

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**STATE OF MAINE**  
130<sup>TH</sup> LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON APPROPRIATIONS  
AND FINANCIAL AFFAIRS**

December 2021

**MEMBERS:**

SEN. CATHERINE E. BREEN, CHAIR  
SEN. DONNA BAILEY  
SEN. PAUL T. DAVIS, SR.

REP. TERESA S. PIERCE, CHAIR  
REP. JOHN L. MARTIN  
REP. PATRICIA HYMANSON  
REP. JESSICA L. FAY  
REP. BARBARA A. CARDONE  
REP. KRISTEN SARA CLOUTIER  
REP. H. SAWIN MILLETT, JR.  
REP. AMY BRADSTREET ARATA  
REP. PATRICK W. COREY  
REP. JACK DUCHARME\*  
REP. JUSTIN FECTEAU\*

**STAFF:**

MAUREEN S. DAWSON, PRINCIPAL LEGISLATIVE ANALYST  
OFFICE OF FISCAL AND PROGRAM REVIEW  
5 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1635  
<http://legislature.maine.gov/ofpr/>

\*Committee member for a portion of the session

**JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

Part CC requires the Maine Municipal Bond Bank to transfer \$50,000,000 from the Liquor Operation Revenue Fund, established in Title 30-A, section 6054, subsection 1, to the unappropriated surplus of the General Fund during fiscal year 2020-21.

Part DD restores funding by offsetting deappropriations in Personal Services and All Other in the Department of Defense, Veterans and Emergency Management, Veterans Services programs contained in Part A of this Act.

Part EE requires Maine Revenue Services to study the income modification that requires the add-back for Maine tax purposes of a taxpayer's deduction claimed pursuant to the federal Internal Revenue Code of 1986 from federal taxation for foreign-derived intangible income. Maine Revenue Services is required to determine the cost of the deduction, whether it effectively meets the purpose for the deduction, the revenue that would be generated without the deduction and whether there is another more effective or efficient manner of encouraging the domestic filing of taxes by corporations. Maine Revenue Services is required to provide a report, along with suggested legislation, to the Joint Standing Committee on Taxation.

Part FF transfers \$8,000,000 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund in fiscal year 2020-21.

Public Law 2021, chapter 1 was enacted as an emergency measure effective March 17, 2021.

**LD 221 An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 398 does the following.

Part A makes changes to the baseline appropriations and allocations of funds for the 2022-2023 biennium.

Part B makes appropriations and allocations of funds for approved reclassifications and range changes.

Part C does the following:

1. Amends the state contribution, the annual target state share percentage and the mill expectation for the local contribution for fiscal year 2021-22;
2. Authorizes instead of requires the Commissioner of Education to apply for available federal funds in support of community school implementation and expansion;

**JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

3. Adds one-time funding in the amount of \$225,000 for the Maine School of Science and Mathematics to provide one-time relief for the impacts of the pandemic;
4. Adds to the funding for postsecondary courses; and
5. Authorizes a school board of a school administrative unit that receives more state education subsidy than the amount included in its budget in fiscal year 2021-22 only to use all or part of the additional subsidy to increase expenditures for school purposes in cost center categories approved by the school board, increase the allocation of finances in a reserve fund approved by the school board or decrease the local cost share expectation for local property tax payers for funding public education as approved by the school board.

Part D authorizes the Maine Governmental Facilities Authority to issue additional securities in an amount not to exceed \$52,910,000 to pay for the costs of capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties.

Part E updates the mileage rate paid to state employees and state officers and officials not subject to a bargaining agreement who are engaged in the business of the State to either the rate included in the bargaining agreement representing the most employees or the federal rate of reimbursement, whichever is lower. This change will be effective July 1, 2021.

Part G sets the transfer to the Local Government Fund at 4.5% in fiscal year 2021-22. The transfer to the Local Government Fund returns to 5% beginning in fiscal year 2022-23.

