

**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, 2025, June 30, 2026 and June 30, 2027**

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

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

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

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

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

**PART A**

**Sec. A-1. Appropriations and allocations.** In order to provide for the necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 2026 and June 30, 2027, the following sums as designated in the following tabulations are appropriated or allocated out of money not otherwise appropriated or allocated.

**PART B**

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

**PART C**

**Sec. C-1. Mill expectation.** The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2025-26 is 6.10.

**Sec. C-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 2025-26 is as follows:

	<b>2025-26 TOTAL</b>
<b>Total Operating Allocation</b>	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$1,654,892,993
Total operating allocation for public charter schools pursuant to the Maine Revised Statutes, Title 20-A, section 15683-B	35,480,746
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	\$706,366,492
<b>Total Operating Allocation and Subsidizable Costs</b>	
Total operating allocation pursuant to Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$2,396,740,231
<b>Total Debt Service Allocation</b>	
Total debt service allocation pursuant to Title 20-A, section 15683-A	\$114,070,354
<b>Total Adjustments and Targeted Education Funds</b>	
Adjustments pursuant to Title 20-A, section 15689	
Audit adjustments pursuant to Title 20-A, section 15689, subsection 4	\$0
Educating students in long-term drug treatment center adjustments pursuant to Title 20-A, section 15689, subsection 5	\$249,607
Minimum teacher salary adjustment pursuant to Title 20-A, section 15689, subsection 7-A	\$0
Regionalization, consolidation, and efficiency assistance adjustments pursuant to Title 20-A, section 15689, subsection 9	\$5,878,826

Maine Care seed payments adjustments pursuant to Title 20-A, section 15689, subsection 14	\$1,334,776
Special Education Hardship adjustment pursuant to Title 20-A, section 15689, subsection 15	\$100,000
English Learner budgetary hardship adjustment pursuant to Title 20-A, section 15689, subsection 16	\$500,000
Total adjustments to the state share of total allocation pursuant to Title 20-A, section 15689	\$8,063,209
Targeted Education Funds pursuant to Title 20-A, section 15689-A	
Special education costs for state agency clients and state wards pursuant to Title 20-A, section 15689-A, subsection 1	\$26,000,000
Essential programs and services components contract pursuant to Title 20-A, section 15689-A, subsection 3	\$250,000
Data management and support services for essential programs and services pursuant to Title 20-A, section 15689-A, subsection 10	\$10,000,000
Postsecondary course payments pursuant to Title 20-A, section 15689-A, subsection 11	\$5,500,000
National board certification salary supplement pursuant to Title 20- A, section 15689-A, subsection 12	\$0
Learning through technology program pursuant to Title 20-A, section 15689-A, subsection 12-A	\$14,000,000
Jobs for Maine's Graduates including college pursuant to Title 20- A, section 15689-A, subsection 13	\$3,881,379
Maine School of Science and Mathematics pursuant to Title 20-A, section 15689-A, subsection 14	\$3,615,347
Maine Educational Center for the Deaf and Hard of Hearing pursuant to Title 20-A, section 15689-A, subsection 15	\$9,758,979

Transportation administration pursuant to Title 20-A, section 15689-A, subsection 16	\$521,035
Special education for juvenile offenders pursuant to Title 20-A, section 15689-A, subsection 17	\$407,999
Comprehensive early college programs funding (bridge year program) pursuant to Title 20-A, section 15689-A, subsection 23	\$1,000,000
Community schools pursuant to Title 20-A, section 15689-A, subsection 25	\$250,000
Instruments and Professional Development in rural schools pursuant to Title 20-A, section 15689-A, subsection 28	\$50,000
Total targeted education funds pursuant to Title 20-A, section 15689-A	\$75,234,739
Enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D	
Career and technical education costs pursuant to Title 20-A, section 15688-A, subsection 1	\$76,245,618
College transitions programs through adult education college readiness programs pursuant to Title 20-A, section 15688-A, subsection 2	\$450,000
National industry standards for career and technical education pursuant to Title 20-A, section 15688-A, subsection 6	\$2,000,000
Career and technical education middle school grant program pursuant to Title 20-A, section 15688, subsection 8	\$500,000
Career and technical education early childhood education program expansion support pursuant to Title 20-A, section 15688-A, subsection 10	\$100,000
Total enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D	\$79,295,618

**Total Cost of Funding Public Education from Kindergarten to Grade 12**

Total cost of funding public education from kindergarten to grade 12 for fiscal year pursuant to Title 20-A, chapter 606-B, not including normal retirement costs	\$2,673,404,151
Total normal cost of teacher retirement	\$64,842,491
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	\$2,738,246,642
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 2025-26 pursuant to Title 5, chapters 421 and 423, excluding the normal cost of teacher retirement	\$285,557,687
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 2025-26 pursuant to Title 5, chapters 421 and 423	\$3,023,804,329

**Sec. C-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, 2025, and ending June 30, 2026, is calculated as follows:

	<b>2025-26 LOCAL</b>	<b>2025-26 STATE</b>
<b>Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12</b>		
Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subject to statewide distributions required by law	\$1,232,210,988	\$1,506,035,654
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		\$285,557,687

fiscal year 2025-26 pursuant to Title 5, chapters 421 and 423  
excluding the normal cost of teacher retirement

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	\$1,791,593,341
---	-----------------

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

**Sec. C-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, 2025, and ending June 30, 2026.

## **PART C SUMMARY**

This Part establishes the Total Cost of Education from Kindergarten to Grade 12, the state contribution, the annual target state share percentage, and the mill expectation for the local contribution for fiscal year 2025-2026.

## **PART D**

**Sec. D-1. 5 MRSA §3109**, as enacted by PL 2023, c. 412, Pt. OOOO, §1, is repealed.

**Sec. D-2. 5 MRSA c. 310-B**, as enacted by PL 2023, c. 643, §D2, is amended to read:

### CHAPTER 310-B

### MAINE OFFICE OF COMMUNITY AFFAIRS

### **SUBCHAPTER 1**

## GENERAL PROVISIONS

### §3201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Director.** "Director" means the Director of the Maine Office of Community Affairs appointed pursuant to section 3203.

**2. Office.** "Office" means the Maine Office of Community Affairs established by section 3202.

### §3202. Office established; purpose

The Maine Office of Community Affairs is established ~~as an agency in the executive branch~~ to foster communications and partnerships across state agencies and between the State and communities in this State. The office shall engage with municipalities, tribal governments and regional councils to provide coordinated and efficient planning, technical assistance and financial support to better plan for challenges, pursue solutions and create stronger, more resilient communities.

The office is established to partner with communities in this State and regional councils by:

**1. Assistance and funding.** Providing technical assistance and funding related to planning to municipalities, tribal governments and regional councils that supports a sustainable future for the State's people, communities, natural resources, physical infrastructure, industries, businesses and institutions; and

**2. Coordination and communication.** Facilitating general coordination and communication between municipalities, tribal governments, regional councils and State Government.

### §3203. Director

The Director of the Maine Office of Community Affairs is appointed by the Governor and serves at the pleasure of the Governor. The director must have demonstrated experience and leadership in municipal or regional government and must bring expertise in planning, technical assistance and grant programs for communities.

### §3204. Powers and duties

The director shall exercise the powers of the office and is responsible for the execution of the duties of the office.

**1. Duties of director.** The director shall:

A. Appoint and remove office staff and prescribe staff duties as necessary to implement the duties of the office, including:

(1) Hiring professional staff that have education, training and experience in the fields of planning and development, local and regional government, climate science and resilience, housing, building codes and general policy making; and

(2) Employing additional staff as necessary to support the work of the office.

B. Supervise and administer the affairs of the office and advise the Governor and other officials of State Government on matters of communication and partnerships between the State, municipalities, tribal governments and regional councils in this State;

C. At the request of the Governor, act for the State in the initiation of or participation in any multigovernmental agency program related to the purposes of the office;

D. At the request of the Governor, prepare and submit a budget for the office; and

E. At the request of the Governor, report on the activities of the office and, after consultation with and approval by the Governor, submit recommendations for legislative action as are determined necessary to further the purposes of this chapter.

**2. Duties of office.** Under the supervision of the director, the office shall:

A. Provide technical assistance and resources to municipalities, tribal governments and regional councils on issues related to planning, climate resilience and development;

B. Collect and collate data and statistics relating to the issues described in [paragraph A](#) and provide them to municipalities, tribal governments and regional councils;

C. Assist municipalities, tribal governments and regional councils, as well as the State, in applying for, using and leveraging federal funding resources on issues of importance to communities and the State;

D. Make grants from money appropriated to the office by the Legislature and any funds received by the office for the purposes of the office, including federal funding or private funds; solicit applications for grants; and make grant awards to eligible communities and to service provider organizations as determined by the office, including establishing eligibility requirements and other criteria to consider in awarding grants;

E. Administer contracts with regional councils and regional planning and development districts to provide technical assistance and resources to municipalities and tribal governments on issues related to planning, climate resilience and development, including but not limited to land use planning, planning for housing and other residential development, climate resilience planning and related infrastructure planning, building codes and other forms of local development assistance to support state, regional and local goals; and

F. Consult with and provide ongoing coordination with state agencies on programs and issues related to planning technical assistance and funding to communities in this State, including but not limited to the Department of Transportation; Department of Environmental Protection; Department of Marine Resources; Department of Inland Fisheries and Wildlife; Department of Agriculture, Conservation and Forestry; Department of Economic and Community Development;

Department of Health and Human Services; Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency; Department of Public Safety; Maine State Housing Authority; Governor's Energy Office; Efficiency Maine Trust; the Maine Historic Preservation Commission; and the Maine Redevelopment Land Bank Authority.

G. The office may adopt rules as necessary for the proper administration and enforcement of this chapter, pursuant to the Maine Administrative Procedures Act. Unless otherwise specified, rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2 A.

### **§3205. Acceptance and administration of funds**

The office may accept, administer and expend funds, including but not limited to funds from the Federal Government or from private sources, for purposes consistent with this chapter. The director shall provide a report of the amount of any outside funding received from private sources and its designated purpose to the Governor and the joint standing committee of the Legislature having jurisdiction over municipal matters on an annual basis.

A. The office may adopt rules to administer grants and other fund disbursements. Rules adopted pursuant to this program are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. To maximize the availability of technical and financial assistance programs to all communities, including municipalities and tribes, and to multi-community regions and service providers, financial assistance programs administered competitively by this Office are exempt from rules adopted by the Department of Administrative and Financial Services procurement authorities in Title 5, Ch. 155 and any rules promulgated thereto for use in the purchasing of services and the awarding of grants and contracts.

C. The office shall publish a program statement describing its grant programs and advertising its availability to eligible applicants.

D. Grants awarded pursuant to this exemption may be for a period of up to 2 years. Recipients of grant funds through the programs shall cooperate with the office's performance of periodic evaluations. The recipients shall meet the office's specific reporting requirements.

E. The office may adjudicate appeals of grant disbursement decisions made under its authority. Notwithstanding any provision of law to the contrary, an adjudicatory hearing on an appeal must be held in accordance with the Maine Administrative Procedure Act.

### **§3206. Contracts; agreements**

The office may employ expert and professional consultants, contract for services as the director determines necessary within the limits of the funds provided and consistent with the powers and duties of the office and enter into agreements with the Federal Government and other agencies and organizations that promote the objectives of this chapter.

**Sec. D-3. 5 MRSA c. 310-B, sub-c. 2** is enacted to read:

**SUBCHAPTER 2**  
**CLIMATE RESILIENCE**

**§3207. Community Resilience Partnership Program**

**1. Definition.** As used in this section, unless the context otherwise indicates, "community" means a municipal government, tribal government, plantation, township or unorganized territory.

**2. Program established; administration.** The Community Resilience Partnership Program, referred to in this section as "the program," is established within the office to provide direction, assistance and grants to communities in the State to help the communities reduce carbon emissions, transition to clean energy and become more resilient to the effects of climate change. The office shall administer the program to provide technical and financial assistance for local and regional planning and implementation projects consistent with the State's emissions reduction targets under Title 38, section 576 A and the state climate action plan under Title 38, section 577.

