By contractual agreement, an agency of this State or a political subdivision of this State may assign to another person its right to receive refunds under this section. Applications for refunds must be filed with the assessor within 12 months from the date of purchase.

Sec. AAA-4. State gas tax exemption calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in this Part due to the gasoline tax savings for certain purchases by the State and transfer the amounts by financial order upon approval by the Governor. These transfers are considered adjustments to appropriations and allocations in fiscal years 2005-06 and 2006-07. The State Budget Officer shall provide the Joint Standing Committee on Appropriations and Financial Affairs a report of the transferred amounts no later than November 1, 2005 and November 1, 2006.

Sec. AAA-5. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

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

Initiative: Adjusts appropriations and allocations to reflect projected gas tax savings.

	2005-06	2006-07
GENERAL FUND		
All Other	(\$273,996)	(\$365,328)
GENERAL FUND TOTAL	(\$273,996)	(\$365,328)
HIGHWAY FUND		
All Other	(\$244,363)	(\$325,817)
HIGHWAY FUND TOTAL	(\$244,363)	(\$325,817)
FEDERAL EXPENDITURES FUND		
All Other	(\$14,754)	(\$19,672)
FEDERAL EXPENDITURES FUND TOTAL	(\$14,754)	(\$19,672)
OTHER SPECIAL REVENUE FUNDS		
All Other	(\$85,054)	(\$113,406)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$85,054)	(\$113,406)
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS		
GENERAL FUND	(\$273,996)	(\$365,328)
HIGHWAY FUND	(\$244,363)	(\$325,817)
FEDERAL EXPENDITURES FUND	(\$14,754)	(\$19,672)
OTHER SPECIAL REVENUE FUNDS	(\$85,054)	(\$113,406)
DEPARTMENT TOTAL - ALL FUNDS	(\$618,167)	(\$824,223)

PART BBB

Sec. BBB-1. 36 MRSA §6652, sub-§1, as amended by PL 2003, c. 391, §12, is further amended to read:

1. Generally. A person against whom taxes have been assessed pursuant to Part 2, except for chapters 111 and 112, with respect to eligible property and who has paid those taxes is entitled to reimbursement of those taxes from the State as provided in this chapter. The reimbursement under this chapter is 100% of the taxes assessed and paid with respect to eligible property, except that for claims filed for the application period that begins on August 1, 2006 the reimbursement is 90% of the taxes assessed and paid with respect to eligible property. For purposes of this chapter, a tax applied as a credit against a tax assessed pursuant to chapter 111 or 112 is a tax assessed pursuant to chapter 111 or 112. Eligible property is subject to reimbursement pursuant to this chapter for up to 12 property tax years, but the 12 years must be reduced by one year for each year during which a taxpayer included the same property in its investment credit base under section 5219-D, 5219-E or 5219-M and claimed the credit provided in one or more of those sections on its income tax return, and reimbursement may not be made for taxes assessed in a year in which one or more of those credits is taken. A successor in interest of a person against whom taxes have been assessed with respect to eligible property is entitled to reimbursement pursuant to this section, whether the tax was paid by the person assessed or by the successor, as long as a transfer of the property in question to the successor has occurred and the successor is the owner of the property as of August 1st, of the year in which a claim for reimbursement may be filed pursuant to section 6654. For purposes of this paragraph, "successor in interest" includes the initial successor and any subsequent successor. When an eligible successor in interest exists, the successor is the only person to whom reimbursement under this chapter may be made with respect to the transferred property.

Sec. BBB-2. 36 MRSA §6658, as amended by PL 2001, c. 396, §48, is further amended to read:

§6658. Subsequent changes

If, after a claim for reimbursement has been filed, the associated property tax assessment is reduced or abated for any reason, or the property tax paid is applied as a credit against the tax assessed pursuant to chapter 111 or 112, the claimant shall file, within 60 days after receipt of the reduction, abatement or credit, an amended claim for reimbursement reflecting the reduction, abatement or credit. If a claimant has received reimbursement for property tax that is reduced, abated or credited against the tax

assessed pursuant to chapter 111 or 112, the claimant shall, within 60 days of receipt of the reduction, abatement or credit, refund to the Bureau of Revenue Services the amount of the reimbursement ~~for~~ attributable to the property tax that has been reduced, abated or credited. If the claimant fails to make the refund within the 60-day period, the State Tax Assessor, within 3 years from the claimant's receipt of reimbursement, may issue an assessment for the amount that the claimant owes to the Bureau of Revenue Services. The claimant may seek reconsideration, pursuant to section 151, of the assessment.