Part H does the following:

1. Updates references to the United States Internal Revenue Code of 1986 contained in the Maine Revised Statutes, Title 36 to refer to the United States Internal Revenue Code of 1986 as amended through April 30, 2021 for tax years beginning on or after January 1, 2021 and for any prior tax year as specifically provided by the United States Internal Revenue Code of 1986, as amended, except that amendments to that Code made by Section 9042 of the federal American Rescue Plan Act of 2021, Public Law 117-2 do not apply to any tax year beginning after December 31, 2019 and before January 1, 2021;
2. Provides a sales tax exemption on the purchase of menstrual products sold on or after October 1, 2021;
3. Establishes the earned income tax credit rate for tax year 2021 for all eligible individuals as 20% of the federal earned income credit for the same taxable year;
4. Increases the maximum property tax fairness credit for tax year 2021 to \$1,000 for resident individuals under 65 years of age and \$1,500 for resident individuals 65 years of age and older; and

**JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

5. Increases the property tax fairness credit for tax years 2022 and later to the amount by which the benefit base for the resident individual exceeds 4% of the resident individual's income with a maximum credit of \$750 for resident individuals under 65 years of age and \$1,200 for resident individuals 65 years of age and older.

Part I authorizes remaining balances in the Department of Administrative and Financial Services, Debt Service - Government Facilities Authority program in the current biennium to be carried forward into the following fiscal years.

Part J amends the Maine Tree Growth Tax Law to clarify the information required to be used by the State Tax Assessor when calculating the tree growth appropriation and municipal reimbursements and to use consistent terms when referring to that information and makes other technical changes to the related statute.

Part K authorizes remaining balance in the Central Administrative Applications program, General Fund account in fiscal years 2021-22 and 2022-23 to carry forward into the following fiscal year.

Part L authorizes the Office of Information Technology and the Bureau of Alcoholic Beverages and Lottery Operations, within the Department of Administrative and Financial Services, to enter into financing arrangements in fiscal years 2021-22 and 2022-23 for the acquisition, licensing, installation, implementation, maintenance and support of computer hardware, software and other systems to support the operations of the Bureau of Alcoholic Beverages and Lottery Operations.

Part M authorizes the Department of Administrative and Financial Services to enter into financing agreements, which may not exceed six years in duration, in fiscal years 2021-22 and 2022-23 for the acquisition of motor vehicles for the Central Fleet Management Division.

Part N authorizes the Department of Administrative and Financial Services on behalf of the Department of Public Safety to enter into financing agreements in fiscal years 2021-22 and 2022-23 for the acquisition of motor vehicles for the State Police.

Part O authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2021-22 and 2022-23 for the acquisition of hardware, software and systems to support the operations of the Statewide Radio and Network System Reserve Fund.

Part P allows for promotion adjustments for Tax Examiner and Tax Examiner II positions within the Department of Administrative and Financial Services, Bureau of Revenue Services.

Part Q transfers \$10,000,000 from the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry for the abatement, cleanup or mitigation of the threats or hazards posed or potentially posed by perfluoroalkyl and polyfluoroalkyl substances, or PFAS, contamination affecting agricultural producers in the State; providing support to affected farms; providing support for PFAS research; and responding to PFAS concerns and issues as they arise.

## **JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

Part R transfers \$20,000,000 from the unappropriated surplus of the General Fund to the Department of Environmental Protection for the abatement, cleanup or mitigation of the threats or hazards posed or potentially posed by perfluoroalkyl and polyfluoroalkyl substances, or PFAS, contamination in the State and authorizes the department to spend those funds only for those purposes.

Part U adds the Director, Office of Marijuana Policy as a major policy-influencing position within the Department of Administrative and Financial Services and adds it to the list of positions with salaries set by the Governor.

Part W allows the Department of Agriculture, Conservation and Forestry to submit financial orders for the Public Reserved Lands Management Fund and adjusts the budget report submission date for this account in odd-numbered years to align with the submission of a biennial budget from a Governor-elect.