**3. Grants.** The program shall make grants from money appropriated to the program by the Legislature and any funds received by the office for the purposes of the program, including federal funding or private funds.

A. The program may solicit applications for grants and make grant awards through a competitive process to eligible communities and to service provider organizations as determined by the program.

B. The office may establish eligibility requirements and other criteria to consider in awarding grants, as long as the criteria support the goals to help communities reduce carbon emissions, transition to clean energy and become more resilient to the effects of climate change.

**4. Other technical assistance.** The program may provide other technical assistance and knowledge sharing that may include, but is not limited to, assisting communities with information about available grant opportunities, sharing best practices from jurisdictions inside and outside the State, providing model language for local ordinances and policies and providing information to the general public that may support local and statewide policy changes meant to reduce emissions, encourage the transition to clean energy and increase resiliency to the effects of climate change.

**§3208. Coastal zone management program**

**Implement and manage coastal zone management program.** The office, under direction of the director, shall manage and coordinate implementation and ongoing development and improvement of a state coastal zone management program in accordance with and in furtherance of the requirements of the federal Coastal Zone Management Act of 1972, 16 United States Code, Sections 1451 to 1466 (2012) and the State's coastal management policies established in Title 38, section 1801. The office may:

A. Implement aspects of the state coastal zone management program and be the lead state agency for purposes of federal consistency review under the federal Coastal Zone Management Act of 1972, 16 United States Code, Section 1456 (2012);

B. Receive and administer funds from public or private sources for implementation of the state coastal zone management program; and

C. Act as the coordinating agency among the several officers, authorities, boards, commissions, departments and political subdivisions of the State on matters relative to management of coastal resources and related human uses in the coastal area.

**§ 3209. Floodplain management**

The floodplain management program is established within the office. The office shall serve as the state coordinating agency for the National Flood Insurance Program pursuant to 44 Code of Federal Regulations, Part 60 and in that capacity shall oversee delivery of technical assistance and resources to municipalities for the purpose of floodplain management activities and shall administer the State Floodplain Mapping Fund under Title 5, section 3210.

**§ 3210. State Floodplain Mapping Fund**

1. Fund established. The State Floodplain Mapping Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing fund administered by the office for the purpose of providing funds for the mapping of floodplains in the State using light detection and ranging technology.

2. Sources of funding. The fund consists of any money received from the following sources:

A. Contributions from private sources;

B. Federal funds and awards;

C. The proceeds of any bonds issued for the purposes for which the fund is established; and

D. Any other funds received in support of the purposes for which the fund is established.

3. Disbursements from the fund. The office shall apply the money in the fund toward the support of floodplain mapping in the State, including, but not limited to, the acquisition of light detection and ranging elevation data and the processing and production of floodplain maps.

Sec. D-4. 5 MRSA c. 310-B, sub-c. 3 is enacted to read:

**SUBCHAPTER 3**

**MUNICIPAL PLANNING ASSISTANCE**

**§3211. Municipal planning assistance program; purpose, administration**

Under the provisions of this program, a municipality or multimunicipal region may request financial or technical assistance from the office for the purpose of planning and implementing a growth management program. A municipality or multimunicipal region that requests and receives a financial assistance grant shall develop and implement its growth management program in cooperation with the office and in a manner consistent with the procedures, goals and guidelines established in this subchapter and in Title 30-A, Chapter 187, subchapter 2.

To accomplish the purposes of this subchapter, the office shall develop and administer a technical and financial assistance program for municipalities or multimunicipal regions. The program must include direct financial assistance for planning and implementation of growth management programs, standards governing the review of growth management programs by the office, technical assistance to municipalities or multimunicipal regions and a voluntary certification program for growth management programs.

**§ 3211-A. Municipal planning assistance program; technical and financial assistance**

The technical and financial assistance program for municipalities, regional councils and multimunicipal regions is established to encourage and facilitate the adoption and implementation of local, regional and statewide growth management programs.

The office may enter into financial assistance grants only to the extent that funds are available. In making grants, the office shall consider the need for planning in a municipality or multimunicipal region, the proximity of the municipality or multimunicipal region to other areas that are conducting or have completed the planning process and the economic and geographic role of the municipality or multimunicipal region within a regional context. The office shall give priority in making grants to any municipality or multimunicipal region that has adopted a local climate action plan and, if the municipality or multimunicipal region has adopted a comprehensive plan or growth management program, prepared a climate vulnerability assessment pursuant to Title 30-A, section 4326, subsection 1, paragraph L. The office may consider other criteria in making grants, as long as the criteria support the goal of encouraging and facilitating the adoption and implementation of local and multimunicipal growth management programs consistent with the procedures, goals and guidelines established in this subchapter.

**1. Planning assistance grants.**

**2. Implementation assistance grants.**

**2-A. Financial assistance grants. A contract for a financial assistance grant must:**

A. Provide for the payment of a specific amount for the purposes of planning and preparing a comprehensive plan;

B. Provide for the payment of a specific amount for the purposes of implementing that plan;  
and

C. Include specific timetables governing the preparation and submission of products by the municipality or multimunicipal region.

The office may not require a municipality or multimunicipal region to provide matching funds in excess of 25% of the value of that municipality's or multimunicipal region's financial assistance contract for its first planning assistance grant and implementation assistance grant. The office may require a higher match for other grants, including, but not limited to, grants for the purpose of updating comprehensive plans. This match limitation does not apply to distribution of federal funds that the office may administer.

**2-B. Use of funds.** A municipality or multimunicipal region may expend financial assistance grants for:

A. The conduct of surveys, inventories and other data-gathering activities;

B. The hiring of planning and other technical staff;

C. The retention of planning consultants;

D. Contracts with regional councils for planning and related services;

E. Assistance in the development of ordinances;

F. Retention of technical and legal expertise;

G. The updating of growth management programs or components of a program;

G-1. Evaluation of growth management programs; and

H. Any other purpose agreed to by the office and the municipality or multimunicipal region that is directly related to the preparation of a comprehensive plan or the implementation of a comprehensive plan adopted in accordance with the procedures, goals and guidelines established in this subchapter.

**2-C. Program evaluation.** Any recipient of a financial assistance grant shall cooperate with the office in performing program evaluations required under Title 30-A, section 4331.

**2-D. Encumbered balances at year-end.** Notwithstanding Title 5, section 1589, at the end of each fiscal year, all encumbered balances accounts for financial assistance and regional planning grants may be carried forward for 2 years beyond the year in which those balances are encumbered.

**3. Technical assistance.** Using its own staff, the staff of other state agencies, contractors and the resources of the regional councils, the office shall provide technical assistance to municipalities or multimunicipal regions in the development, administration and enforcement of growth management programs. The technical assistance component of the program must include a set of model land use ordinances or other implementation strategies developed by the office that are consistent with this subchapter.

**4. Regional council assistance.** As part of the technical and financial assistance program, the office may develop and administer a program to develop regional education and training programs, regional policies to address state goals and regional assessments. Regional assessments may include, but are not limited to, public infrastructure, inventories of agricultural and commercial forest lands, housing needs, recreation and open space needs, and projections of regional growth and economic development. The program may include guidelines to ensure methodological consistency among the State's regional councils. To implement this program, the office may contract with regional councils to assist the office in reviewing growth management programs, to develop necessary planning information at a regional level or to provide support for local planning efforts.

**5. Coordination.** State agencies with regulatory or other authority affecting the goals established in this subchapter shall conduct their respective activities in a manner consistent with the goals established under this subchapter, including, but not limited to, coordinating with municipalities, regional councils and other state agencies in meeting the state goals; providing available information to regions and municipalities as described in Title 30-A, section 4326, subsection 1; cooperating with efforts to integrate and provide access to geographic information system data; making state investments and awarding grant money as described in section Title 5, section 3211-C; and conducting reviews of growth management programs as provided in Title 5, section 3211-B, subsection 3, paragraph A. Without limiting the application of this section to other state agencies, the following agencies shall comply with this subchapter:

A. Department of Economic and Community Development;

B. Department of Environmental Protection;

C. Department of Agriculture, Conservation and Forestry;

D. Department of Inland Fisheries and Wildlife;

E. Department of Marine Resources;

F. Department of Transportation;

G. Department of Health and Human Services;

H. Finance Authority of Maine; and

I. Maine State Housing Authority.

### **§3211-B. Municipal planning assistance program; review of programs**

**1. Comprehensive plans.** A municipality or multimunicipal region that chooses to prepare a growth management program and receives a planning grant under Title 30-A, Chapter 187, subchapter 2 shall submit its comprehensive plan to the office for review. A municipality or multimunicipal region that chooses to prepare a growth management program without receiving a planning grant under this subchapter may submit its comprehensive plan to the office for review. The office shall review plans for consistency with the procedures, goals and guidelines established in Title 30-A, Chapter 187, subchapter 2. A contract for a planning assistance grant must include specific timetables governing the review of the comprehensive plan by the office. A comprehensive plan submitted for review more than 12 months following a contract end date may be required to contain data, projections and other time-sensitive portions of the plan or program that are in compliance with the office's most current review standards.

**2. Growth management programs.** A municipality or multimunicipal region may at any time request a certificate of consistency for its growth management program.

A. Upon a request for review under this section, the office shall review the program and determine whether the program is consistent with the procedures, goals and guidelines established in Title 30-A, Chapter 187, subchapter 2.

B. Certification by the Department of Agriculture, Conservation and Forestry or the office of a municipality's or multimunicipal region's growth management program under Title 30-A, Chapter 187, subchapter 2 is valid for 10 years. To maintain certification, a municipality or multimunicipal region shall periodically review its growth management program and submit to the office in a timely manner any revisions necessary to account for changes, including changes caused by growth and development. Certification does not lapse in any year in which the Legislature does not appropriate funds to the office for the purposes of reviewing programs for recertification.

C. Upon a request for review under this section, the office may review rate of growth, impact fee and zoning ordinances to determine whether the ordinances are consistent with a comprehensive plan that has been found consistent under this section without requiring submission of all elements of a growth management program. An affirmative finding of consistency by the office is required for a municipality or multimunicipal region to assert jurisdiction as provided in section Title 4, section 3211-C.

**3. Review of growth management program.** In reviewing a growth management program, the office shall:

A. Solicit written comments on any proposed growth management program from regional councils, state agencies, all municipalities contiguous to the municipality or multimunicipal region submitting a growth management program and any interested residents of the municipality or multimunicipal region or of contiguous municipalities. The comment period extends for 45 days after the office receives the growth management program.

(1) Each state agency reviewing the proposal shall designate a person or persons responsible for coordinating the agency's review of the growth management program.

(2) Any regional council commenting on a growth management program shall determine whether the program is compatible with the programs of other municipalities that may be affected by the program and with regional policies or needs identified by the regional council;

B. Prepare all written comments from all sources in a form to be forwarded to the municipality or multimunicipal region;

C. Within 90 days after receiving the growth management program, send all written comments on the growth management program to the municipality or multimunicipal region and any applicable regional council. If warranted, the office shall issue findings specifically describing how the submitted growth management program is not consistent with the procedures, goals and guidelines established in Title 30-A, Chapter 187, subchapter 2 and the recommended measures for remedying the deficiencies.

(1) In its findings, the office shall clearly indicate its position on any point on which there are significant conflicts among the written comments submitted to the office.

(2) If the office finds that the growth management program was adopted in accordance with the procedures, goals and guidelines established in Title 30-A, Chapter 187, subchapter 2, the office shall issue a certificate of consistency for the growth management program.

(3) Notwithstanding paragraph D, if a municipality or multimunicipal region requests a certificate of consistency for its growth management program, any unmodified component of that program that has previously been reviewed by the Department of Agriculture, Conservation and Forestry and has received a finding of consistency will retain that finding during program certification review by the office as long as the finding of consistency is current as defined in rules adopted by the office;

D. Provide ample opportunity for the municipality or multimunicipal region submitting a growth management program to respond to and correct any identified deficiencies in the program. A finding of inconsistency for a growth management program may be addressed within 24 months of the date of the finding without addressing any new review standards that are created during that time interval. After 24 months, the program must be resubmitted in its entirety for state review under the office's most current review standards; and

E. Provide an expedited review and certification procedure for those submissions that represent minor amendments to certified growth management programs.

