

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

live fire service training facilities may not be provided beyond fiscal year 2020-21 without explicit legislative approval.

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

COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE

Live Fire Service Training Facilities Fund N278

Initiative: Provides funding for the Maine Fire Service Institute to provide funds for the construction and repair or replacement of regional live fire service training facilities in the State awarded by the Maine Fire Protection Services Commission through fiscal year 2020-21 only.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$500,000
GENERAL FUND TOTAL	\$0	\$500,000

See title page for effective date.

CHAPTER 445

H.P. 1315 - L.D. 1882

An Act To Exempt from Taxation Sales to Certain Nonprofit Organizations Supporting Veterans

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

Sec. 1. 36 MRSA §1760, sub-§102 is enacted to read:

102. Certain support organizations for combat-injured veterans. Sales to incorporated nonprofit organizations organized for the primary purpose of operating a retreat in the State for combat-injured veterans and their families free of charge.

Sec. 2. 36 MRSA §2557, sub-§§37 and 38, as enacted by PL 2015, c. 267, Pt. TTTT, §8 and affected by §9, are amended to read:

37. Certain veterans' support organizations. Sales to incorporated nonprofit organizations organized for the purpose of providing direct supportive services in the State to veterans and their families living with service-related post-traumatic stress disorder or traumatic brain injury; and

38. Nonprofit library collaboratives. Sales to nonprofit collaboratives of academic, public, school and special libraries that provide support for library resource sharing, promote quality library information

services and support the cultural, educational and economic development of the State; and

Sec. 3. 36 MRSA §2557, sub-§39 is enacted to read:

39. Certain support organizations for combat-injured veterans. Sales to incorporated nonprofit organizations organized for the primary purpose of operating a retreat in the State for combat-injured veterans and their families free of charge.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services, Bureau of 0002

Initiative: Provides one-time funding for programming changes to add an exemption line to the sales tax form.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,500
GENERAL FUND TOTAL	\$0	\$2,500

Sec. 5. Effective date. This Act takes effect October 1, 2018.

See title page for effective date.

CHAPTER 446

S.P. 712 - L.D. 1869

An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to ensure state funding of local schools in fiscal year 2018-19; and

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

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

Sec. 1. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2017, c. 284, Pt. C, §23, is further amended to read:

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

- (1) For the 2005 property tax year, the full-value education mill rate is the amount necessary to result in a 47.4% statewide total local share in fiscal year 2005-06.
- (2) For the 2006 property tax year, the full-value education mill rate is the amount necessary to result in a 46.14% statewide total local share in fiscal year 2006-07.
- (3) For the 2007 property tax year, the full-value education mill rate is the amount necessary to result in a 46.49% statewide total local share in fiscal year 2007-08.
- (4) For the 2008 property tax year, the full-value education mill rate is the amount necessary to result in a 47.48% statewide total local share in fiscal year 2008-09.
- (4-A) For the 2009 property tax year, the full-value education mill rate is the amount necessary to result in a 51.07% statewide total local share in fiscal year 2009-10.
- (4-B) For the 2010 property tax year, the full-value education mill rate is the amount necessary to result in a 54.16% statewide total local share in fiscal year 2010-11.
- (4-C) For the 2011 property tax year, the full-value education mill rate is the amount necessary to result in a 53.98% statewide total local share in fiscal year 2011-12.
- (5) For the 2012 property tax year, the full-value education mill rate is the amount necessary to result in a 54.13% statewide total local share in fiscal year 2012-13.
- (6) For the 2013 property tax year, the full-value education mill rate is the amount neces-

sary to result in a 52.71% statewide total local share in fiscal year 2013-14.

(7) For the 2014 property tax year, the full-value education mill rate is the amount necessary to result in a 53.20% statewide total local share in fiscal year 2014-15.

(8) For the 2015 property tax year, the full-value education mill rate is the amount necessary to result in a 52.46% statewide total local share in fiscal year 2015-16.