Part X authorizes a one-time transfer in each year of the biennium of all funds in excess of \$200,000 from unencumbered balance forward in the Personal Services and in excess of \$300,000 from unencumbered balance forward in the All Other line categories in the Division of Forest Protection, General Fund account to the Capital Expenditures line category in the Division of Forest Protection, General Fund account within the Department of Agriculture, Conservation and Forestry to fund the overhaul of existing aircraft.

Part Y renames the Office of the Commissioner program in the Department of Agriculture, Conservation and Forestry the DACF Administration program.

Part Z requires the transfer of residual funds remaining in the Federal-State Inspection Fund account in the Bureau of Agriculture program, Federal Expenditures Fund to the Division of Quality Assurance and Regulation account in the Bureau of Agriculture program, Other Special Revenue Funds at the close of fiscal year 2020-21.

Part AA clarifies the imposition of the 10¢ ConnectMaine surcharge.

Part BB authorizes the Department of Corrections to transfer, by financial order, Personal Services, All Other or Capital Expenditures funding between accounts within the same fund for the purposes of paying departmental overtime expenses in fiscal years 2021-22 and 2022-23.

Part CC directs the Commissioner of Corrections to review the current organizational structure of the Department of Corrections to improve organizational efficiency and cost-effectiveness and authorizes the State Budget Officer to transfer positions and available balances by financial order between July 1st and December 2nd of each fiscal year in the 2022-23 biennium. Any transfers that would result in a mission change or facility closure must be submitted to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters for review.

Part DD authorizes transfers of up to \$325,000 in each fiscal year of the 2022-23 biennium of available Personal Services allocations to the All Other line category in the Maine Health Data Organization, Other Special Revenue Funds account.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

Part EE transfers \$582,051 in fiscal year 2020-21 and \$411,529 in fiscal year 2021-22 from the unappropriated surplus of the General Fund to the National Board Certification Salary Supplement Fund within the Department of Education.

Part FF changes the title of Director of Communications within the Department of Education to Director of Marketing and Communications and the title of Director of Special Projects within the Department of Education to Chief Innovation Officer and adds the Chief Innovation Officer as a major policy-influencing position in the department.

Part GG transfers \$45,000,000 in fiscal year 2020-21 from the unappropriated surplus of the General Fund to the Maine Municipal Bond Bank for the School Revolving Renovation Fund.

Part HH establishes in statute the Maine School Safety Center in the Department of Education. The primary role of the center is to provide training, guidance and technical support to schools in Maine regarding safety and security.

Part II removes the Director of Early Childhood Special Education as a position appointed by the Commissioner of the Department of Education.

Part JJ allows the salary supplement payments for teachers certified by the National Board of Professional Teaching Standards to be prorated based on the amount of revenue received for this purpose and specifies that payments must be made with available resources.

Part KK eliminates the requirement that a public guardian or conservator furnish a bond.

Part LL updates the names of the programs into which certain revenue from the service provider tax and the health care provider tax is deposited to align with the MaineCare account consolidation initiative contained in Part SS.

Part MM does the following:

1. Changes the representatives that inspect medical establishments from the Office of MaineCare Services to the division of licensing and certification within the Department of Health and Human Services;
2. Removes the requirement that the Department of Health and Human Services conduct a single coordinated inspection of a nursing facility dually licensed as a nursing home and an assisted living facility; and
3. Clarifies that the exemption from inspection requirements applies to licensed hospitals seeking re-licensure.

Part NN removes the language that does not allow the Department of Health and Human Services to transfer or otherwise repurpose any funds appropriated or allocated for public health nurses and the services they provide.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

Part OO renames the statewide food supplement program the Supplemental Nutrition Assistance Program.

Part QQ changes the frequency of life safety inspections for adult day care programs from annually to prior to the biennial issuance of the license by the Department of Health and Human Services.

Part SS contains transfer provisions to facilitate the consolidation of General Fund programs from 13 to four in the Department of Health and Human Services, Office of MaineCare Services; provides that all existing contracts, agreements and compacts currently in effect in the Department of Health and Human Services are not affected by the transfers; and requires the continuation of the detailed reporting currently provided by the department as required by law.