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

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Maine Revenue Services 0002

Initiative: Provides funds for computer programming costs associated with limiting the reimbursement of property taxes under the Business Equipment Tax Reimbursement program to 90% of the taxes assessed and paid.

GENERAL FUND	2005-06	2006-07
All Other	\$20,000	\$0
GENERAL FUND TOTAL	\$20,000	\$0

PART CCC

Sec. CCC-1. 36 MRSA §578, sub-§1, as amended by PL 1999, c. 708, §21, is further amended to read:

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

~~The State Tax Assessor shall pay any municipal claim found to be in satisfactory form within 120 days after receipt of the claim.~~

The State Tax Assessor shall determine annually the amount of acreage in each municipality that is classified and taxed in accordance with this subchapter. Each such municipality is entitled to annual payments from money appropriated by the Legislature if it submits an annual return in accordance with section 383 and if it achieves the appropriate minimum assessment ratio described in section 327. The State Tax Assessor shall pay any municipal claim found to be in satisfactory form by August 1st of the

year following the submission of the annual return. The per acre reimbursement is 90% of the per acre tax revenue lost as a result of this subchapter. For purposes of this section, the tax lost is the tax that would have been assessed, but for this subchapter, on the classified forest lands if they were assessed according to the undeveloped acreage valuations used in the state valuation then in effect, or according to the current local valuation on undeveloped acreage, whichever is less, minus the tax that was actually assessed on the same lands in accordance with this subchapter. A municipality that fails to achieve the minimum assessment ratio established in section 327 loses 10% of the reimbursement provided by this section for each one percentage point the minimum assessment ratio falls below the ratio established in section 327.

No municipality may receive a reimbursement payment under this section that would exceed an amount determined by calculating the tree growth tax loss less the municipal savings in educational costs attributable to reduced state valuation.

A. The tree growth tax loss is the adjusted tax that would have been assessed, but for this subchapter, on the classified forest lands if they were assessed according to the undeveloped acreage valuations used in the state valuation then in effect minus the tax that was actually assessed on the same lands in accordance with this subchapter.

In determining the adjusted tax that would have been assessed, the tax rate to be used is computed by adding the additional school support required by the modified state valuation attributable to the increased valuation of forest land to the original tax committed and dividing this sum by the modified total municipal valuation. The adjusted tax rate is then applied to the valuation of forest land based on the undeveloped acreage valuations, adjusted by the certified ratio, to determine the adjusted tax.

B. The municipal savings in educational costs is determined by multiplying the school subsidy index by the change in state valuation attributable to the use of the valuations determined in accordance with this subchapter on classified forest lands rather than their valuation using the undeveloped acreage valuations used in the state valuation then in effect.

Sec. CCC-2. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Tree Growth Tax Reimbursement 0261

Initiative: Reduces funds to reflect statutory change to timing of payments from the Tree Growth Reimbursement Account, as provided in this Part. Funds appropriated for fiscal year 2005-06 are deappropriated and effectively moved to fiscal year 2006-07 by partial deappropriation of previous appropriation for 2006-07.

GENERAL FUND	2005-06	2006-07
All Other	(\$5,400,000)	(\$100,000)
GENERAL FUND TOTAL	(\$5,400,000)	(\$100,000)

PART DDD

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services, Bureau of - Veterans Tax Reimbursement 0407

Initiative: Reduces funds to reflect administrative change to timing of payments from the Veterans Tax Reimbursement program. Funds appropriated for fiscal year 2005-06 are deappropriated and effectively moved to fiscal year 2006-07 by partial deappropriation of previous appropriation for 2006-07.