(9) For the 2016 property tax year, the full-value education mill rate is the amount necessary to result in a 51.86% statewide total local share in fiscal year 2016-17.

(10) For the 2017 property tax year, the full-value education mill rate is the amount necessary to result in a 50.86% statewide total local share in fiscal year 2017-18.

(11) For the 2018 property tax year ~~and subsequent tax years~~, the full-value education mill rate is the amount necessary to result in a ~~45%~~ 50.50% statewide total local share in fiscal year 2018-19 ~~and after~~.

(12) For the 2019 property tax year and subsequent tax years, the full-value education mill rate is the amount necessary to result in a 45% statewide total local share in fiscal year 2019-20 and after.

Sec. 2. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2018-19 is 8.48.

Sec. 3. Total cost of funding public education from kindergarten to grade 12. The total cost of funding public education from kindergarten to grade 12 for fiscal year 2018-19 is as follows:

	2018-19
	TOTAL
Total Operating Allocation	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$1,463,639,305
Total adjustments to state subsidy pursuant to Title 20-A, section 15689 included in subsidizable costs and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$509,865,569
Total Operating Allocation and Subsidizable Costs	

Total operating allocation pursuant to Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,973,504,874	Essential programs and services components contract pursuant to Title 20-A, section 15689-A, subsection 3	\$300,000
Total Debt Service Allocation		Education research institute contract pursuant to Title 20-A, section 15689-A, subsection 6	\$250,000
Total debt service allocation pursuant to Title 20-A, section 15683-A	\$96,696,235	Emergency bus loan pursuant to Title 20-A, section 15689-A, subsection 9	\$0
Total Adjustments pursuant to Title 20-A, section 15689		Data management and support services for essential programs and services pursuant to Title 20-A, section 15689-A, subsection 10	\$4,926,754
Audit adjustments pursuant to Title 20-A, section 15689, subsection 4	\$250,000	Postsecondary course payments pursuant to Title 20-A, section 15689-A, subsection 11	\$3,000,000
Educating students in long-term drug treatment center adjustments pursuant to Title 20-A, section 15689, subsection 5	\$391,378	National board certification salary supplement pursuant to Title 20-A, section 15689-A, subsection 12	\$307,551
Regionalization, consolidation and efficiency assistance adjustments pursuant to Title 20-A, section 15689, subsection 9	\$4,083,539	Learning through technology program pursuant to Title 20-A, section 15689-A, subsection 12-A	\$14,114,965
Bus refurbishing program adjustments pursuant to Title 20-A, section 15689, subsection 13	\$180,123	Jobs for Maine's Graduates including college pursuant to Title 20-A, section 15689-A, subsection 13	\$3,545,379
MaineCare seed payments adjustments pursuant to Title 20-A, section 15689, subsection 14	\$642,466	Maine School of Science and Mathematics pursuant to Title 20-A, section 15689-A, subsection 14	\$3,615,347
Special education budgetary hardship adjustment pursuant to Title 20-A, section 15689, subsection 15	\$1,000,000	Maine Educational Center for the Deaf and Hard of Hearing pursuant to Title 20-A, section 15689-A, subsection 15	\$7,769,215
Total adjustments to the state share of total allocation pursuant to Title 20-A, section 15689	\$6,547,506	Transportation administration pursuant to Title 20-A, section 15689-A, subsection 16	\$389,890
Targeted Education Funds pursuant to Title 20-A, section 15689-A		Special education for juvenile offenders pursuant to Title 20-A, section 15689-A, subsection 17	\$382,418
Special education costs for state agency clients and state wards pursuant to Title 20-A, section 15689-A, subsection 1	\$29,737,998		