Part TT requires unexpended balance in the Office for Family Independence - District program, General Fund account within the Department of Health and Human Services to carry forward to the next fiscal year for upgrades to the public assistance web portal.

Part UU authorizes the Department of Health and Human Services to transfer by financial order available Personal Services balances in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program, the Riverview Psychiatric Center program and the Dorothea Dix Psychiatric Center program.

Part VV establishes the Office of Behavioral Health in the Department of Health and Human Services as the successor to the office of substance abuse and the office of substance abuse and mental health services and changes references to those offices accordingly.

Part WW transfers \$40,000,000 in fiscal year 2020-21 from the unappropriated surplus of the General Fund to the MaineCare Stabilization Fund and authorizes those funds to be allotted by financial order upon approval of the Governor.

Part XX authorizes the transfer of All Other balances from any account within the Department of Health and Human Services, excluding balances in the IV-E Foster Care/Adoption Assistance and State-funded Foster Care/Adoption Assistance programs, for the information system modernization project in the department's office of aging and disability services.

Part YY authorizes the Department of Health and Human Services to transfer appropriations within the Office of Child and Family Services related to the cost of administering the child welfare program.

Part ZZ authorizes the Department of Health and Human Services to transfer available balances of appropriations between MaineCare General Fund accounts in the 2022-2023 biennium.

Part AAA authorizes the Department of Health and Human Services to transfer available balances of Personal Services appropriations to All Other in the Office for Family Independence program and the Office for Family Independence - District program in the 2022-2023 biennium.



## **JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

Part BBB increases the statewide cap of participants in the Higher Opportunity for Pathways to Employment Program from 500 participants to 800.

Part CCC adds comprehensive preventive, diagnostic and restorative dental services to the limited dental services currently available to MaineCare members 21 years of age and over; requires the Department of Health and Human Services to consult with the dental subcommittee of the MaineCare Advisory Committee in creating a plan to implement and monitor the adult dental services; and requires the department to work with providers of oral health care and dental services to encourage participation in the MaineCare program.

Part DDD provides state-funded MaineCare and children's health insurance program coverage for noncitizen residents of this State who are ineligible for coverage under the federal Medicaid program or children's health insurance program due to their immigration status.

Part EEE authorizes any All Other balance remaining in the Maine Commission on Indigent Legal Services program, General Fund account to be carried forward each fiscal year.

Part FFF allows the Maine Indigent Legal Services Commission to establish standards prescribing minimum experience, training and other qualifications for assigned counsel and contract counsel through routine technical rules rather than major substantive rules.

Part GGG changes the salary range for the executive director of the Maine Commission on Indigent Legal Services.

Part HHH transfers funds from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account to purchase one replacement aircraft engine in each year of the biennium.

Part III transfers \$2,084,500 from the unappropriated surplus of the General Fund to the Department of Inland Fisheries and Wildlife, Office of the Commissioner - Inland Fisheries and Wildlife, Other Special Revenue Funds account to provide funding for capital construction and repair of several state dams.

Part JJJ establishes the Bureau of Sea Run Fisheries and Habitat in the Department of Marine Resources and transfers any remaining balance in the Division of Sea Run Fisheries and Habitat, Other Special Revenue Funds account to the Bureau of Sea Run Fisheries and Habitat account to be used to manage and regulate the sea run fisheries and habitat resources of the State in terms of restoration, monitoring and resource use.

Part KKK specifies job classifications in the Department of Public Safety in addition to Emergency Communications Specialists that are eligible to participate in the 1998 Special Plan of the Maine Public Employees Retirement System.

Part LLL specifies job classifications in the Department of Public Safety in addition to the State Fire Marshall and state fire marshal inspectors that are eligible to participate in the 1998 Special Plan of the Maine Public Employees Retirement System.

**JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

Part MMM repeals the requirement that the State Controller transfer \$32,000,000 in fiscal year 2021-22 from Other Special Revenue Funds to the unappropriated surplus of the General Fund not later than June 30, 2022 and transfer it back with interest on July 1, 2022.