GENERAL FUND	2005-06	2006-07
All Other	(\$895,000)	(\$15,000)
GENERAL FUND TOTAL	(\$895,000)	(\$15,000)

PART EEE

Sec. EEE-1. 36 MRSA §6201, sub-§9, as amended by PL 1999, c. 414, §54 and affected by §57, is further amended to read:

9. Income. "Income" means the sum of Maine adjusted gross income determined in accordance with Part 8; contributions, including catch-up contributions, to any pension, annuity or retirement plan to the extent not included in Maine adjusted gross income, including contributions to an individual retirement account under Section 408 of the Code, a simplified employee pension plan, a salary reduction simplified employee pension plan, a savings incentive match plan for employees plan and a deferred compensation plan under Section 457 of the Code, and cash or deferred arrangements under Section 401 of the Code and qualified, or "Keogh," accounts; amounts excluded from gross income under Sections 125 and 129 of the Code; distributions from ROTH IRAs; the amount of capital gains excluded from adjusted gross income; the absolute value of the amount of trade or business loss, net operating loss carry-over, capital loss, rental loss, farm loss, partnership or S Corporation loss included in adjusted gross income; alimony; inheritance; life insurance proceeds paid on death of insured; nontaxable lawsuit rewards, such as slander,

libel and pain and suffering, excluding reimbursements such as medical and legal expenses associated with the case; support money; nontaxable strike benefits; the gross amount of any pension or annuity, including railroad retirement benefits; all payments received under the federal Social Security Act; and state unemployment insurance laws; veterans' disability pensions; nontaxable interest received from the Federal Government or any of its instrumentalities; interest or dividends on obligations or securities of this State and its political subdivisions and authorities; workers' compensation and the gross amount of "loss of time" insurance; and cash public assistance and relief, but not including relief granted under this chapter. "Income" does not include the first \$5,000 in the proceeds from a life insurance policy, whether paid in a lump sum or in the form of an annuity. "Income" does not include a rollover from an individual retirement account, pension or annuity fund or plan to an individual retirement account, pension or annuity fund or plan even if the amount of the rollover is includable in Maine adjusted gross income. "Income" also does not include gifts from nongovernmental sources or surplus foods or other relief in kind supplied by a governmental agency.

Sec. EEE-2. Application. That section of this Part that amends the Maine Revised Statutes, Title 36, section 6201, subsection 9 applies to claims for benefits under the Maine Residents Property Tax Program filed for application periods that begin on or after August 1, 2005.

PART FFF

Sec. FFF-1. 36 MRSA §5200, as amended by PL 2001, c. 396, §35, is repealed and the following enacted in its place:

§5200. Imposition and rate of tax

1. Imposition and rate of tax. A tax is imposed for each taxable year at the following rates on each taxable corporation or group of corporations that derives income from a unitary business carried on by 2 or more members of an affiliated group:

<u>If the Maine income</u>	<u>The tax is:</u>
<u>is:</u>	
<u>Not over \$25,000</u>	<u>3.5% of Maine income</u>
<u>\$25,000 but not over \$75,000</u>	<u>\$875 plus 7.93% of excess over \$25,000</u>
<u>\$75,000 but not over \$250,000</u>	<u>\$4,840 plus 8.33% of excess over \$75,000</u>
<u>\$250,000 or more</u>	<u>\$19,418 plus 8.93% of excess over \$250,000</u>

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable only by Maine, the rates provided in this subsection are applied only to the first \$250,000 of the Maine net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the Maine net income of the entire group is taxed at 8.93%.

In the case of an affiliated group of corporations engaged in a unitary business with activity taxable both within and without this State, the rates provided in this subsection are applied only to the first \$250,000 of the net income of the entire group and must be apportioned equally among the taxable corporations unless those taxable corporations jointly elect a different apportionment. The balance of the net income of the entire group is taxed at 8.93%.

2. Business activity only within Maine. For purposes of subsection 1, with respect to a taxable corporation or group of corporations that derive income from a unitary business carried on by 2 or more members of an affiliated group with income from business activity that is taxable only by Maine, "income" means Maine net income.

3. Business activity within and outside Maine. For purposes of subsection 1, with respect to a taxable corporation with income from business activity that is taxable both within and without this State, "income" means the corporation's net income. The tax amount computed under subsection 1 must then be apportioned under the provisions of chapter 821 to determine the amount of tax imposed on that corporation.