The office's decision on consistency of a growth management program constitutes final agency action.

**3-A. Review of comprehensive plan.** In reviewing a comprehensive plan, the office shall:

A. Solicit written comments on any proposed comprehensive plan from regional councils, state agencies, all municipalities contiguous to the municipality or multimunicipal region submitting a comprehensive plan and any interested residents of the municipality or multimunicipal region or of contiguous municipalities. The comment period extends for 25 business days after the office receives the comprehensive plan. Each state agency reviewing the proposal shall designate a person or persons responsible for coordinating the agency's review of the comprehensive plan;

B. Prepare all written comments from all sources in a form to be forwarded to the municipality or multimunicipal region;

C. Within 35 business days after receiving the comprehensive plan, notify the municipality or multimunicipal region if the plan is complete for purposes of review. If the office notifies the municipality or multimunicipal region that the plan is not complete for purposes of review, the office shall indicate in its notice necessary additional data or information;

D. Within 10 business days of issuing notification that a comprehensive plan is complete for purposes of review, issue findings specifically describing whether the submitted plan is consistent with the procedures, goals and guidelines established in Title 30-A, Chapter 187, subchapter 2 and identify which inconsistencies in the plan, if any, may directly affect rate of growth, zoning or impact fee ordinances.

(1) In its findings, the office shall clearly indicate its position on any point on which there are significant conflicts among the written comments submitted to the office.

(2) If the office finds that the comprehensive plan was developed in accordance with the procedures, goals and guidelines established in Title 30-A, Chapter 187, subchapter 2, the office shall issue a finding of consistency for the comprehensive plan.

(3) A finding of inconsistency must identify the goals under Title 30-A, Chapter 187, subchapter 2 not adequately addressed, specific sections of the rules relating to comprehensive plan review adopted by the office not adequately addressed and recommendations for resolving the inconsistency;

E. Send all written findings and comments on the comprehensive plan to the municipality or multimunicipal region and any applicable regional council; and

F. Provide ample opportunity for the municipality or multimunicipal region submitting a comprehensive plan to respond to and correct any identified deficiencies in the plan. A finding of inconsistency for a comprehensive plan may be addressed within 24 months of the date of the finding without addressing any new review standards that are created during that time interval. After 24 months, the plan must be resubmitted in its entirety for state review under the office's most current review standards.

If the office finds that a plan is not consistent with the procedures, goals and guidelines established in Title 30-A, Chapter 187, subchapter 2, the municipality or multimunicipal district that submitted the plan may appeal that finding to the office within 20 business days of receipt of the finding in accordance with rules adopted by the office, which are routine technical rules pursuant to Title 5, chapter 375, subchapter 2 A.

The office's decision on consistency of a comprehensive plan constitutes final agency action.

A finding by the office pursuant to paragraph D that a comprehensive plan is consistent with the procedures, goals and guidelines established in Title 30-A, Chapter 187, subchapter 2 is valid for 12 years from the date of its issuance. For purposes of Title 30-A, section 4314, subsection 3 and Title 30-A, section 4352, subsection 2, expiration of a finding of consistency pursuant to this subsection does not itself make a comprehensive plan inconsistent with the procedures, goals and guidelines established in this subchapter.

**4. Updates and amendments.** A municipality or multimunicipal region may submit proposed amendments to a comprehensive plan or growth management program to the office for review in the same manner as provided for the review of new plans and programs. Subsequent to voluntary certification under Title 30-A, Chapter 187, subchapter 2, the municipality or multimunicipal region shall file a copy of an amendment to a growth management program with the office within 30 days after adopting the amendment and at least 60 days prior to applying for any state grant program that offers a preference for consistency or certification.

**5. Regional councils.** Subject to the availability of funding and pursuant to the conditions of a contract, each regional council shall review and submit written comments on the comprehensive

plan or growth management program of any municipality or multimunicipal region within its planning region. The comments must be submitted to the office and contain an analysis of:

A. Whether the comprehensive plan or growth management program is compatible with identified regional policies and needs; and

B. Whether the comprehensive plan or growth management program is compatible with plans or programs of municipalities or multimunicipal regions that may be affected by the proposal.

### **§3211-C. Municipal planning assistance program; state capital investments**

**1. Growth-related capital investments.** The State may make growth-related capital investments only in:

A. A locally designated growth area, as identified in a comprehensive plan adopted pursuant to and consistent with the procedures, goals and guidelines of Title 30-A, Chapter 187, subchapter 2 or as identified in a growth management program certified under section 3211-B.

B. In the absence of a consistent comprehensive plan, an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest **Federal Decennial Census** as a census-designated place or a compact area of an urban compact municipality as defined by Title 23, section 754; or

C. Areas other than those described in paragraph A or B for the following projects:

(1) A project related to a commercial or industrial activity that, due to its operational or physical characteristics, typically is located away from other development, such as an activity that relies on a particular natural resource for its operation;

(2) An airport, port or railroad or industry that must be proximate to an airport, a port or a railroad line or terminal;

(3) A pollution control facility;

(4) A project that maintains, expands or promotes a tourist or cultural facility that is required to be proximate to a specific historic, natural or cultural resource or a building or improvement that is related to and required to be proximate to land acquired for a park, conservation, open space or public access or to an agricultural, conservation or historic easement;

(5) A project located in a municipality that has none of the geographic areas described in paragraph A or B and that prior to January 1, 2000 formally requested but had not received from the Department of Agriculture, Conservation and Forestry funds to assist with the preparation of a comprehensive plan or that received funds from the Department of Agriculture, Conservation and Forestry to assist with the preparation of a comprehensive plan within the previous 2 years. This exception expires for a municipality 2 years after such funds are received; or

(6) A housing project serving the following: individuals with mental illness, developmental disabilities, physical disabilities, brain injuries, substance use disorder or a human immunodeficiency virus; homeless individuals; victims of domestic violence; foster children; children or adults in the custody of the State; or individuals with a household income of no more than 80% of the area median income if the project has 18 or fewer units and receives funding through a program administered by the Maine State Housing Authority. A nursing home is not considered a housing project under this paragraph.

**2. State facilities.** The Department of Administrative and Financial Services, Bureau of General Services shall develop site selection criteria for state office buildings, state courts, hospitals and other quasi-public facilities and other civic buildings that serve public clients and customers, whether owned or leased by the State, that give preference to the priority locations identified in this subsection while ensuring safe, healthy, appropriate work space for employees and clients and accounting for agency requirements. On-site parking may only be required if it is necessary to meet critical program needs and to ensure reasonable access for agency clients and persons with disabilities. Employee parking that is within reasonable walking distance may be located off site. If there is a change in employee parking from on-site parking to off-site parking, the Department of Administrative and Financial Services must consult with the duly authorized bargaining agent or agents of the employees. Preference must be given to priority locations in the following order: service center downtowns, service center growth areas and downtowns and growth areas in other than service center communities. If no suitable priority location exists or if the priority location would impose an undue financial hardship on the occupant or is not within a reasonable distance of the clients and customers served, the facility must be located in accordance with subsection 1. The following state facilities are exempt from this subsection: a lease of less than 500 square feet; and a lease with a tenure of less than one year, including renewals.

**2-A. State's role in implementation of growth management programs.** All state agencies, as partners in local and regional growth management efforts, shall contribute to the successful implementation of comprehensive plans and growth management programs adopted under this subchapter by making investments, delivering programs and awarding grants in a manner that reinforces the policies and strategies within the plans or programs. Assistance must be provided within the confines of agency policies, available resources and considerations related to overriding state interest.

### **3. Preference for other state grants and investments.**

**3-A. Preference for other state grants and investments.** Preference for other state grants and investments is governed by this subsection.

A. When awarding a grant or making a discretionary investment under any of the programs under paragraph B, subparagraphs (1) and (2) or when undertaking its own capital investment programs other than for projects identified in Title 30-A section 4301, subsection 5 B, a state agency shall respect the primary purpose of its grant or investment program and, to the extent feasible, give preference:

(1) First, to a municipality that has received a certificate of consistency for its growth management program under section 3211-B.

(2) Second, to a municipality that has adopted a comprehensive plan that the former State Planning Office, the Municipal Planning Assistance Program at the Department of Agriculture, Conservation and Forestry, or the office has determined is consistent with the procedures, goals and guidelines of Title 30-A, Chapter 187, subchapter 2 and has adopted zoning ordinances that the former State Planning Office, the Municipal Planning Assistance Program at the Department of Agriculture, Conservation and Forestry, or the office has determined are consistent with the comprehensive plan; and

(3) Third, to a municipality that has adopted a comprehensive plan that the former State Planning Office, the Municipal Planning Assistance Program at the Department of Agriculture, Conservation and Forestry, or the office has determined is consistent with the procedures, goals and guidelines of this subchapter.

If a municipality has submitted a comprehensive plan, zoning ordinance or growth management program to the former State Planning Office, the Municipal Planning Assistance Program at the Department of Agriculture, Conservation and Forestry, or the office for review, the time for response as established in section 3211-B has expired and comments or findings have not been provided to the municipality, a state agency when awarding a grant or making a discretionary investment under this subsection may not give preference over the municipality to another municipality.

B. This subsection applies to:

(1) Programs that assist in the acquisition of land for conservation, natural resource protection, open space or recreational facilities under Title 5, chapter 353; and

(2) Programs intended to:

(a) Accommodate or encourage additional growth and development;

(b) Improve, expand or construct public facilities; or

(c) Acquire land for conservation or management of specific economic and natural resource concerns.

C. This subsection does not apply to state grants or other assistance for sewage treatment facilities, public health programs or education.

D. The office shall work with state agencies to prepare mechanisms for establishing preferences in specific investment and grant programs as described in paragraph B.

4. Application. Subsections 1 and 2 apply to a state capital investment for which an application is accepted as complete by the state agency funding the project after January 1, 2001 or which is initiated with the Department of Administrative and Financial Services, Bureau of General Services by a state agency after January 1, 2001.

## **§3211-D: Development Ready Advisory Committee**

The Development Ready Advisory Committee, referred to in this section as "the committee," is established pursuant to Title 5, section 12004-I, subsection 6-J to develop and maintain best practices for municipalities in infrastructure, land use, housing, economic development, conservation and historic preservation policy. The committee will provide coordination and subject matter expertise to municipalities to advance the likelihood of success across the community development lifecycle.

### **1. Membership.** The members of the committee are as follows:

A. Director of the office;

B. The Executive Director of the Maine Redevelopment Land Bank Authority or the executive director's designee;

C. The Commissioner of Economic and Community Development or the commissioner's designer;

D. The Commissioner of Transportation or the commissioner's designee;

E. The Commissioner of Environmental Protection or the commissioner's designee;

F. The Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee;

H. The Director of the Maine State Housing Authority or the director's designee;

G. The Director of the Maine Historic Preservation Commission or the director's designee; and

H. The Commissioner of Inland Fisheries And Wildlife or the commissioner's designee;

I. The following members, selected by and serving at the pleasure of the director:

(1) Three representatives of Maine municipalities;

(2) Five representatives from the regional councils selected for geographic diversity and subject matter expertise;

(3) a representative of an organization that develops or funds affordable housing projects;

(4) a representative of a local or statewide organization promoting civil rights that has racial justice or racial equity as its primary mission;

(5) a representative of an organization that advocates for conservation of Maine's natural resources, and

(6) a representative of a regional or statewide economic development organization.

**2. Duties.** The committee shall develop best practices for community development intended to support the following goals:

A. Assisting communities in preparing for sustainable growth and in a way that maximizes financial return for state and local economies, improve quality of life for local residents, address housing needs for households of all income levels and advance environmental protection and transportation goals and specific locally identified priority needs;

B. Providing technical assistance and coordination to communities to facilitate the adoption of best practices for growth across the following sectors:

1. Transportation and infrastructure;
2. Housing creation and preservation;
3. Economic development;
4. Conservation; and
5. Historic preservation.