Part NNN specifies that members of the Advisory Committee on School Psychologists are entitled to reimbursement for expenses and no other compensation.

Part OOO does the following:

1. Amends the existing authority of the Department of Health and Human Services to establish regular fee schedules rather than annual fee schedules;
2. Allows the department to apply costs-of-living increases to MaineCare rates and publish those rates on its publicly accessible website;
3. Allows the Department of Health and Human Services to implement cost-of-living adjustments provided for in this Act and Medicare benchmarking recommendations of the Office of MaineCare Services in its comprehensive rate system evaluation until July 1, 2022 without going through formal rulemaking; and
4. Requires the Department of Health and Human Services to submit a report, no later than January 2, 2022, describing the changes to the MaineCare rate schedule.

Part PPP clarifies that borrowing by the University of Maine System, when the related debt service will be funded by a commitment from the Legislature or is contractually committed by 3rd-party sources, must be excluded from the aggregate principal amount outstanding threshold calculation. Additionally, this Part clarifies that borrowing by the University of Maine System may not include capital lease obligations, financing for energy services projects or interim financing for capital projects.

Part QQQ transfers \$6,700,000 from the unappropriated surplus of the General Fund to the Aerial Fire Suppression Fund to provide for the upgrade and repair of aircraft of the forest protection unit of the Maine Forest Service.

Part RRR transfers \$6,800,000 from the unappropriated surplus of the General Fund to the Department of Defense, Veterans and Emergency Management for the State's share of maintenance, repair, capital improvement, modernization and energy efficiency projects for Maine Army and Air National Guard readiness centers and support facilities.

Part SSS transfers \$50,000,000 from the unappropriated surplus of the General Fund to the Department of Administrative and Financial Services, Bureau of General Services - Capital Construction and Improvement Reserve Fund program to provide funding for capital construction and repairs of state-owned buildings.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

Part UUU reclassifies the Public Utilities Commission's director of emergency services communication as a major policy-influencing position that serves at the pleasure of the commission.

Part VVV authorizes the transfer of \$2,900,000 of the available balance in the Reserve for General Fund Operating Capital to a COVID-19 response fund and provides that those funds may be allotted by financial order.

Part XXX amends the Maine State Grant Program, which is administered by the Finance Authority of Maine, to specify that the minimum grant amount may not be less than \$2,500 if sufficient funds are appropriated for that purpose. This Part also transfers \$10,000,000 from the unappropriated surplus of the General Fund to the Finance Authority of Maine, Student Financial Assistance Program, Other Special Revenue Funds account in fiscal year 2021-22.

Part YYY removes the requirement that the Director of the Bureau of Resource Information and Land Use Planning within the Department of Agriculture, Conservation and Forestry is also the director of the Maine Geological Survey within the Department of Agriculture, Conservation and Forestry.

Part ZZZ does the following:

1. Establishes the Highway and Bridge Reserve Other Special Revenue Account;
2. Repeals the Property Tax Relief Fund for Maine Residents;
3. Requires the annual transfer of 20% of the unappropriated surplus, after all other required deductions, to the Highway and Bridge Capital program, Other Special Revenue Funds account;
4. Changes the fiscal year end transfers of unappropriated surplus (the so-called "cascade") by adding a final priority transfer in 2021 of \$50,000,000 to the Highway and Bridge Reserve Other Special Revenue Account;
5. Eliminates the ongoing percentage transfer to the Property Tax Relief Fund for Maine Residents in the so called "cascade" and adds an ongoing percentage transfer to the Department of Transportation, Highway and Bridge Capital, Other Special Revenue Funds account;
6. Authorizes the State Controller to transfer up to \$50,000,000 from the Highway and Bridge Reserve Other Special Revenue Account to the Highway and Bridge Capital program, Other Special Revenue Funds account to replace funding from allocations made by the Legislature to the Department of Transportation, Federal Expenditures Fund - ARP State Fiscal Recovery fund if they are not fully funded by the Federal Government; and
7. Transfers the remaining balance of the Property Tax Relief Fund for Maine Residents to the unappropriated surplus of the General Fund.