4. Business activity within and outside Maine; unitary business. For purposes of subsection 1, with respect to taxable corporations that derive income from a unitary business carried on by 2 or more members of an affiliated group with business activity that is taxable both within and without this State, "income" means the net income of the entire group. The tax amount computed under subsection 1 must then be apportioned under the provisions of chapter 821 for the entire group to determine the amount of tax imposed on the taxable corporations.

5. Net income. For purposes of this section, "net income" means, for any taxable year, the taxable income of the taxpayer for that taxable year under the laws of the United States as modified by section 5200-A.

6. Taxable in another state. For purposes of this section, a taxpayer is taxable in another state if in that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate

stock tax, or that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

Sec. FFF-2. Application. This Part applies to tax years beginning on or after January 1, 2005.

PART GGG

Sec. GGG-1. 5 MRSA §1666, 2nd ¶, as amended by PL 2005, c. 386, Pt. D, §1, is further amended to read:

The Governor, when submitting the budget to the Legislature, shall submit the budget document and the General Fund and Highway Fund bills in a manner that identifies the gross amount of resources for each program. The gross unified budget bills and budget document encompass resources from the General Fund, Highway Fund, Federal Expenditures Fund, Federal Block Grant Fund, Other Special Revenue Funds, internal service funds and enterprise funds. Separate gross unified budget bills must be submitted for the General Fund and the Highway Fund. All funds except trust and agency funds, bond funds and costs of goods sold expenditures in internal service funds and enterprise funds are subject to legislative allocation. All programs with Highway Fund allocations and all internal service funds, enterprise funds and Other Special Revenue Funds accounts of the Department of Transportation are subject to legislative allocations and are presented for informational purposes only in the General Fund budget bills unless a separate Highway Fund budget is not enacted.

Sec. GGG-2. 6 MRSA §54, as enacted by PL 1977, c. 678, §32, is amended to read:

§54. Fees

All Effective October 1, 2005, all fees collected under this chapter shall must be deposited to the Treasurer of State, and by the Treasurer of State credited to the ~~General Fund~~ State Transit, Aviation and Rail Transportation Fund.

Sec. GGG-3. 23 MRSA §§4210-B, 4210-C and 4210-D are enacted to read:

§4210-B. State Transit, Aviation and Rail Transportation Fund

1. Establishment of fund. The State Transit, Aviation and Rail Transportation Fund, referred to in this section as "the STAR Transportation Fund" is established as an enterprise fund through the Department of Administrative and Financial Services. Funds appropriated, allocated, transferred or deposited in the account accrue interest earnings that must be used within the STAR Transportation Fund.

2. Establishment of program. The department shall establish the STAR Transportation Fund program through the Department of Administrative and Financial Services, Office of the State Controller.

3. Use of funds. The money deposited into the STAR Transportation Fund must be used for the support of the activities of the STAR Transportation Fund to manage transit, aeronautics and rail transportation.

4. Disbursements from fund. Money disbursed from the STAR Transportation Fund may be used for the purpose of purchasing, operating, maintaining, improving, repairing, constructing and managing the assets of the STAR Transportation Fund including buildings, structures and improvements and equipment.

5. Other fund sources. The STAR Transportation Fund may accept funds from other sources, including, but not limited to, the Federal Rail Administration, to carry out the provisions of this section.

6. Financial management. All assets including the cash balance, liabilities and equity in the Augusta State Airport Fund must be transferred to the STAR Transportation Fund and accounted for in a manner prescribed by the Department of Administrative and Financial Services, Office of the State Controller.

§4210-C. Marine Highway account

1. Establishment of account. The department shall establish, through the Department of Administrative and Financial Services, Office of the State Controller, the Marine Highway account, referred to in this section as "the account," in the Highway Fund.

2. Purpose of account. The purpose of the account is to allow the Highway Fund to provide support to the Maine State Ferry Service that was previously provided by the General Fund because ferries are an integral part of the highway system and carry motor vehicles and are the only method of vehicular transportation available to and from the islands.

3. Calculation. The account is not considered a General Fund appropriation or Highway Fund allocation for highway purposes in order to calculate the annual funding for the Urban-Rural Initiative Program pursuant to section 1803-B.