C. Assisting communities in designating priority investment areas in consultation with regional planning organizations, including but not limited to village centers, downtowns and adjacent neighborhoods, rural crossroads, high-impact corridors, working waterfronts and rural farmsteads;

D. Ensuring that development efforts are achievable by communities and based on the appropriateness of the location for development and the overall merit of the development project and community's commitment to the development project based on the community's stated goals; and

E. Providing resources and education for municipalities to improve capacity to access funding sources for community development project implementation.

**3. Chair and officers.** The director of the office shall serve as chair of the committee. The members of the committee shall annually elect one of its members as vice-chair and one of its members as secretary to set the agenda and schedule meetings. The committee may elect other officers, create subcommittees and designate their duties.

**4. Voting rights.** Each member of the committee has a vote.

**5. Meetings.** The committee shall meet at least twice a year.

**6. Quorum.** A majority of the members of the committee constitutes a quorum.

**7. Staff support.** The office shall provide staff support to the committee to carry out the purposes of this section.

Sec. D-5. 5 MRSA c. 310-B, sub-c. 4 is enacted to read:

#### **SUBCHAPTER 4**

#### **Housing Planning**

## **§3212. Housing Opportunity Program**

**1. Program established; administration.** The Housing Opportunity Program, referred to in this section as "the program," is established within the office to encourage and support the development of additional housing units in the State, including housing units that are affordable for low-income and moderate-income individuals and housing units targeted to community workforce housing needs. The office shall administer the program and provide technical and financial assistance to support communities implementing zoning and land use-related policies necessary to support increased housing development. The program must support regional approaches and municipal model ordinance development and encourage policies that support increased housing density, where feasible, to protect working lands and natural lands.

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

A. The office shall solicit applications for grants from the fund through a competitive application process. Grants may be awarded to experienced service providers and municipalities to support municipal ordinance development, provide technical assistance and encourage public participation and community engagement in the process of increasing housing opportunities. Programs receiving grants under this paragraph may encourage regional coordination between municipalities.

B. The office shall solicit applications for and shall award through a competitive application process grants for the following:

(1) Community housing planning services to municipalities to support the creation of housing development plans, including municipal ordinances, and policy amendments to support those plans. Grants awarded must be for a period of up to 3 years, with required progress reports each year; and

(2) Community housing implementation services.

C. The office shall provide technical assistance, housing policy development and guidance directly to regional groups, municipalities and other housing stakeholders, to the extent feasible with available resources. This may include, but is not limited to, assisting municipalities with information about available grant opportunities, sharing best practices from jurisdictions inside and outside of the State, providing model language for local ordinances and policies and providing information to the general public, which may support local and statewide policy changes meant to increase the supply of housing.

**3. Program evaluation.** A recipient of grant funds through the program shall cooperate with the office in performing evaluations and specific reporting requirements.

**4. Rulemaking.** The office shall establish by rule the criteria for eligibility for grants from the program and the process of application. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2 A.

**§3213: Code Enforcement**

The office shall administer the programs related to municipal code enforcement and Maine building codes as directed in relevant statutes found in Titles 10, 25 and 30-A, formerly administered by the Department of Public Safety, Office of the State Fire Marshal.

**Sec. D-6. 5 MRSA c. 310-B, sub-c.5** is enacted to read:

**SUBCHAPTER 5**

**VOLUNTEER MAINE**

**§3214. Commission established**

There is established the Maine Commission for Community Service, referred to in this subchapter as "the commission," to foster the State's ethic of community service; encourage community service and volunteerism as a means of meeting critical human, environmental, educational and public safety needs throughout the State; address climate challenges through community service and volunteerism; serve as the State's liaison regarding national and community service and volunteer activities; foster collaboration among service agencies; and receive gifts and grants, implement statewide service programs and make subgrants to state and local entities in accordance with the National and Community Service Trust Act of 1993, 42 United States Code, Sections 12501 to 12682 (1994).

**§3214-A. Membership; terms**

1. Membership; qualifications. The commission consists of no fewer than 15 and no more than 25 voting members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government matters. The commission must include the following:

A. A representative of a community-based agency or organization;

B. The Commissioner of Education or the commissioner's designee;

C. A representative of local government;

D. A representative of a local labor organization;

E. A representative of business;

F. An individual who is at least 16 years of age but no more than 25 years of age and who is a participant in or supervisor of a service program for youth or a campus-based or national service program;

G. A representative of a national service program;

H. An individual with expertise in the education, training and development needs of youth, particularly disadvantaged youth;

I. An individual with experience in promoting the involvement of adults aged 55 and older in national service and volunteerism; and

J. A representative of the State's volunteer community.

A member may fulfill the representation requirement for more than one category in this subsection.

The appointments may also include educators, including representatives from institutions of higher education and local education agencies; experts in the delivery of human, educational, environmental or public safety services to communities and persons; representatives of Native American tribes and nations; out-of-school or at-risk youth; and representatives of programs that are administered or receive assistance under the federal Domestic Volunteer Service Act of 1973, 42 United States Code, Section 4951, et seq. (1973). The commission also must include a nonvoting liaison designated by the federal Corporation for National and Community Service. The appointments must reflect diversity with respect to geography, race, ethnicity, age, gender, disability characteristics and political affiliation. Not more than 50% plus one member may be from the same political party. The number of voting members who are officers or employees of the State may not exceed 25% of the total membership.

The chair must be an appointed voting member of the commission, selected by the voting members. Members may not vote on issues affecting organizations they have served in a staff or volunteer capacity at any time during the preceding 12 months.

**2. Terms of office.** The appointed members serve 3-year staggered terms. Terms expire on September 1st. The Governor shall appoint members to vacancies on the commission as they occur or upon expiration of terms. Any vacancy must be filled for the unexpired portion of the term in which the vacancy occurs.

**3. Reimbursement.** Members are entitled to compensation for expenses incurred in the performance of their duties on the commission in the same manner as state employees.

### **§3214-B. Duties**

The commission shall:

**1. Vision.** Develop a state vision statement for national, state and community service;

**2. Ethic of service.** Demonstrate an ethic of service through its activities, policies, and procedures and annually evaluate how effectively these are fostering the state vision and service ethic;

**3. National and community service plan.** Develop a 3-year comprehensive national and community service plan and update the plan annually. The commission shall ensure an open and inclusive process for maximum participation in development of the plan and determination of state priorities;

**4. Preselect programs and prepare applications.** Preselect national service programs as defined in the National Service Trust Act, 42 United States Code, Section 12501, et seq. and prepare a grant application to the Corporation for National and Community Service;

**5. Assist state education agencies.** Assist the Department of Education and institutions of higher education in the preparation of applications for national and community service grants;

**6. Administer grant programs.** Evaluate, monitor and administer grant programs;

**7. Provide technical assistance.** Serve as a clearinghouse for information on national and community service and provide technical assistance to local nonprofit organizations and other entities in planning, applying for funds and implementing national service programs;

**8. Provide development assistance and training.** Provide program development assistance and training to national service programs in the State;

**9. Recruitment and placement.** Serve as a clearinghouse for people interested in national and community service placements and agencies recruiting volunteers;

**10. State priorities.** Make recommendations to the Corporation for National and Community Service with respect to priorities within the State for programs receiving assistance under the federal Domestic Volunteer Service Act of 1973, 42 United States Code, Section 4951, et seq. (1973);

**11. Coordination.** Coordinate and foster collaboration among state agencies, colleges, universities, municipalities, federal agencies and volunteer service programs, including, but not limited to, coordination of and collaboration regarding the activities of the Maine Climate Corps Program established pursuant to Title 5, section 3216 and related national and other climate-related service programs;

**12. Advisory committees.** Establish advisory committees as needed, with membership not limited to commission members;

**13. Fund raising.** Carry out fund-raising efforts to supplement federal funding and to meet all federal matching requirements;

**13-A. Maine Service Fellows Program.** Develop and administer the Maine Service Fellows Program under Title 5, section 3215; and

**14. Annual report.** Submit an annual report to the Governor, the Legislature and the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 31st of each year.

#### **§3214-C. Staff and administrative services**

The office shall provide staff and administrative services as follows.

**1. Executive director.** The director, in consultation with the commission, shall hire an executive director as a member of the office staff. The executive director oversees day-to-day

operations of the commission, hires staff members with the approval of the commission and the director and carries out other responsibilities as directed by the commission.

**2. Administrative services.** The director shall provide the executive director and the commission with continuing administrative support as appropriate. The office may establish a dedicated account on behalf of the commission to receive funds contributed by private and public agencies for use solely for commission purposes.

#### **§3214-D. Private support organization**

**1. Designation of private support organization.** The executive director of the commission, with the consent of the voting members of the commission, shall designate a nonprofit corporation as the private support organization for the commission. The nonprofit corporation must be incorporated under the laws of this State and for purposes that are consistent with the goals, objectives, programs, responsibilities and functions of the commission.

The commission's private support organization must be organized and operated exclusively to receive, hold, invest and administer property and funds and to make expenditures to and for the benefit of the commission.

**2. Board of directors.** A member of the private support organization's board of directors may not also be a member of the commission. The executive director of the commission, or the executive director's designee, shall serve as a nonvoting ex-officio member of the private support organization's board of directors.

**3. Scope of work.** The private support organization shall operate under a memorandum of understanding negotiated annually by the commission that outlines a plan of work consistent with the purposes and goals of the commission and shall submit an annual budget for review and approval by the commission by June 1st.

The memorandum of understanding must further stipulate the reversion to the commission, or to the State if the commission ceases to exist, of money and property held in trust by the private support organization if the private support organization is no longer designated by the commission pursuant to subsection 1.

**4. Use of property.** The commission may authorize the private support organization to use the commission's facilities, equipment and other property, except money, in keeping with the purposes of the private support organization.

#### **§3215. Maine Service Fellows Program**

The Maine Service Fellows Program, referred to in this section as "the program," is established within the commission. Individuals who participate in the program are referred to in this section as "program fellows." The commission shall administer the program in accordance with this section.

**1. Program purposes.** The commission shall establish the program to:

A. Increase the opportunities for individuals to devote a year of service to communities in the State;

B. Attract to and retain in the State motivated adults who have completed a college degree within the prior 5 years to serve in positions where they can apply skills and abilities to projects for the benefit of citizens of the State;

C. Provide rural and underserved communities in the State a resource to address critical health and human, public safety, education and environmental needs; and

D. Strengthen civic engagement of both the program fellows and community residents through solutions based in whole or in part in volunteer service.

**2. Program design.** The program must be designed to coordinate with appropriate organizations in the served communities. Program fellows must be required to commit up to 20% of their time in the program to developing regional networks of volunteer programs whose common goals can result in mutual benefits. An entity may submit a proposal to sponsor a program fellow based on guidelines established under this subsection. Services provided by a program fellow may include but are not limited to services to address home evictions, to support workforce development, to mitigate and prevent substance use disorder and to promote mental health. The commission may identify other priority needs of communities to be addressed by the program and may make those services available to eligible communities. The commission shall establish guidelines for the program that include but are not limited to:

A. Limiting the eligibility of entities that may sponsor program fellows to local or county government, school districts, nonprofit organizations, faith-based organizations and similar entities;

B. Establishing standards for local sponsors regarding supervision and support of program fellows during their service;

C. Ensuring that projects and project proposals are well-designed and measure their impact and do not include partisan or political activity;

D. Ensuring that program fellows are not used to replace positions eliminated or position hours reduced as a result of budget cuts by the sponsor;

E. Requiring criminal background checks or other safeguards if projects involve working with vulnerable populations such as schoolchildren or if otherwise required to receive federal funds;

F. Focusing the program on rural communities as defined by the United States Department of Agriculture, Economic Research Service's rural-urban continuum codes, except that the commission shall use criteria other than the codes for defining rural communities in Penobscot County;

G. Authorizing private sector and local partner contributions to program operations for travel reimbursements or training costs; and

H. Any other guideline that the commission believes will benefit the program.

**3. Compensation.** To the extent funds are available, the commission shall ensure that program fellows receive the following compensation for service:

A. A stipend set by the commission to achieve an annual income of up to 212% of the nonfarm income official federal poverty level. To the extent the stipend is paid from the General Fund or any other account of the commission, personal liability insurance and workers' compensation insurance, paid for from the same source of funds, must also be provided. Notwithstanding any law to the contrary, program fellows are not employees of the State for the purposes of Title 5, Part 20;

B. A program completion bonus that includes, to the extent established by the commission by rule, an educational loan payment in an amount up to 20% of the stipend value paid on behalf of the program fellow to the holder of the loan; and

C. An allowance to pay for individual health insurance not to exceed 2% of the stipend amount.

**4. Funding.** The commission may seek and receive both private and federal funds, grants and gifts in support of the program. The commission may accept funding from other state agencies to support program fellows whose work will support and promote goals of programs administered by those agencies.

