

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

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

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**Augusta, Maine**  
**2021**

**CHAPTER 436  
H.P. 768 - L.D. 1034**

**An Act To Provide Funding To Support the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations and To Establish Staffing for the Commission**

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

**Sec. 1. 5 MRSA §12004-I, sub-§74-J**, as enacted by PL 2019, c. 457, §1, is repealed.

**Sec. 2. 5 MRSA §12004-J, sub-§19** is enacted to read:

**19.**

<u>Racial, Indigenous and Tribal Populations</u>	<u>Permanent Commission on the Status of Racial, Indigenous and Tribal Populations</u>	<u>Legislative Per Diem and Expenses</u>	<u>5 MRSA §25001</u>
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**Sec. 3. 5 MRSA c. 631, headnote** is amended to read:

**CHAPTER 631**

**PERMANENT COMMISSION ON THE STATUS OF RACIAL, INDIGENOUS AND MAINE TRIBAL POPULATIONS**

**Sec. 4. 5 MRSA §25001**, as enacted by PL 2019, c. 457, §2, is amended to read:

**§25001. Commission established**

The Permanent Commission on the Status of Racial, Indigenous and ~~Maine~~ Tribal Populations, established by ~~section 12004-I, subsection 74-J~~ section 12004-J, subsection 19 and referred to in this chapter as "the commission," is an independent commission. The commission shall promote, implement and coordinate programs that create and improve opportunities and incorporate the goal of eliminating disparities for historically disadvantaged racial, indigenous and tribal populations in the State.

**Sec. 5. 5 MRSA §25002, sub-§1, ¶D**, as enacted by PL 2019, c. 457, §2, is amended to read:

D. Other members:

- (1) A representative from each of the federally recognized Indian tribes in the State; and
- (2) Any other individual agreed to by a majority of commission members.

**Sec. 6. 5 MRSA §25007, sub-§2, ¶D**, as enacted by PL 2019, c. 457, §2, is amended to read:

D. Submit to the Legislature, ~~at the start of each regular session~~, such legislation as the commission determines appropriate for improving opportunities and eliminating disparities for historically disadvantaged racial, indigenous and tribal populations in the State;

**Sec. 7. 5 MRSA §25009**, as enacted by PL 2019, c. 457, §2, is repealed.

**Sec. 8. 5 MRSA §25010**, as enacted by PL 2019, c. 457, §2, is amended to read:

**§25010. Federal and state funds**

The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, a foundation or a corporation and may expend funds for purposes that are consistent with this chapter. Funds received under this section must be deposited in ~~a nonlapsing Other Special Revenue Funds account within the Department of Labor~~ an account maintained by the commission to support the work of the commission.

**Sec. 9. 5 MRSA §25011** is enacted to read:

**§25011. Executive director; staff; duties**

The commission shall select an individual to serve as the executive director of the commission. The executive director shall hire appropriate staff to assist in carrying out the duties of the commission.

**Sec. 10. Transfer of funds.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer any unobligated balances remaining in the Racial, Indigenous and Maine Tribal Populations, Other Special Revenue Funds account within the Department of Labor to the Racial, Indigenous and Tribal Populations, Other Special Revenue Funds account within the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations no later than the effective date of this Act.

**Sec. 11. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Racial, Indigenous and Maine Tribal Populations Z287**

Initiative: Deallocates funding for professional services needed to further the work of the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations within the Department of Labor

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	(\$50,000)	(\$50,000)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$50,000)</b>	<b>(\$50,000)</b>

**Racial, Indigenous and Maine Tribal Populations Z287**

Initiative: Deappropriates funding for one Public Service Executive I position, one Business Manager II position, one Public Service Coordinator I position and one Planning and Research Associate I position and related All Other to support the work of the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations within the Department of Labor effective October 1, 2021.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
POSITIONS - LEGISLATIVE	(4.000)	(4.000)
COUNT		
Personal Services	(\$311,101)	(\$434,795)
All Other	(\$375,000)	(\$500,000)
<b>GENERAL FUND TOTAL</b>	<b>(\$686,101)</b>	<b>(\$934,795)</b>

**Racial, Indigenous and Maine Tribal Populations Z287**

Initiative: Deappropriates funding for the per diem costs for members of the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations within the Department of Labor effective October 1, 2021.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
Personal Services	(\$34,875)	(\$46,500)
<b>GENERAL FUND TOTAL</b>	<b>(\$34,875)</b>	<b>(\$46,500)</b>

**Racial, Indigenous and Maine Tribal Populations Z287**

Initiative: Eliminates base allocations to authorize expenditures from funds received from federal sources.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	(\$500)	(\$500)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$500)</b>	<b>(\$500)</b>

<b>LABOR, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>
<b>GENERAL FUND</b>	<b>(\$720,976)</b>	<b>(\$981,295)</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>(\$500)</b>	<b>(\$500)</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>(\$50,000)</b>	<b>(\$50,000)</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$771,476)</b>	<b>(\$1,031,795)</b>

**STATUS OF RACIAL, INDIGENOUS AND TRIBAL POPULATIONS, PERMANENT COMMISSION ON THE**

**Racial, Indigenous and Tribal Populations N329**

Initiative: Provides funding for one Public Service Executive I position, one Business Manager II position,

one Public Service Coordinator I position and one Planning and Research Associate I position and related All Other to support the work of the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations effective October 1, 2021.