§4210-D. Accounting

The department shall comply with accounting policies and procedures promulgated by the Department of Administrative and Financial Services, Office of the State Controller. Any changes in accounting methodology proposed by the department must be approved by the Office of the State Controller.

Sec. GGG-4. 23 MRSA §7103, as amended by PL 2005, c. 248, §1, is repealed.

Sec. GGG-5. 23 MRSA §7103-A is enacted to read:

§7103-A. Deposit into State Transit, Aviation and Rail Transportation Fund account

Effective October 1, 2005, the Treasurer of State shall receive all revenue derived from the tax levied pursuant to Title 36, chapter 361 and taxes paid under Title 36, section 1865 and shall deposit all revenue in a separate account to be known as the State Transit, Aviation and Rail Transportation Fund account.

Sec. GGG-6. 36 MRSA §1865, as enacted by PL 2003, c. 498, §7 and affected by §12, is amended to read:

§1865. Deposit of use taxes paid on certain fuels

The Treasurer of State shall deposit all use taxes received for fuel consumed by vehicles operating on rails and qualifying for a fuel tax refund under section 3218 and taxed under this chapter into the ~~Rail Preservation and Assistance Fund~~ State Transit, Aviation and Rail Transportation Fund established in Title 23, section ~~7103~~ 7103-A.

Sec. GGG-7. 36 MRSA §2625, as amended by PL 2005, c. 248, §3, is further amended to read:

§2625. Return and payment

Every railroad company incorporated under the laws of this State or doing business in this State shall file with the State Tax Assessor annually, on or before April 15th, a railroad excise tax return, on a form prescribed by the State Tax Assessor. The tax must be paid in equal installments on the next June 15th, September 15th and December 15th. Except as otherwise provided in subsection 1, the Treasurer of State shall deposit all taxes paid under this chapter into the ~~Railroad Preservation and Assistance Fund~~ State Transit, Aviation and Rail Transportation Fund account established under Title 23, section ~~7103~~ 7103-A.

1. Railroad Freight Service Quality Fund. The Treasurer of State shall each year deposit \$20,000 of the taxes paid under this chapter in the Railroad Freight Service Quality Fund established under Title 35-A, section 1711.

This subsection is repealed 90 days after the adjournment of the Second Regular Session of the 123rd Legislature.

Sec. GGG-8. 36 MRSA §2903-E is enacted to read:

§2903-E. Distribution of gasoline tax revenues to State Transit, Aviation and Rail Transportation Fund

An amount equal to \$100,000 per year of gasoline taxes that are attributable to statewide transit efforts must be deposited into the State Transit, Aviation and Rail Transportation Fund account of the Department of Transportation no later than July 30th of each fiscal year, except that in fiscal year 2005-06 the deposit may be no later than October 31, 2005.

Sec. GGG-9. 36 MRSA §2912, as amended by PL 1979, c. 378, §23, is further amended to read:

§2912. Records and reports regarding sales of fuels for aeronautical purposes

~~The~~ Effective October 1, 2005, the tax received by the State on internal combustion engine fuels which that are sold to be used for aeronautical purposes shall must accrue to the ~~General Fund~~ State Transit, Aviation and Rail Transportation Fund. The necessary expenses of the collection of the tax on such fuels to be used for aeronautical purposes ~~shall~~ must be deducted.

Sec. GGG-10. Transfer of funds, Railroad Assistance Program. On the effective date of this Act, the State Controller shall transfer the existing cash balance in the Railroad Assistance Program, Other Special Revenue Funds account within the Department of Transportation to the State Transit, Aviation and Rail Transportation Fund established under the Maine Revised Statutes, Title 23, section 4210-B.

Sec. GGG-11. Transition. The following provisions apply to the Department of Transportation.

1. Upon the effective date of this Act, to comply with the provisions and intent of this Part, the Department of Administrative and Financial Services, Office of the State Controller may transfer funds pertaining to the transfer of General Fund programs within the Department of Transportation to the State Transit, Aviation and Rail Transportation Fund, the Marine Highway account and any other applicable funding transfers authorized by this Part.