**5. Rules.** The commission may adopt rules necessary to carry out the purposes of this section. Rules adopted under this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

### **§3216. Maine Climate Corps Program**

The Maine Climate Corps Program, referred to in this section as “the program,” is established within the commission to provide grants, technical assistance and training to community service corps programs with the mission of responding to the impacts of climate change. Eligible community service corps programs under the program must be designed to:

**1. Direct service projects.** Conduct evidence-based direct service projects developed through community collaboration, including collaboration with indigenous communities, that address principles of equity, justice and accessibility;

**2. Climate impacts.** Address through measurable performance one or more of the following areas: transportation, energy, housing, the State’s coastal zone as defined under the United States Department of Commerce, National Oceanic and Atmospheric Administration’s coastal zone management program, public health, land and fresh water preservation, community resilience and climate-related education;

**3. Disproportionately affected communities; representation.** Prioritize assistance to disproportionately affected communities and ensure that individuals in service positions represent the economic and demographic diversity of communities, including persons who are historically marginalized; and

**4. Additional standards.** Meet additional program standards, including, but not limited to, requirements to:

A. Enroll individuals for set terms in service positions;

B. Provide individuals in full-time service positions with stipends, health insurance, liability insurance and accidental death or dismemberment insurance;

C. Provide individuals in service positions with training, education and service experiences that further employability or career preparation; and

D. Meet any other standards set by the commission or nationally for similar programs.

**Sec. D-7. 5 MRSA c. 373**, as amended, is repealed.

**Sec. D-8. 5 MRSA §12004-I, sub-§6-J**, as enacted by PL 2021, c. 664, §2 is amended to read:  
**6-J.**

Economic Development	Development Ready Advisory Committee	Expenses Only	<del>30-A MRSA §5161</del> <u>5 MRSA §3211-D</u>
-------------------------	--	------------------	---

**Sec. D-9. 5 MRSA §13056-J**, as enacted by PL 2021, c. 635, Pt. U, §1, is repealed.

**Sec. D-10. 10 MRSA §9722, sub-§1**, as amended by PL 2011, c. 633, §5, if further amended to read:

**1. Establishment.** The Technical Building Codes and Standards Board, established in Title 5, section 12004-G, subsection 5-A and located within the ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs, is established to adopt, amend and maintain the Maine Uniform Building and Energy Code, to resolve conflicts between the Maine Uniform Building and Energy Code and the fire and life safety codes in Title 25, sections 2452 and 2465 and to provide for training for municipal building officials, local code enforcement officers and 3rd-party inspectors.

**Sec. D-11. 10 MRSA §9722, sub-§3**, as amended by PL 2007, c. 699, §6, if further amended to read:

**3. Ex officio member; chair.** ~~The Commissioner of Public Safety~~ Director of the Maine Office of Community Affairs, or the ~~commissioner's~~ director's designee, serves as an ex officio member and as the chair of the board. The chair is a nonvoting member, except in the case of a tie of the board. The chair is responsible for ensuring that the board maintains the purpose of its charge when executing its assigned duties, that any adoption and amendment requirements for the Maine Uniform Building and Energy Code are met and that training and technical assistance is provided to municipal building officials.

**Sec. D-12. 10 MRSA §9723, sub-§2**, as amended by PL 2019, c. 517, §1 is further amended to read:

**2. Training program standards; implementation.** The committee shall direct the training coordinator of the Division of Building Codes and Standards, established in Title 25, section 2372, to develop a training program for municipal building officials, local code enforcement officers and 3rd-party inspectors. ~~The Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs, pursuant to Title 30-A, section 4451, subsection 3-A, shall implement the training and certification program established under this chapter.

**Sec. D-13. 12 MRSA §408**, as revised by PL 2011, c. 657, Pt. W, §5 is repealed.

**Sec. D-14. 12 MRSA §409**, as revised by PL 2011, c. 657, Pt. W, §5 is repealed.

**Sec. D-15. 12 MRSA §6052, sub-§6**, as enacted by PL 2017, c. 284, Pt. QQ, §5 is repealed.

**Sec. D-16. 25 MRSA §2371**, as amended by PL 2011, c. 633, §§7,8, is further amended to read:

#### **§2371. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Board.** "Board" means the Technical Building Codes and Standards Board established in Title 5, section 12004-G, subsection 5-A.

**2. Building official.** "Building official" means a building official appointed pursuant to section 2351-A.

**3. Bureau.**

**4. Code.** "Code" means the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103.

**5. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

**6. Director.** "Director" means the Director of the Maine Office of Community Affairs established in Title 5, chapter 310-B.

**~~5-A~~7. Division.** "Division" means the Division of Building Codes and Standards established in section 2372.

**8. Office.** "Office" means the Maine Office of Community Affairs established in Title 5, chapter 310-B.

**69. Third-party inspector.** "Third-party inspector" means a person certified by the State to conduct inspections under Title 30-A, section 4451 for compliance with the code. A 3rd-party inspector may not hold a pecuniary interest, directly or indirectly, in any building for which the 3rd-party inspector issues an inspection report pursuant to section 2373 and may not serve as a

3rd-party inspector in any municipality where that 3rd-party inspector has been appointed as a building official or code enforcement officer.

**Sec. D-17. 25 MRSA §2372**, as amended by PL 2019, c. 517, §2, is further amended to read:

**§2372. Division of Building Codes and Standards**

**1. Established.** The Division of Building Codes and Standards is established within the ~~Department of Public Safety, Office of the State Fire Marshal~~ office to provide administrative support and technical assistance to the board in executing its duties pursuant to Title 10, section 9722, subsection 6.

**2. Staff.** The ~~commissioner~~ director may appoint and may remove for cause staff of the division, including:

A. A technical codes coordinator certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E, who serves as the division director and principal administrative and supervisory employee of the board. The technical codes coordinator shall attend meetings of the board, keep records of the proceedings of the board and direct and supervise the personnel employed to carry out the duties of the board, including but not limited to providing technical support and public outreach for the adoption of the code, amendments, conflict resolutions and interpretations. Technical support and public outreach must include, but may not be limited to:

- (1) Providing nonbinding interpretation of the code for professionals and the general public; and
- (2) Establishing and maintaining a publicly accessible website to publish general technical assistance, code updates and interpretations and post-training course schedules; and

B. An office specialist to provide administrative support to the division and the board.

**Sec. D-18. 25 MRSA §2374**, as amended by PL 2019, c. 517, §3, is further amended to read:

**§2374. Uniform Building Codes and Standards Fund**

The Uniform Building Codes and Standards Fund, referred to in this section as "the fund," is established within the ~~Department of Public Safety~~ office to fund the activities of the division under this chapter and the activities of the board under Title 10, chapter 1103 and Title 30-A, section 4451, subsection 3-A. Revenue for this fund is provided by the surcharge established by section 2450-A. The ~~Department of Public Safety~~ office shall determine an amount to be transferred annually from the fund for training and certification under Title 30-A, section 4451, subsection 3-A to the Maine Code Enforcement Training and Certification Fund established in Title 30-A, section 4451, subsection 3-B. Any balance of the fund may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal year.

**Sec. D-19. 25 MRSA §2450-A**, as repealed and replaced by PL 2013, c. 424, Pt. A, §13, is amended to read:

**§2450-A. Surcharge on plan review fee for Uniform Building Codes and Standards Fund**

In addition to the fees established in section 2450, a surcharge of 4¢ per square foot of occupied space must be levied on the existing fee schedule for new construction, reconstruction, repairs, renovations or new use for the sole purpose of funding the activities of the Technical Building Codes and Standards Board with respect to the Maine Uniform Building and Energy Code, established pursuant to Title 10, chapter 1103, the activities of the Division of Building Codes and Standards under chapter 314 and the activities of the ~~Department of Economic and Community Development, Office of Community Development~~ Maine Office of Community Affairs under Title 30-A, section 4451, subsection 3-A, except that the fee for review of a plan for the renovation of a public school, including the fee established under section 2450, may not exceed \$450. Revenue collected from this surcharge must be deposited into the Uniform Building Codes and Standards Fund established by section 2374.

**Sec. D-20. 30-A MRSA, c. 187, sub-c. II, art. 3-A,** as amended is repealed.

**Sec. D-21. 30-A MRSA §4451,** as amended by PL 2019, c. 517, §5 is further amended to read:

**§4451. Training and certification for code enforcement officers**

**1. Certification required; exceptions.** A municipality may not employ any individual to perform the duties of a code enforcement officer who is not certified by the former State Planning Office, the Department of Economic and Community Development, Office of Community Development, ~~or the Department of Public Safety, Office of the State Fire Marshal~~ or the Maine Office of Community Affairs, except that:

A. An individual other than an individual appointed as a plumbing inspector has 12 months after beginning employment to be trained and certified as provided in this section;

B. Whether or not any extension is available under paragraph A, the ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs may waive this requirement for up to one year if the certification requirements cannot be met without imposing a hardship on the municipality employing the individual;

C. An individual may be temporarily authorized in writing by the Department of Health and Human Services, Division of Health Engineering to be employed as a plumbing inspector for a period not to exceed 12 months; and

D. An individual whose certification has expired or is about to expire may be temporarily authorized in writing by the ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs to extend that individual's certification for a period not to exceed 12 months in cases where the necessary training or examination is suspended under subsection 3-B, paragraph E.

**2. Penalty.** Any municipality that violates this section commits a civil violation for which a fine of not more than \$100 may be adjudged. Each day in violation constitutes a separate offense.

**2-A. Code enforcement officer; definition and duties.** As used in this subchapter, "code enforcement officer" means a person certified under this section and employed by a municipality to enforce all applicable laws and ordinances in the following areas:

- A. Shoreland zoning under Title 38, chapter 3, subchapter 1, article 2-B;
- B. Comprehensive planning and land use under Part 2, Subpart 6-A;
- C. Internal plumbing under chapter 185, subchapter 3;
- D. Subsurface wastewater disposal under chapter 185, subchapter 3; and
- E. Building standards under chapter 141; chapter 185, subchapter 1; Title 5, sections 4582-B, 4582-C and 4594-F; Title 10, chapter 1103; and Title 25, chapter 313.

**3. Training and certification of code enforcement officers.** In cooperation with code enforcement officer professional associations, the Maine Community College System, the Department of Environmental Protection and the Department of Health and Human Services, except as otherwise provided in paragraph H, the ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs shall establish a continuing education program for individuals engaged in code enforcement. This program must provide training in the technical and legal aspects of code enforcement necessary for certification. The training program must include training to provide familiarity with the laws and ordinances related to the structure and practice of the municipal code enforcement office, municipal planning board and appeals board procedures, application review and permitting procedures, inspection procedures and enforcement techniques.

- ~~A.~~ [PL 1991, c. 163 (RP).]
- ~~B.~~ [PL 1991, c. 163 (RP).]
- ~~C.~~ [PL 1991, c. 163 (RP).]
- ~~D.~~ [PL 1991, c. 163 (RP).]
- ~~E.~~ [PL 1991, c. 163 (RP).]
- ~~F.~~ [PL 1991, c. 163 (RP).]
- ~~G.~~ [PL 1991, c. 163 (RP).]