Center of Excellence for At-risk Students pursuant to Title 20-A, section 15689-A, subsection 20	\$152,000	National industry standards for career and technical education pursuant to Title 20-A, section 15688-A, subsection 6	\$2,000,000
Fund for the Efficient Delivery of Educational Services pursuant to Title 20-A, section 15689-A, subsection 21	\$0	Total enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D	\$56,450,000
Comprehensive early college programs funding (bridge year program) pursuant to Title 20-A, section 15689-A, subsection 23	\$1,000,000	Total Cost of Funding Public Education from Kindergarten to Grade 12	
Community school pilots (3 pilot projects for 5 years) pursuant to Title 20-A, section 15689-A, subsection 25	\$50,000	Total cost of funding public education from kindergarten to grade 12 for fiscal year pursuant to Title 20-A, chapter 606-B, not including normal retirement costs	\$2,203,060,546
Maine School for Marine Science, Technology, Transportation and Engineering pursuant to Title 20-A, section 15689-A, subsection 26	\$320,414	Total normal cost of teacher retirement	\$46,519,107
Total targeted education funds pursuant to Title 20-A, section 15689-A	\$69,861,931	Total cost of funding public education from kindergarten to grade 12 for fiscal year pursuant to Title 20-A, chapter 606-B, including normal retirement costs	\$2,249,579,653
Enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D		Total cost of state contribution to unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2018-19 pursuant to Title 5, chapters 421 and 423, excluding the normal cost of teacher retirement	\$181,527,833
Career and technical education costs pursuant to Title 20-A, section 15688-A, subsection 1	\$53,500,000	Total cost of funding public education from kindergarten to grade 12, plus state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2018-19 pursuant to Title 5, chapters 421 and 423	\$2,431,107,486
Career and technical education middle school costs pursuant to Title 20-A, section 15672, subsection 1-D	\$500,000		
College transitions programs through adult education college readiness programs pursuant to Title 20-A, section 15688-A, subsection 2	\$450,000		
New or expanded public pre-school pursuant to Title 20-A, section 15688-A, subsection 4	\$0		
School improvement and support pursuant to Title 20-A, section 15688-A, subsection 5	\$0		

Sec. 4. Local and state contributions to total cost of funding public education from kindergarten to grade 12. The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year

beginning July 1, 2018 and ending June 30, 2019 is calculated as follows:

	2018-19 LOCAL	2018-19 STATE
Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12		
Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subject to statewide distributions required by law	\$1,134,201,570	\$1,115,378,083
State contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2018-19 pursuant to Title 5, chapters 421 and 423 excluding the normal cost of teacher retirement		\$181,527,833
State contribution to the total cost of funding public education from kindergarten to grade 12 plus state contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance pursuant to Title 5, chapters 421 and 423		\$1,296,905,916

Sec. 5. Authorization of payments. If the State's continued obligation for any individual component contained in those sections of this Act that set the total cost of funding public education from kindergar-

ten to grade 12 and the local and state contributions for that purpose exceeds the level of funding provided for that component, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual component. Any unexpended balances from this Act may not lapse but must be carried forward for the same purpose.

Sec. 6. Limit of State's obligation. Those sections of this Act that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose may not be construed to require the State to provide payments that exceed the appropriation of funds for general purpose aid for local schools for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

Sec. 7. Allocation for career and technical education center or career and technical education region. For the purposes of calculating the total allocation for a career and technical education center or career and technical education region, to the extent that funding under the Maine Revised Statutes, Title 20-A, section 15688-A, subsection 1 allows, any cap on the total allocation does not apply for the fiscal year beginning July 1, 2018 and ending June 30, 2019 only.

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

Effective July 8, 2018.

CHAPTER 447

S.P. 84 - L.D. 238

An Act To Amend the Maine Medical Use of Marijuana Act

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

Whereas, the medical marijuana industry has developed a variety of products containing marijuana to serve the needs of qualifying patients; and

Whereas, the process of manufacturing those products may involve substances that are hazardous to use or that are hazardous to health; and

Whereas, increased oversight over the manufacturing and testing of medical marijuana products is needed to ensure safety during the process of manufacturing and the safety of medical marijuana products intended for human consumption; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following