2. The Department of Transportation shall adhere to the schedule and methodology for consolidation of these various programs as established by the Office of the State Controller.

3. Classified and unclassified employees assigned to General Fund programs of the Department of Transportation must be transferred to the State Transit, Aviation and Rail Transportation Fund.

4. All contracts, agreements and compacts to which any of the General Fund programs of the Department of Transportation are a party and that are in effect on the effective date of this Act remain in effect until they expire or are altered by the parties involved in the contracts, agreements or compacts.

5. The Department of Administrative and Financial Services shall assist the Department of Transportation with the orderly implementation of these provisions.

Sec. GGG-12. Vacancy report. Notwithstanding any other provision of law, the vacancy report with any recommendations for position eliminations to be prepared by the Department of Administrative and Financial Services and to be submitted to the Joint Standing Committee on Appropriations and Financial Affairs by January 15, 2006 must also be delivered to the Joint Standing Committee on Transportation if the vacancy report affects any positions that are partially or wholly funded by the Highway Fund, or by Internal Service Funds, Enterprise Funds and Other Special Revenue Funds accounts of the Department of Transportation, the Department of Public Safety or the Secretary of State.

Sec. GGG-13. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Budget - Bureau of the 0055

Initiative: Provides one-time funding for the necessary changes and updates to the Budget and Financial Management System as a result of the changes of this Part.

HIGHWAY FUND	2005-06	2006-07
All Other	\$96,700	\$0
HIGHWAY FUND TOTAL	\$96,700	\$0

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

HIGHWAY FUND	\$96,700	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$96,700	\$0

PUBLIC SAFETY, DEPARTMENT OF

Departmentwide - Public Safety

Initiative: Deallocates funds to remain within available resources. The Commissioner of Public Safety is authorized to distribute this deallocation among other programs within the Department of Public Safety through the use of financial orders approved by the State Budget Officer.

HIGHWAY FUND	2005-06	2006-07
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Unallocated	(\$95,000)	\$0
HIGHWAY FUND TOTAL	(\$95,000)	\$0

PUBLIC SAFETY, DEPARTMENT OF

DEPARTMENT TOTALS	2005-06	2006-07
HIGHWAY FUND	(\$95,000)	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$95,000)	\$0

SECRETARY OF STATE, DEPARTMENT OF
Administration - Motor Vehicles 0077

Initiative: Deallocates funds to remain within available resources.

HIGHWAY FUND	2005-06	2006-07
All Other	(\$190,000)	\$0
HIGHWAY FUND TOTAL	(\$190,000)	\$0

SECRETARY OF STATE, DEPARTMENT OF

DEPARTMENT TOTALS	2005-06	2006-07
HIGHWAY FUND	(\$190,000)	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$190,000)	\$0

TRANSPORTATION, DEPARTMENT OF
Highway and Bridge Improvement 0406

Initiative: Effective October 1, 2005, eliminates the General Fund Highway and Bridge Improvement account as a result of the establishment of the State Transit, Aviation and Rail Transportation Fund.

GENERAL FUND	2005-06	2006-07
Personal Services	(\$104,139)	(\$137,644)
GENERAL FUND TOTAL	(\$104,139)	(\$137,644)

Highway and Bridge Improvement 0406

Initiative: Deallocates funds to remain within available resources.

HIGHWAY FUND	2005-06	2006-07
All Other	(\$665,000)	\$0
HIGHWAY FUND TOTAL	(\$665,000)	\$0

Transportation Services 0443

Initiative: Effective October 1, 2005, eliminates the General Fund Public Transportation account as a result of the establishment of the State Transit, Aviation and Rail Transportation Fund.

GENERAL FUND	2005-06	2006-07
All Other	(\$367,703)	(\$502,528)
GENERAL FUND TOTAL	(\$367,703)	(\$502,528)

Administration - Aeronautics 0294

Initiative: Effective October 1, 2005, eliminates the General Fund Aeronautics - Administration account as a result of the establishment of the State Transit, Aviation and Rail Transportation Fund.