~~H.~~ If funding is not available to support the training and certification program authorized under this subsection, the ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs shall discontinue training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs A and B and shall adopt by routine technical rules under Title 5, chapter 375, subchapter 2-A a program to register code enforcement officers that meet training and education qualifications. The ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs shall publish the list of persons registered for code enforcement who have submitted evidence of required qualifications. Persons registered under this paragraph must meet the requirements for training and certification under this

subchapter. The ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs shall consult with the Department of Health and Human Services for the purposes of carrying out training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs C and D. Within one month of discontinuation of training and certification under this paragraph, the ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs shall report 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 state and local government matters a recommendation for funding the training and certification program or for further changes in program requirements.

**3-A. Training and certification of inspectors in the Maine Uniform Building and Energy Code.** In accordance with the training and certification requirements developed pursuant to Title 10, section 9723, the ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs shall provide the training necessary to certify municipal building officials, local code enforcement officers and 3rd-party inspectors.

**3-B. Maine Code Enforcement Training and Certification Fund.** The Maine Code Enforcement Training and Certification Fund, referred to in this section as "the fund," is established as a nonlapsing fund to support training and certification programs administered by the ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs for code enforcement officers, local plumbing inspectors, municipal building officials and 3rd-party inspectors in accordance with this subchapter.

A. On July 1st of each year, the funds identified in section 4215, subsection 4 for training and certifying local plumbing inspectors must be transferred to the fund.

B. On July 1st of each year, the funds identified in Title 25, section 2374 for training and certifying municipal building officials, local code enforcement officers and 3rd-party inspectors must be transferred to the fund.

C. The ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs shall place in the fund any money it receives from grants to support the requirements of this subchapter.

D. Funds related to code enforcement training and certification may be expended only in accordance with allocations approved by the Legislature and solely for the administration of this subchapter. Any balance remaining in the fund at the end of any fiscal year may not lapse but must be carried forward to the next fiscal year.

E. If the fund does not contain sufficient money to support the costs of the training and certification provided for in this subchapter, the ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs may suspend all or reduce the level of training and certification activities.

**4. Examination.** The ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs shall conduct at least one examination each year to examine

candidates for certification at a time and place designated by it. The ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs may conduct additional examinations to carry out the purposes of this subchapter.

**5. Certification standards.** The ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs shall adopt routine technical rules under Title 5, chapter 375, subchapter 2-A to establish the qualifications, conditions and licensing standards and procedures for the certification and recertification of individuals as code enforcement officers. A code enforcement officer need only be certified in the areas of actual job responsibilities. The rules established under this subsection must identify standards for each of the areas of training under subsection 2-A, in addition to general standards that apply to all code enforcement officers.

**6. Certification; terms; revocation.** The ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs shall certify individuals as to their competency to successfully enforce ordinances and other land use regulations and permits granted under those ordinances and regulations and shall issue certificates attesting to the competency of those individuals to act as code enforcement officers. Certificates issued by the former State Planning Office, the Department of Economic and Community Development, Office of Community Development, ~~or the Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs are valid for 6 years unless revoked by the District Court. An examination is not required for recertification of code enforcement officers. The ~~Department of Public Safety, Office of the State Fire Marshal~~ Maine Office of Community Affairs shall recertify a code enforcement officer if the code enforcement officer successfully completes at least 12 hours of approved training in each area of job responsibility during the 6-year certification period.

A. The District Court may revoke the certificate of a code enforcement officer, in accordance with Title 4, chapter 5, when it finds that:

- (1) The code enforcement officer has practiced fraud or deception;
- (2) Reasonable care, judgment or the application of a duly trained and knowledgeable code enforcement officer's ability was not used in the performance of the duties of the office; or
- (3) The code enforcement officer is incompetent or unable to perform properly the duties of the office.

B. Code enforcement officers whose certificates are invalidated under this subsection may be issued new certificates provided that they are newly certified as provided in this section.

**7. Other professions unaffected.** This subchapter may not be construed to affect or prevent the practice of any other profession.

**Sec. D-22. 30-A MRSA §5161**, as enacted by PL 2021, c. 664, §3 is repealed.

**Sec. D-23. Transition provisions, Community Resilience Partnership Program.** The following provisions govern the transition of the Community Resilience Partnership Program from the Governor's Office of Policy, Innovation and the Future to the Maine Office of Community Affairs.

1. The Maine Office of Community Affairs is the successor in every way to the powers, duties and functions of the Community Resilience Partnership Program.

2. All existing rules, regulations and procedures in effect, in operation or adopted in or by the Community Resilience Partnership Program or any of its administrative units or officers are hereby declared in effect and continue in effect until rescinded, revised or amended by the Maine Office of Community Affairs.

3. All existing contracts, agreements and compacts currently in effect in the Community Resilience Partnership Program continue in effect.

4. All records, property and equipment previously belonging to or allocated for the use of the Community Resilience Partnership Program become, on the effective date of this Act, part of the property of the Maine Office of Community Affairs.

5. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the Community Resilience Partnership Program may be utilized by the Maine Office of Community Affairs until existing supplies of those items are exhausted.

6. Notwithstanding any provision of law to the contrary, the State Controller shall transfer any unobligated balances remaining in the Community Resilience Partnership Program, other special revenue and federal funds to the Maine Office of Community Affairs no later than the effective date of this Act.

**Sec. D-24. Transition provisions, coastal zone management program.** The following provisions govern the transition of the coastal zone management program from the Bureau of Policy and Management program, Department of Marine Resources to the Maine Coastal Program, Maine Office of Community Affairs.

1. The Maine Office of Community Affairs is the successor in every way to the powers, duties and functions of the coastal zone management program.

2. All existing rules, regulations and procedures in effect, in operation or adopted in or by the coastal zone management program or any of its administrative units or officers are hereby declared in effect and continue in effect until rescinded, revised or amended by the Maine Office of Community Affairs.

3. All existing contracts, agreements and compacts currently in effect in the coastal zone management program continue in effect.

4. All records, property and equipment previously belonging to or allocated for the use of the coastal zone management program become, on the effective date of this Act, part of the property of the Maine Office of Community Affairs.

5. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the coastal zone management program may be utilized by the Maine Office of Community Affairs until existing supplies of those items are exhausted.

6. Notwithstanding any provision of law to the contrary, the State Controller shall transfer any unobligated balances related to the coastal zone management program remaining in the Bureau of Policy and Management program, Department of Marine Resources, other special revenue and federal funds to the Maine Office of Community Affairs no later than the effective date of this Act.

**Sec. D-25. Transition provisions, municipal planning assistance program.** The following provisions govern the transition of the municipal planning assistance program from the Geology and Resource Information program, Department of Agriculture, Conservation and Forestry to the Municipal Planning Assistance program, Maine Office of Community Affairs.

1. The Maine Office of Community Affairs is the successor in every way to the powers, duties and functions of the municipal planning assistance program.

2. All existing rules, regulations and procedures in effect, in operation or adopted in or by the municipal planning assistance program or any of its administrative units or officers are hereby declared in effect and continue in effect until rescinded, revised or amended by the Maine Office of Community Affairs.

3. All existing contracts, agreements and compacts currently in effect in the municipal planning assistance program continue in effect.

4. All records, property and equipment previously belonging to or allocated for the use of the municipal planning assistance program become, on the effective date of this Act, part of the property of the Maine Office of Community Affairs.

5. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the municipal planning assistance program may be utilized by the Maine Office of Community Affairs until existing supplies of those items are exhausted.

6. Notwithstanding any provision of law to the contrary, the State Controller shall transfer any unobligated balances related to the municipal planning assistance program remaining in the Geology and Resource Information program, Department of Agriculture, Conservation and Forestry, federal funds to the Maine Office of Community Affairs no later than the effective date of this Act.

**Sec. D-26. Transition provisions, Maine Commission for Community Service program, the Maine Service Fellows Program and the Maine Climate Corps Program.** The following provisions govern the transition of the Maine Commission for Community Service program, the Maine Service Fellows Program and the Maine Climate Corps Program from the Department of Education to the Maine Office of Community Affairs.

1. The Maine Office of Community Affairs is the successor in every way to the powers, duties and functions of the Maine Commission for Community Service program, the Maine Service Fellows Program and the Maine Climate Corps Program.

2. All existing rules, regulations and procedures in effect, in operation or adopted in or by the Maine Commission for Community Service program, the Maine Service Fellows Program and the Maine Climate Corps Program or any of its administrative units or officers are hereby declared in

effect and continue in effect until rescinded, revised or amended by the Maine Office of Community Affairs.

3. All existing contracts, agreements and compacts currently in effect in the Maine Commission for Community Service program, the Maine Service Fellows Program and the Maine Climate Corps Program continue in effect.

4. All records, property and equipment previously belonging to or allocated for the use of the Maine Commission for Community Service program, the Maine Service Fellows Program and the Maine Climate Corps Program become, on the effective date of this Act, part of the property of the Maine Office of Community Affairs.

5. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the Maine Commission for Community Service program, the Maine Service Fellows Program and the Maine Climate Corps Program may be utilized by the Maine Office of Community Affairs until existing supplies of those items are exhausted.

6. Notwithstanding any provision of law to the contrary, the State Controller shall transfer any unobligated balances related to the Maine Commission for Community Service program, the Maine Service Fellows Program and the Maine Climate Corps Program remaining in the Department of Education, other special revenues fund and federal funds to the Maine Office of Community Affairs no later than the effective date of this Act.

**Sec. D-27. Transition provisions, Housing Opportunity Program.** The following provisions govern the transition of the Housing Opportunity Program from the Department of Economic and Community Development to the Maine Office of Community Affairs.

1. The Maine Office of Community Affairs is the successor in every way to the powers, duties and functions of the Housing Opportunity Program.

2. All existing rules, regulations and procedures in effect, in operation or adopted in or by the Housing Opportunity Program or any of its administrative units or officers are hereby declared in effect and continue in effect until rescinded, revised or amended by the Maine Office of Community Affairs.

3. All existing contracts, agreements and compacts currently in effect in the Housing Opportunity Program continue in effect.

4. All records, property and equipment previously belonging to or allocated for the use of the Housing Opportunity Program become, on the effective date of this Act, part of the property of the Maine Office of Community Affairs.

5. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the Housing Opportunity Program may be utilized by the Maine Office of Community Affairs until existing supplies of those items are exhausted.

**Sec. D-28. Transition provisions, Division of Building Codes and Standards program.** The following provisions govern the transition of the Division of Building Codes and Standards program from the Department of Public Safety to the Maine Office of Community Affairs.

1. The Maine Office of Community Affairs is the successor in every way to the powers, duties and functions of the Division of Building Codes and Standards program.

2. All existing rules, regulations and procedures in effect, in operation or adopted in or by the Division of Building Codes and Standards program or any of its administrative units or officers are hereby declared in effect and continue in effect until rescinded, revised or amended by the Maine Office of Community Affairs.

3. All existing contracts, agreements and compacts currently in effect in the Division of Building Codes and Standards program continue in effect.

4. All records, property and equipment previously belonging to or allocated for the use of the Division of Building Codes and Standards program become, on the effective date of this Act, part of the property of the Maine Office of Community Affairs.

5. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the Division of Building Codes and Standards program may be utilized by the Maine Office of Community Affairs until existing supplies of those items are exhausted.

6. Notwithstanding any provision of law to the contrary, the State Controller shall transfer any unobligated balances related to the Division of Building Codes and Standards program remaining in the Department of Public Safety, other special revenue funds to the Maine Office of Community Affairs no later than the effective date of this Act.

**Sec. D-29. Transition provisions, floodplain management program.** The following provisions govern the transition of the floodplain management program from the Geology and Resource Information program, Department of Agriculture, Conservation and Forestry to the Maine Floodplain Program, Maine Office of Community Affairs.

1. The Maine Office of Community Affairs is the successor in every way to the powers, duties and functions of the municipal planning assistance program.

2. All existing rules, regulations and procedures in effect, in operation or adopted in or by the floodplain management program or any of its administrative units or officers are hereby declared in effect and continue in effect until rescinded, revised or amended by the Maine Office of Community Affairs.