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
POSITIONS - LEGISLATIVE	4.000	4.000
COUNT		
Personal Services	\$311,101	\$434,795
All Other	\$375,000	\$500,000
<b>GENERAL FUND TOTAL</b>	<b>\$686,101</b>	<b>\$934,795</b>

**Racial, Indigenous and Tribal Populations N329**

Initiative: Allocates funding for professional services needed to further the work of the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations. Revenue for this funding will be raised through donations and fund-raising efforts.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$50,000	\$50,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$50,000</b>	<b>\$50,000</b>

**Racial, Indigenous and Tribal Populations N329**

Initiative: Provides funding for the per diem costs for members of the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations effective October 1, 2021

<b>GENERAL FUND</b>	<b>2021-22</b>	<b>2022-23</b>
Personal Services	\$34,875	\$46,500
<b>GENERAL FUND TOTAL</b>	<b>\$34,875</b>	<b>\$46,500</b>

**Racial, Indigenous and Tribal Populations N329**

Initiative: Provides base allocations to authorize expenditures from funds received from federal or private sources.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$500	\$500
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$500</b>	<b>\$500</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

<b>STATUS OF RACIAL, INDIGENOUS AND TRIBAL POPULATIONS, PERMANENT COMMISSION ON THE DEPARTMENT TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>
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GENERAL FUND	\$720,976	\$981,295
FEDERAL EXPENDITURES FUND	\$500	\$500
OTHER SPECIAL REVENUE FUNDS	\$50,500	\$50,500
DEPARTMENT TOTAL - ALL FUNDS	<u>\$771,976</u>	<u>\$1,032,295</u>
SECTION TOTALS	2021-22	2022-23
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
SECTION TOTAL - ALL FUNDS	<u>\$500</u>	<u>\$500</u>

See title page for effective date.

**CHAPTER 437  
H.P. 774 - L.D. 1046**

**An Act To Create an Income Tax Return Checkoff for Hunger Prevention**

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

**Sec. 1. 12 MRSA §5018** is enacted to read:

**§5018. Emergency Food Assistance Program Fund**

**1. Fund established.** The Emergency Food Assistance Program Fund, referred to in this section as "the fund," is established as a nonlapsing fund to support the emergency food assistance program administered by the Department of Agriculture, Conservation and Forestry, referred to in this section as "the department." Money in the fund must be expended as allocated by the Legislature for the purposes of the fund and may be invested as provided by law. Interest on investments must be credited to the fund.

**2. Use of fund.** Amounts available in the fund must be used to support the emergency food assistance program administered by the department.

**3. Administration.** The department shall administer the fund and shall adopt rules as necessary to administer the fund. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Income tax check-off funding.** Revenue collected from the income tax checkoff pursuant to Title 36, section 5293 must be credited to the fund.

**5. Other funds.** The fund may receive money from any source, including grants, gifts, bequests and donations.

**Sec. 2. 36 MRSA §5283-A, sub-§1**, as amended by PL 2019, c. 433, §2, is further amended to read:

**1. Minimum threshold for total contributions.**

The State Tax Assessor may not include on an individual income tax return form a designation for a taxpayer to make a contribution through a checkoff under section 5284, 5284-A, 5285, 5288-A, 5289, 5291 ~~or~~ 5292 or 5293 unless on returns filed in the prior calendar year the total contributions to the organization or fund to which the contributions are credited under the applicable section are at least:

- A. For calendar year 2012, \$10,000;
- B. For calendar year 2013, \$13,000;
- C. For calendar year 2014, \$16,000;
- D. For calendar year 2015, \$19,000;
- E. For calendar year 2016, \$22,000; and
- F. For calendar years beginning on or after January 1, 2017, \$25,000.

This subsection does not apply to a contribution checkoff that has been on the individual income tax form for less than one year.

**Sec. 3. 36 MRSA §5293** is enacted to read:

**§5293. Emergency food assistance program; voluntary checkoff**

**1. Emergency food assistance program.** When filing a return, a taxpayer entitled to a refund under this Part may designate that a portion of that refund be paid into the Emergency Food Assistance Program Fund established in Title 12, section 5018. A taxpayer who is not entitled to a refund under this Part may contribute to the Emergency Food Assistance Program Fund by including with that taxpayer's return sufficient funds to make the contribution. The contribution may not be less than \$5. Each individual income tax return form must contain a designation in substantially the following form: "Emergency Food Assistance Program Fund: ( ) \$5, ( ) \$10, ( ) \$25 or ( ) Other \$...."

**2. Contributions credited to Emergency Food Assistance Program Fund.** The State Tax Assessor shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, the State Tax Assessor shall deduct the cost of administering the Emergency Food Assistance Program Fund checkoff and report the remainder to the Treasurer of State, who shall forward that amount to the Emergency Food Assistance Program Fund.

**Sec. 4. Application.** This Act applies to tax years beginning on or after January 1, 2022.

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