GENERAL FUND	2005-06	2006-07
All Other	(\$180,179)	(\$240,239)
GENERAL FUND TOTAL	(\$180,179)	(\$240,239)

Administration - Ports and Marine Transportation 0298

Initiative: Eliminates the General Fund Administration - Ports and Marine Transportation account as a result of the establishment of the Marine Highway Transportation account and the State Transit, Aviation and Rail Transportation Fund.

GENERAL FUND	2005-06	2006-07
All Other	(\$3,113,766)	(\$3,282,446)
GENERAL FUND TOTAL	(\$3,113,766)	(\$3,282,446)

Railroad Assistance Program 0350

Initiative: Effective October 1, 2005, eliminates the General Fund and Other Special Revenue Funds Railroad Assistance Program accounts as a result of the establishment of the State Transit, Aviation and Rail Transportation Fund and transfers one position from the General Fund to the State Transit, Aviation and Rail Transportation Fund.

GENERAL FUND	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$48,056)	(\$65,020)
All Other	(\$99,009)	(\$132,013)
GENERAL FUND TOTAL	(\$147,065)	(\$197,033)

OTHER SPECIAL REVENUE FUNDS

All Other	2005-06	2006-07
	(\$358,617)	(\$482,610)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$358,617)	(\$482,610)

Marine Highway Transportation

Initiative: Creates the FY2006-2007 budget for the Marine Highway Transportation account.

HIGHWAY FUND	2005-06	2006-07
All Other	\$3,177,250	\$3,354,808
HIGHWAY FUND TOTAL	\$3,177,250	\$3,354,808

Augusta State Airport 0325

Initiative: Eliminates the operating budget for the Augusta State Airport account for fiscal years 2005-06 and 2006-07 as a result of the establishment of the State Transit, Aviation and Rail Transportation Fund.

AUGUSTA STATE AIRPORT FUND	2005-06	2006-07
All Other	(\$299,970)	(\$399,960)
AUGUSTA STATE AIRPORT FUND TOTAL	(\$299,970)	(\$399,960)

State Transit, Aviation and Rail Transportation Fund

Initiative: Creates the FY2006-2007 budget for the State Transit, Aviation and Rail Transportation Fund.

STATE TRANSIT, AVIATION AND RAIL TRANSPORTATION FUND		
	2005-06	2006-07
POSITIONS -		
LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$263,344	\$315,020
All Other	\$1,074,874	\$1,403,398
<hr/>		
STATE TRANSIT, AVIATION AND RAIL TRANSPORTATION FUND TOTAL	\$1,704,571	\$1,718,418
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TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS		
	2005-06	2006-07
GENERAL FUND	(\$3,912,852)	(\$4,359,890)
HIGHWAY FUND	\$2,512,250	\$3,354,808
OTHER SPECIAL REVENUE FUNDS	(\$358,617)	(\$482,610)
AUGUSTA STATE AIRPORT FUND	(\$299,970)	(\$399,960)
STATE TRANSIT, AVIATION AND RAIL TRANSPORTATION FUND	\$1,704,571	\$1,718,418
<hr/>		
DEPARTMENT TOTAL - ALL FUNDS	(\$354,618)	(\$169,234)
<hr/>		
SECTION TOTALS		
	2005-06	2006-07
GENERAL FUND	(\$3,912,852)	(\$4,359,890)
HIGHWAY FUND	\$2,323,950	\$3,354,808
OTHER SPECIAL REVENUE FUNDS	(\$358,617)	(\$482,610)
AUGUSTA STATE AIRPORT FUND	(\$299,970)	(\$399,960)
STATE TRANSIT, AVIATION AND RAIL TRANSPORTATION FUND	\$1,704,571	\$1,718,418
<hr/>		
SECTION TOTAL - ALL FUNDS	(\$542,918)	(\$169,234)

PART HHH

Sec. HHH-1. Funding for Fractionation Development Center. Notwithstanding any other provision of law, General Fund appropriations of \$210,000 in fiscal year 2005-06 and \$210,000 in fiscal year 2006-07 provided to the Office of Innovation within the Department of Economic and Community Development in Public Law 2005, chapter 12, Part JJJ, section 1 for the Fractionation Development Center must be used for the specific purpose set forth in Part JJJ, section 1 and may not be reduced, eliminated or diverted for any other purpose.