3. All existing contracts, agreements and compacts currently in effect in the floodplain management program continue in effect.

4. All records, property and equipment previously belonging to or allocated for the use of the floodplain management program become, on the effective date of this Act, part of the property of the Maine Office of Community Affairs.

5. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the floodplain management program may be utilized by the Maine Office of Community Affairs until existing supplies of those items are exhausted.

6. Notwithstanding any provision of law to the contrary, the State Controller shall transfer any unobligated balances related to the floodplain management program remaining in the Geology and Resource Information program, Department of Agriculture, Conservation and Forestry, other special revenue funds and federal funds to the Maine Office of Community Affairs no later than the effective date of this Act.

**Sec. D-30. Transition provisions, Development Ready Advisory Committee.** The following provisions govern the transition of the Development Ready Advisory Committee from the Maine Redevelopment Land Bank Authority to the Maine Office of Community Affairs.

1. The Maine Office of Community Affairs is the successor in every way to the powers, duties and functions of the Development Ready Advisory Committee.

2. All existing rules, regulations and procedures in effect, in operation or adopted in or by the Development Ready Advisory Committee or any of its administrative units or officers are hereby declared in effect and continue in effect until rescinded, revised or amended by the Maine Office of Community Affairs.

3. All existing contracts, agreements and compacts currently in effect in the Development Ready Advisory Committee continue in effect.

4. All records, property and equipment previously belonging to or allocated for the use of the Development Ready Advisory Committee become, on the effective date of this Act, part of the property of the Maine Office of Community Affairs.

5. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the Development Ready Advisory Committee may be utilized by the Maine Office of Community Affairs until existing supplies of those items are exhausted.

## **PART D SUMMARY**

This Part amends the general provisions of the Maine Office of Community Affairs. This Part also transitions several programs through State government to the Maine Office of Community Affairs. This includes the Community Resilience Partnership from the Executive Department, the Coastal Zone Management program from the Department of Marine Resources, the State Floodplain Mapping Fund and the Municipal Planning Assistance program from the Department of Agriculture, Conservation and Forestry, the Development Ready Advisory Committee from the Maine Development Land Bank Authority, the Housing Opportunity Program from the Department of Economic & Community Development, the Maine Commission for Community Service, Maine Service Fellows Program, the Maine Climate Corp program, and the

Volunteer Maine from the Department of Education, and the Division of Building Codes and Standards from the Department of Public Safety

## PART E

**Sec. E-1. 36 MRSA §4365**, as amended by PL 2005, c. 457, Pt. AA, §1 and affected by §8, is further amended to read:

Before January 5, 2026, 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 100 mills for each cigarette. Beginning January 5, 2026, 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 150 mills for each cigarette. Payment of the tax is evidenced by the affixing of stamps to the packages containing the cigarettes.

**Sec. E-2. 36 MRSA §4365-F**, as amended by PL 2005, c. 457, Pt. AA, §3 and affected by §8, is repealed.

**Sec. E-3. 36 MRSA §4365-G** is enacted to read:

### **§4365-G. Application of cigarette tax rate increase effective January 5, 2026**

The following provisions apply to cigarettes held for resale on January 5, 2026.

**1. Stamped rate.** Cigarettes stamped at the rate of 100 mills per cigarette and held for resale on or after January 5, 2026 are subject to tax at the rate of 150 mills per cigarette.

**2. Liability.** A person possessing cigarettes for resale is liable for the difference between the tax rate of 150 mills per cigarette and the tax rate of 100 mills per cigarette in effect before January 5, 2026. Stamps indicating payment of the tax imposed by this section must be affixed to all packages of cigarettes held for resale as of January 5, 2026, 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 January 5, 2026 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 150 mills per cigarette placed in vending machines before January 5, 2026.

**4. Payment.** Payment of the tax imposed by this section must be made to the assessor by April 1, 2026, accompanied by forms prescribed by the assessor.

**Sec. E-4. 36 MRSA §4366-A, sub-§ 2, ¶D**, as amended by PL 2007, c. 438, §93, is further amended to read:

D. For stamps at the face value of ~~100~~ 150 mills, the discount rate is ~~1.15~~ 0.77%.

adjusted rates calculated by the assessor take effect at the same time as the increase in the tax on cigarettes.

**Sec. E-9. Application.** This Part is effective on or after January 5, 2026.

## **PART E SUMMARY**

This Part increases the cigarette excise tax rate by 50 mills, changing the rate per pack of 20 cigarettes from \$2 to \$3, and the rate per cigarette from 10¢ to 15¢. This cigarette tax rate increase also causes the tobacco products tax rate to increase by an equivalent amount automatically under 36 M.R.S. § 4403(5).

## **PART F**

**Sec. F-1. 36 MRSA §1811, sub-§1, ¶D,** as amended by PL 2023, c. 643, Pt. H, §23 and affected by §29, and as amended by PL 2023, c. 673, §22 and affected by §28, is further amended by amending subparagraph (5) to read:

(5) Ten percent on the value of adult use cannabis, adult use cannabis products and, if sold by a person to an individual who is not a qualifying patient, cannabis and cannabis products beginning on the first day of the calendar month in which adult use cannabis and adult use cannabis products may be sold in the State by a cannabis establishment licensed to conduct retail sales pursuant to Title 28-B, chapter 1, except that the applicable tax rate under this subparagraph is 14% for sales occurring on or after January 1, 2026.

**Sec. F-2. 36 MRSA §1818,** as amended by PL 2021, c. 645, §5, is further amended to read:

All sales tax revenue collected pursuant to section 1811 on the sale of adult use cannabis and adult use cannabis products must be deposited into the General Fund, except that, before January 1, 2026, on or before the last day of each month, the State Controller shall transfer 12% of the sales tax revenue received by the assessor during the preceding month pursuant to section 1811 to the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund established under Title 28-B, section 1101. Beginning January 1, 2026, on or before the last day of each month, the State Controller shall transfer 9% of the sales tax revenue received by the assessor during the preceding month pursuant to section 1811 to the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund established under Title 28-B, section 1101.

**Sec. F-3. 36 MRSA §4923,** as amended by PL 2023, c. 679, Pt. C, § 13, is further amended to read:

Beginning on the first day of the calendar month in which adult use cannabis may be sold in the State by a cultivation facility under Title 28-B, chapter 1, an excise tax on adult use cannabis is imposed in accordance with this chapter.

**1. Excise tax on cannabis flower.** Before January 1, 2026, aA cultivation facility licensee shall pay an excise tax of \$335 per pound or fraction thereof of cannabis flower sold to other licensees in the State. On or after January 1, 2026, a cultivation facility licensee shall pay an excise tax of \$223 per pound or fraction thereof of cannabis flower sold to other licensees in the State.

**2. Excise tax on cannabis trim.** Before January 1, 2026, aA cultivation facility licensee shall pay an excise tax of \$94 per pound or fraction thereof of cannabis trim sold to other licensees in the State. On or after January 1, 2026, a cultivation facility licensee shall pay an excise tax of \$63 per pound or fraction thereof of cannabis trim sold to other licensees in the State.

**3. Excise tax on immature cannabis plants and seedlings.** Before January 1, 2026, aA cultivation facility licensee shall pay an excise tax of \$1.50 per immature cannabis plant or seedling sold to other licensees in the State. On or after January 1, 2026, a cultivation facility licensee shall pay an excise tax of \$1 per immature cannabis plant or seedling sold to other licensees in the State.

**3-A. Excise tax on mature cannabis plants.** ~~Beginning~~ On or after July 1, 2021, and before January 1, 2026, a cultivation facility licensee shall pay an excise tax of \$35 per mature cannabis plant sold to other licensees in the State. On or after January 1, 2026, a cultivation facility licensee shall pay an excise tax of \$23 per mature cannabis plant sold to other licensees in the State.

**4. Excise tax on cannabis seeds.** Before January 1, 2026, aA cultivation facility licensee shall pay an excise tax of 30¢ per cannabis seed sold to other licensees in the State. On or after January 1, 2026, a cultivation facility licensee shall pay an excise tax of 20¢ per cannabis seed sold to other licensees in the State.

~~**5. Excise tax on purchases from registered caregivers and registered dispensaries.** A cultivation facility licensee authorized pursuant to Title 28-B to purchase cannabis plants and cannabis seeds from registered caregivers and registered dispensaries that transacts such a purchase shall pay to the assessor the excise taxes that would have been imposed under subsections 1 to 4 on the sale of the cannabis plants and cannabis seeds if the cannabis plants and cannabis seeds had been sold by a cultivation facility licensee to another licensee.~~

**6. Multiple licenses.** When a cultivation facility licensee also holds a license to operate another cannabis establishment, the taxes imposed by subsections 1 to 4 apply to any transfer of cannabis from the cultivation facility to the other cannabis establishment or, if no such transfer is made, to any activity undertaken pursuant to Title 28-B, section 501, subsection 2 or 4 with regard to cannabis cultivated by the cultivation facility.

**7. Sales and transfers between licensed cultivation facilities.** No excise tax is imposed on a sale of adult use cannabis to a cultivation facility or on a transfer of adult use cannabis to a cultivation facility.

**Sec. F-4. 36 MRSA §4925**, as amended by PL 2021, c. 645, §6, is further amended to read:

All excise tax revenue collected by the assessor pursuant to this chapter on the sale of adult use cannabis must be deposited into the General Fund, except that, before January 1, 2026, on or

before the last day of each month, the assessor shall transfer 12% of the excise tax revenue received during the preceding month pursuant to this chapter to the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund established in Title 28-B, section 1101. Beginning January 1, 2026, on or before the last day of each month, the assessor shall transfer 9% of the excise tax revenue received during the preceding month pursuant to this chapter to the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund established in Title 28-B, section 1101.

**Sec. F-5. Application.** This Part is effective on or after January 1, 2026.

## **PART F SUMMARY**

This Part reduces the cannabis excise tax rates by one-third and concurrently increases the sales tax on adult use cannabis to 14%. It also changes the adult use cannabis sales tax and excise tax transfers to the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund from 12% to 9%.

## **PART G**

**Sec. G-1. 36 MRSA §182, sub-§1**, as amended by PL 2007, c. 437, §2, is further amended to read:

**1. Generally.** The State Tax Assessor may, through the Attorney General, file an action in Superior Court applying for an order to enjoin from doing business any person who has:

- A. Failed to register with the assessor when the person is required to register by any provision of Part 3, ~~chapter 358~~ or Part 5 or by any rule adopted pursuant to this Title, as long as the assessor has provided written notice and the person continues to fail to register 15 days after receiving notice from the assessor of such failure;
- B. Failed to file with the assessor any overdue return required by Part 3, ~~chapter 358~~ or Part 5 within 15 days after receiving notice from the assessor of such failure;
- C. Failed to pay any tax required by Part 3, ~~chapter 358~~ or Part 5 when the tax is shown to be due on a return filed by that person, or that is otherwise conceded by that person to be due, or has been determined by the assessor to be due and that determination has become final;
- D. Knowingly filed a false return required by Part 3, ~~chapter 358~~ or Part 5; or
- E. Failed to deduct and withhold, or truthfully account for or pay over or make returns of, income taxes in violation of the provisions of chapter 827.

**Sec. G-2. 36 MRSA §1752, sub-§1-K, 1-L, 1-M, 1-N, 1-O, 1-P, 1-Q and 1-R** are enacted to read:

1. Pharmacy provider. "Pharmacy Provider" means a pharmacy as defined in 32 M.R.S.A. c.117, s. 13702-A, including a pharmacy located in a federally qualified health center (as defined in 42 United States Code, Section 1395x, subsection(aa)) located in Maine.

2. Assessment. "Assessment" means the per pharmacy prescription assessment authorized by this chapter.

3. Pharmacy Prescription. "Pharmacy Prescription" means any outpatient pharmacy prescription filled, refilled or dispensed by a pharmacy provider from a pharmacy location in Maine.

### **§2898-B. Pharmacy assessment**

1. Assessment established. Beginning April 1, 2026, each pharmacy provider shall be subject to a per Pharmacy Prescription assessment. The assessment shall equal \$0.70 cents per pharmacy prescription.