## **JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS**

Part AAAA does the following:

1. Requires the labor portion of reimbursement under MaineCare or state-funded home and community-based services and residential services to be increased to equal at least 125% of the minimum wage as well as taxes and benefits directly related to the labor portion;
2. Requires the reimbursement rates for the MaineCare program and other state-funded program reimbursement rates to be rebased every five years;
3. Applies the 125% minimum wage requirement to essential support workers under certain rules of the MaineCare program and state-funded programs;
4. Requires an annual report from the Department of Health and Human Services on the department's progress in implementing the recommendations of the Commission to Study Long-term Care Workforce Issues for five years and authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to report out legislation relating to the report each year; and
5. Requires that federal stimulus funding related to the COVID-19 pandemic allocated to the State after December 15, 2020 must be used for the purposes of this Part if Federal Medical Assistance Percentage matching funding is not allowable.

Part BBBB directs the Department of Health and Human Services to amend its MaineCare rules under Behavioral Health Services, to increase reimbursement rates for medication management services under by 25% and provide for an inflation adjustment every five years.

Part CCCC directs the Department of Health and Human Services to submit a report to the Joint Standing Committee on Health and Human Services regarding hiring for the department's alternative response program.

Part DDDD excludes the portion of any borrowing by the Maine Maritime Academy for which the related debt service is funded by an appropriation by the State or contractually committed to the Maine Maritime Academy from 3rd-party sources from the calculation of the borrowing limitation.

Part EEEE requires remaining General Fund balances in the Department of Defense, Veterans and Emergency Management, Veterans' Homelessness Prevention Partnership Fund program to be carried forward at the end of each fiscal year for use in the next fiscal year.

Part FFFF does the following:

1. Permits the use of the Land for Maine's Future Fund to acquire land for community conservation projects and prevents the prohibition of hunting, fishing, trapping or public access on land acquired by the Land for Maine's Future Board.
2. Transfers \$20,000,000 from the unappropriated surplus of the General Fund to a special revenue fund administered by the Department of Agriculture, Conservation and Forestry for

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

the acquisition of land or an interest in land for conservation, water access, outdoor recreation, wildlife and fish habitat and working farmland preservation in accordance with the criteria set for the Land for Maine's Future Fund and the Maine Working Waterfront Access Protection Program; and

3. Changes the fiscal-year-end transfers of the unbudgeted General Fund surplus (the so-called "cascade") for the fiscal year ending June 30, 2021 by adding a transfer of \$20,000,000 to the special revenue fund described above after the transfer provided for in Part ZZZ.

Part GGGG authorizes the Department of Health and Human Services to adopt emergency rules to implement any provisions of this legislation over which it has subject matter jurisdiction for which specific authority has not been provided by some other Part of this legislation without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or welfare.

Part HHHH creates the COVID Disaster Relief Payment Program to provide COVID-19 pandemic relief payments of up to \$300 to each eligible Maine citizen and funds the program by transferring \$15,000,000 from the unappropriated surplus of the General Fund to the COVID Disaster Relief Payment Fund within that program.

Part IIII does the following:

1. Changes the date after which a qualified Pine Tree Development Zone business in a tier 1 location may not be certified from December 31, 2021 to December 31, 2023;
2. Changes the date that all Pine Tree Development Zone benefits are terminated from December 31, 2031 to December 31, 2033 and makes corresponding changes in several sections of law; and
3. Transfers \$443,682 from the Maine Economic Development Fund, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

Part JJJJ does the following:

1. Transfers \$9,293,691 in fiscal year 2021-22 and \$9,288,769 in fiscal year 2022-23 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services;
2. Transfers \$972,234 in fiscal year 2021-22 and \$972,234 in fiscal year 2022-23 from the unappropriated surplus of the General Fund to the Judicial Department; and
3. Requires the commission to submit a report on the progress made in indigent legal services resulting from the use of the transferred funds and other changes made to the commission through the implementation of other provisions of this Act.

## JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

It is the intent of the Legislature that the allocation to the Maine Commission on Indigent Legal Services Other Special Revenue Funds account made in Part A be allocated to the commission and that, in the Second Regular Session of the 130th Legislature, the Legislature will transfer unspent balances in the fund to the unappropriated surplus of the General Fund and appropriate funds equal to the transferred balance to the Maine Commission on Indigent Legal Services to be used for the same purpose as the original allocations.

Part KKKK, which is substantially the same as Legislative Document 546, “An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force,” as amended by the Joint Standing Committee on Criminal Justice and Public Safety, does the following:

1. Repeals a provision of the Maine Juvenile Code that establishes as a purpose of pre-adjudication detention providing physical care for a juvenile who cannot return home because there is no parent or other suitable person willing and able to supervise the juvenile adequately;
2. Requires the setting of benchmarks for measuring progress in reducing the average daily populations of detained youths and committed youths through July 1, 2024;
3. Directs the Juvenile Justice Advisory Group to reestablish the juvenile justice task force to help implement the recommendation made in the February 2020 report issued by the Maine Juvenile Justice System Assessment and Reinvestment Task Force and sets certain parameters for its work;
4. Requires annual reports on juvenile justice from the Department of Corrections to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters through January 31, 2025; and
5. Requires that, by February 15, 2022 and annually thereafter through 2025, the Department of Corrections report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters with detailed information on efforts of the department and the Department of Health and Human Services to reduce rates of detention of youths and other specified benchmarks and analyses.

Part LLLL transfers \$400,000 of the funds received from the multistate settlement agreement in *State of Maine, et al. v. FCA US LLC et al.* signed October 29, 2019 to the Department of Environmental Protection, Air Quality program, Other Special Revenue Funds account.

Part MMMM establishes the Aging and Disability Mortality Review Panel to review deaths of and serious injuries to all adults receiving home-based and community-based services under 42 Code of Federal Regulations, Part 441.

Part NNNN transfers \$98,080,000 in fiscal year 2021-22 and \$97,580,000 in fiscal year 2022-23 from the unappropriated surplus of the General Fund to the Department of Administrative and Financial Services, Homestead Property Tax Exemption Reimbursement program, Other Special Revenue Funds account.

**JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

Part OOOO does the following:

1. Requires the State to pay the difference between the federal reimbursement for a free breakfast or lunch and the full price for a breakfast or lunch at no cost to the students who are ineligible for free or reduced-price school meals;
2. Directs schools and school administrative units to request parents and guardians to complete household income forms to determine eligibility for various state and federal food assistance programs. It also directs school administrative units to the maximum extent possible to maximize participation in federal school meal programs;
3. Establishes the Meals for Students Fund as a nonlapsing, dedicated fund within the Department of Education to provide funds for the costs to the State to pay the difference between the federal reimbursement for a free breakfast or lunch and the full price of a breakfast or lunch for students that are ineligible for a free or reduced-price breakfast or lunch;
4. Changes the fiscal-year-end transfers of the unbudgeted General Fund surplus (the so-called “cascade”) for the fiscal year ending June 30, 2021 by adding a transfer of \$10,000,000 to the Meals for Students Fund for the costs to the State to pay for the cost of this provision during the 2022-2023 school year only special revenue fund described above after the transfers provided for in Part ZZZ and Part FFFF of this Act; and
5. Authorizes the Department of Education to expend these funds only if the Department of Education does not receive a waiver from the United States Department of Agriculture that allows for the provision of free meals to students during the 2022-2023 school year.

Part PPPP increases the percentage of state reimbursement to municipalities for taxes lost by reason of the homestead exemption by 3% per year up to 100%, starting in tax years beginning on or after April 1, 2022, and transfers \$3,145,000 from the unappropriated surplus of the General Fund to the Homestead Property Tax Exemption Reimbursement program Other Special Revenue Funds account in fiscal year 2022-23.