PART III

Sec. III-1. Transfer from Other Special Revenue Funds to unappropriated surplus of General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$42,500,000 in fiscal year 2005-06 from Other Special

Revenue Funds to the unappropriated surplus of the General Fund no later than June 30, 2006. On July 1, 2006, the State Controller shall transfer \$42,500,000 from the General Fund unappropriated surplus along with interest to Other Special Revenue Funds as repayment. This transfer is considered an inter-fund advance to be repaid with interest compounded annually at the earnings rate within the Treasurer of State's cash pool on the date of the advance.

PART JJJ

Sec. JJJ-1. 22 MRSA §3174-II is enacted to read:

§3174-II. MaineCare Stabilization Fund

1. Fund established. The MaineCare 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 prevent any loss of services or increased cost of services to a MaineCare member or a person receiving benefits under the elderly low-cost drug program under section 254 that would otherwise result from insufficient General Fund appropriations, insufficient federal matching funds or any other shortage of funds, changes in federal or state law, rule or policy or the implementation of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

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 health and human services matters. The report must summarize the status of and activity in the fund.

Sec. JJJ-2. Funds deposited. Any funds remaining from funds appropriated to the Medical Care - Payments to Providers account in Public Law 2005, chapter 386 to fund shortfalls in the account for fiscal year 2004-05 must be calculated by the State Controller, who shall transfer the funds to the MaineCare Stabilization Fund by June 30, 2006.

PART KKK

Sec. KKK-1. Calculation and transfer; General Fund savings through increased efficiencies. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings that result from this Part that apply

against each General Fund account for all departments and agencies except legislative branch departments and agencies from increased efficiencies and shall transfer the amounts by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2005-06 and 2006-07. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts not later than November 5, 2006.

Sec. KKK-2. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

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

Initiative: Reduces funding to be realized through increased efficiencies.

GENERAL FUND	2005-06	2006-07
Unallocated	(\$1,886,468)	(\$1,886,468)
GENERAL FUND TOTAL	<u>(\$1,886,468)</u>	<u>(\$1,886,468)</u>

See title page for effective date, unless otherwise indicated.

CHAPTER 458

S.P. 443 - L.D. 1263

**An Act To Contain Costs, Reduce
Paperwork and Streamline the
Regulatory Process for Maine's
Small Businesses**

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

Sec. 1. 5 MRS §57 is enacted to read:

§57. Maine Regulatory Fairness Board established

The Maine Regulatory Fairness Board, referred to in this section as "the board," is established to hear testimony and to report to the Legislature and the Governor at least annually on regulatory and statutory changes necessary to enhance the State's business climate.

1. Membership. The board consists of 7 members who are owners, operators or officers of businesses operating in every region of the State, as follows:

A. One member appointed by the President of the Senate;

B. One member appointed by the Speaker of the House; and

C. Five members appointed by the Governor, at least 2 of whom must represent businesses with fewer than 50 employees and at least 2 of whom must represent businesses with fewer than 20 employees. Prior to making these appointments final, the Governor or the Governor's designee shall present the appointments to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters.

An officer or employee of State Government may not be a member of the board.

2. Terms of appointment. Each member appointed to the board must be appointed to serve a 3-year term. No member may serve more than 3 consecutive terms.

3. Chair; election of board officers; quorum. The members of the board shall annually elect a chair and a vice-chair from among the board members. A majority of members of the board constitutes a quorum for the purpose of conducting the board's business, except a lesser number may hold public hearings.

4. Duties of board. The board shall:

A. Meet at least 3 times a year in different regions of the State to hear testimony from businesses regarding their concerns about enforcement activities of state departments and agencies; and

B. Report to the Governor and the Legislature at least annually on complaints of excessive enforcement actions against businesses by departments and agencies of State Government. The report also must include recommendations for regulatory and statutory changes, if any, that will enhance the State's business climate.

5. Annual report. The board shall report by February 1st of each year to the Governor and to the joint standing committee of the Legislature having jurisdiction over business and economic development matters and the joint standing committee of the Legislature having jurisdiction over state and local government matters on its findings and recommendations.

6. Technical assistance. The State Planning Office shall provide technical support to the board.