Part QQQQ does the following:

1. Requires the Department of Health and Human Services to allot \$20,000,000 from carried General Fund balances along with allowable federal matching funds, for nursing facilities to increase reimbursement rates. The increased rates must remain in place until December 31, 2021 or the end of the state of emergency related to COVID-19, whichever is later;
2. Requires the Department of Health and Human Services to allot \$12,500,000 in available funding from the federal Coronavirus Aid, Relief, and Economic Security Act to nursing facilities and so-called private nonmedical institution Appendix C facilities. Seventy percent of this funding must be used to fund nursing facilities and 30% must be used to fund private nonmedical institution Appendix C facilities.;

**JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

3. Requires the Department of Health and Human Services to waive any reduction or adjustment to allowable MaineCare costs on filed or audited cost reports that would result from receipt of grant funds; and
4. Requires any federal stimulus funds related to the COVID-19 pandemic to be used instead of allotment from General Fund carried balances for the purposes of this Part.

Part RRRR requires the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to report to the Governor and the Legislature on the work and interests of the commission beginning March 1, 2022 and annually thereafter.

Part SSSS does the following:

1. Amends the Maine Governmental Facilities Authority Act to:
  - A. Add equipment purchases, defined as the purchase of new or updated equipment and any capital improvements necessary to use the new or updated equipment, of career and technical education centers and regions to the definition of “project, projects or part of any project” and as a purpose for issuing additional securities;
  - B. Allow the Maine Governmental Facilities Authority to delegate certain powers to the cooperative board or school administrative unit that governs a career and technical education region or center, respectively;
  - C. Provide that the Maine Governmental Facilities Authority may not issue any additional securities pursuant to this provision after June 30, 2023;
  - D. Require the Department of Education to develop an application process and award criteria for funding requests from career and technical education centers or regions and to notify the authority of approved projects; and
  - E. Require that debt service costs for bonds issued by the authority to career and technical education centers and regions must be paid by the State;
2. Requires the Maine Governmental Facilities Authority to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs upon the allocation of all bond proceeds;
3. Requires the Executive Director of the Maine Governmental Facilities Authority to report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs no later than January 15, 2022 if the authority determines that additional legislation is necessary to carry out the purposes of this Part, including but not limited to any legislation necessary to ensure that securities issued pursuant to this legislation are tax-exempt; and



**JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

4. Authorizes the joint standing committee of the Legislature having jurisdiction over education and cultural affairs to report out a bill to repeal the provision regarding the issuance of additional securities and any other provision of law relating to that provision.

Part TTTT transfers \$15,000.000 from the unappropriated surplus of the General Fund to a Department of Health and Human Services, Medical Care - Payments to Providers, Other Special Revenue Funds account in fiscal year 2022-23.

Part UUUU does the following:

1. Makes voters who will be at least 65 years of age before the next election or who self-identify as having a disability eligible to apply for ongoing absentee voter status, which allows the voter to automatically receive an absentee ballot for each statewide election, municipal election and any other election until the status is terminated;
2. Provides that a voter's ongoing absentee voter status must be terminated if the voter fails to return an absentee ballot issued to that voter for a general election;
3. Requires the municipal clerk, as soon as official ballots become available, to immediately issue absentee ballots and return envelopes to voters with ongoing absentee voter status as well as all other voters who have submitted applications for absentee ballots for a single election that have been accepted by the clerk;
4. Provides that election officials may not make any mark indicating the political party of absentee voters on the outside of the return envelopes issued during a general election; and
5. Requires the Secretary of State to enter into a membership agreement with the Electronic Registration Information Center, Inc. by January 1, 2023 for periodic sharing of voter registration information with member states and to use that information to periodically update the central voter registration system.

Public Law 2021, chapter 398 was enacted as an emergency measure effective July 1, 2021.

**LD 715 An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2022 and June 30, 2023**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 29 does the following.

Part A makes appropriations and allocations of funds for the 2022-2023 biennium baseline.

Part B makes allocations of funds for approved reclassifications and range changes.