2. Payment of Assessment. By the 30<sup>th</sup> of each month, each pharmacy provider subject to the assessment imposed by section 1 shall submit to the assessor the number of Pharmacy Prescriptions filled by each pharmacy location in Maine in the previous month and remit the total assessment due. Revenues derived by the tax imposed by this chapter must be credited to a General Fund suspense account.

3. Deposit of assessments. On or before the 15<sup>th</sup> of each month, the state controller shall transfer the revenues generated from the assessment into the Medical Care - Payments to Providers Other Special Revenue Funds account in the Department of Health and Human Services to be used for MaineCare for payments to Pharmacy providers under the MaineCare program.

## **PART SS SUMMARY**

This Part establishes a per prescription assessment on pharmacy providers.

## **PART TT**

Sec. \_\_\_\_\_. 36 MRSA, c. 380, §2897 is enacted to read:

### **CHAPTER 380**

### **AMBULANCE TAX**

#### **§2897-A. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Ambulance Service Provider.** "Ambulance service provider" means any person, persons, or organization that holds itself out to be a provider of transportation of ill or injured persons or that routinely provides such transportation by air, ground, or water vehicle that is designed, constructed or routinely used or intended to be used for such purpose and is licensed in accordance with Title 32, chapter 2-B and has a base location (as defined in rules promulgated pursuant to Title 32, chapter 2-B) in Maine. "Ambulance service provider" does not include:

A. The Maine Army National Guard, the Maine Air National Guard or the United States Armed Forces

B. A municipal fire or police department or any other governmental entity that provides emergency ambulance services;

C. An organization that is required to pay any tax under Title 36, chapters 373 or 377.

**2. Net operating revenue.** "Net operating revenue" means gross revenue collected by an ambulance service provider for the delivery of ambulance services less any deducted amounts for bad debts, charity care or payer discounts.

**§2897-B. Ambulance service tax**

**1. Tax Imposed.** For state fiscal years beginning on or after July 1, 2026, a tax is imposed on every ambulance service provider. The tax is equal to 6% of its net operating revenue as identified in the ambulance service provider's audited financial statement for the providers previous fiscal year.

**2. Transfer of Liability.** If an ambulance service provider liable for the tax sells or quits the business, the ambulance service provider shall make a final return and payment within 15 days after the date of selling or quitting the business. The successor, successors or assignees, if any, shall withhold a sufficient amount of the purchase money to cover the amount of the tax, along with applicable interest and penalties, until such time as the former owner produces a receipt from the State Tax Assessor showing that the taxes have been paid, or a certificate from the assessor stating that no trust fund taxes, interest or penalties are due. The liability of a purchaser is limited to the amount of the purchase price. A purchaser who fails to withhold a sufficient amount of the purchase price is jointly and severally liable for the payment of the taxes, penalties and interest accrued and unpaid on account of the operation of the business by the former owner, owners or assignors and the assessor may make an assessment against the purchaser at any time within 6 years from the date of the sale, transfer or assignment.

**3. Return required in state fiscal years beginning on or after July 1, 2026.** For tax due for state fiscal years beginning on or after July 1, 2026, an Ambulance Service Provider subject to the tax imposed by section 2897-B shall submit to the assessor a return on a form prescribed by the assessor and pay one half of the total tax due by November 15th of the state fiscal year for which the tax is being imposed and one half of the total tax due by May 15th of the state fiscal year for which the tax is being imposed.

**4. Application of revenues.** All revenues received in each fiscal year that result from the tax pursuant to this chapter from ambulance service providers must be credited to the Medical Care - Payments to Providers Other Special Revenue Funds account in the Department of Health and Human Services to be used for MaineCare provider payments.

## **PART TT SUMMARY**

This Part establishes a tax on ambulance providers of 6%. Funds must be credited to the Department of Health and Human Services to be used for MaineCare provider payments.

## **PART UU**

**Sec. UU-1. 22 MRSA §1708, sub-§3**, as enacted by PL 1975, c. 365, §1 is amended to read:

**3. Compensation for nursing homes.** A nursing home, as defined under section 1812-A, or any portion of a hospital or institution operated as a nursing home, when the State is liable for payment for care, must be reimbursed at a rate established by the Department of Health and Human Services pursuant to this subsection. ~~The department may not establish a so-called "flat rate."~~ This subsection applies to all funds, including federal funds, paid by any agency of the State to a nursing home for patient care. The department shall establish rules concerning reimbursement that:

A. Take into account the costs of providing care and services in conformity with applicable state and federal laws, rules, regulations and quality and safety standards;

A-1. [PL 2001, c. 666, Pt. A, §1 (RP); PL 2001, c. 666, Pt. E, §1 (AFF).]

B. Are reasonable and adequate to meet the costs incurred by efficiently and economically operated facilities;

C. Are consistent with federal requirements relative to limits on reimbursement under the federal Social Security Act, Title XIX;

D. Ensure that any calculation of an occupancy percentage or other basis for adjusting the rate of reimbursement for nursing facility services to reduce the amount paid in response to a decrease in the number of residents in the facility or the percentage of the facility's occupied beds excludes all beds that the facility has removed from service for all or part of the relevant fiscal period in accordance with section 333. If the excluded beds are converted to residential care beds or another program for which the department provides reimbursement, nothing in this paragraph precludes the department from including those beds for purposes of any occupancy standard applicable to the residential care or other program pursuant to duly adopted rules of the department;

G. The target date for the next rate review.

In addition to the index, the department shall post on its publicly accessible website all rate studies, benchmark reports and other materials used by the department to develop the rates and payment models.

**8. Notice prior to implementation.** For planned rate changes that do not require rulemaking as described in subsection 3, the department shall provide notice prior to implementation, of no less than 30 calendar days for cost-of-living adjustments and no less than 7 calendar days for Medicare fee schedule changes or the addition of new service codes, to stakeholders who request to receive such notice.

## **PART UU SUMMARY**

This Part simplifies and consolidates statutory language that relates to the adjustment of MaineCare reimbursement into the MaineCare rate reform statute under 22 M.R.S.A. 3173-J, and stipulates that such adjustments are subject to available appropriations. This includes repeal of the requirement for including a regional inflation adjustment in the calculation of nursing facility rates and the requirement for rebasing of nursing facility rates every two years. It also clarifies reimbursement adjustment and rebasing for essential worker reimbursement to be under and consistent with 22 M.R.S.A. 3173-J. It establishes exceptions to the rate setting process for rate adjustments required by law, payments authorized by the federal government in urgent circumstances, or rate reductions resulting from budget short falls. It permits comparative benchmarking to occur on a schedule consistent with that required by federal law and regulation. It also defines how inflation and cost of living indices should be used when establishing and implementing cost-of-living adjustments in order to provide for greater budget predictability. This Part also repeals the requirement that the department must adopt a rule specifying a cost-of-living adjustment methodology, and allows the department to establish rules under this section that incorporate by reference sources in addition to those permitted by Title 5, chapter 375, subchapter 2, section 8056(1)(B)(1), and exempting these rules from the requirements of Title 5, chapter 375, subchapter 2, section 8056(1)(B)(2)-(4). It also defines a process for prioritizing rate adjustments when funds are limited. It removes a second representative of the Department of Professional and Financial Regulation from the MaineCare Rate Reform Expert Technical Advisory Panel, further defines the scope of the panel's review, and reduces the minimum frequency of meetings to once annually.

## **PART VV**

**Sec. VV-1. 22 MRSA §3104-A, sub-§1, ¶D**, as enacted by PL 2013, c. 368, Pt. OO, §2, is repealed.

**Sec. VV-2. 22 MRSA §3762, sub-§3¶B, sub-¶(2), ¶D**, as enacted by PL 2013, c. 368, Pt. OO, §2, is repealed.

## **PART VV SUMMARY**

This Part repeals the hardship exception that allows access to state-funded SNAP benefits and state-funded TANF benefits for individuals who have obtained proper work documentation but are unemployed.

## **PART WW**

**Sec. WW-1. 22 MRSA §9067** is enacted to read:

### **Health Information Technology**

**1. Fee assessed.** Beginning October 1, 2025, the department may assess a fee on Maine hospitals based on the number of inpatient beds, up to a total assessment collection of \$1,800,000 per fiscal year, to support Health Information Technology initiatives, including but not limited to a state-designated statewide health information exchange. The assessment will be collected by October 1 of each year. This assessment does not apply to state or municipally owned hospitals.

**2. Fund.** The Health Information Technology Fund is established as a nonlapsing fund to receive any fees collected pursuant to this chapter. The department shall use these funds as the state share of costs related to Health Information Technology initiatives.

## **PART WW SUMMARY**

This part allows the department to assess a fee on Maine hospitals based on the number of inpatient beds, up to a total assessment collection of \$1,800,000 per fiscal year, to support Health Information Technology initiatives. It also establishes the Health Information Technology fund to collect and disperse these fees.

## **PART XX**

**Sec. XX-1. 34-B MRSA §1203-B**, as enacted by PL 2023, c. 89, §7, is amended to read:

**2-A. Licensing fees and terms.** Fees and terms for licenses under this section are as follows.

A. The application fee for a provisional license may not be less than \$100 nor more than \$280. The term of a provisional license is established pursuant to subsection 5.

Carrying Balances – General Fund account to the Enforcement Operations program, General Fund account for the purchase of boat/motor/trailer replacements.

**Sec. MMM-3. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account.** On or before August 1, 2025, the State Controller shall transfer \$250,000 from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Administrative Services IFW, General Fund account for the upgrade of regional offices for ADA compliance and energy efficiency. On or before August 1, 2026, the State Controller shall transfer \$200,000 from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Administrative Services IFW, General Fund account for the upgrade of regional offices for ADA compliance and energy efficiency.

### **PART MMM SUMMARY**

This Part transfers funds from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Enforcement Operations program, General Fund account for the purchase of replacement aircraft engines and propellers, and boats/motor/trailer replacements in fiscal year 2025-26 and fiscal year 2026-27. This Part also transfers funds from the Inland Fisheries and Wildlife Carrying Balances – General Fund account to the Administrative Services IFW, General Fund account for the upgrade of regional offices for ADA compliance and energy efficiency in fiscal year 2025-26 and fiscal year 2026-27

### **PART NNN**

**Sec. NNN-1, 12 MRSA §11109, sub-§3, ¶D,** as repealed and replaced by PL 2015, c.494, Pt. D, §2, is amended to read:

D. A resident combination hunting and fishing license is ~~\$43~~ \$50.00 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.

**Sec. NNN-2. 12 MRSA §11109, sub-§3, ¶E,** as repealed and replaced by PL 2015, c. 494, Pt. D, §2, is amended to read:

E. A resident combination archery hunting and fishing license is ~~\$43~~ \$50.00 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.

**Sec. NNN-3. 12 MRSA §11109, sub-§3, ¶J,** as repealed and replaced by PL 2015, c. 494, Pt. D, §2, is amended to read:

J. A nonresident combination hunting and fishing license is ~~\$150~~ \$157.00.

**Sec. NNN-4. 12 MRSA §11109, sub-§7, ¶B,** as amended by PL 2015, c. 245, §3, is further amended to read:

B. A resident combination archery hunting and fishing license is ~~\$43~~ \$50.00

**Sec. NNN-5. 12 MRSA §11109-A, sub-§5,** as amended by PL 2023, c. 49, §2 and affected by §3, is further amended to read:

**5. Fee.** The fee for a super pack license is ~~\$207~~ \$214.00 for residents and ~~\$182~~ \$189.00 for a person holding 2 or more lifetime licenses.

**Sec. NNN-6. 12 MRSA §12501, sub-§6,** as amended by PL 2023, c. 228, §§11 and 12, is further amended to read:

**6. Schedule of fees.** The fees for fishing licenses are as follows.

A. A resident fishing license is ~~\$25~~ \$32.00.

B. A resident combination hunting and fishing license is ~~\$43~~ \$50.00.

C. A resident combination archery hunting and fishing license is ~~\$43~~ \$50.00.

D. Repealed, Laws 2013, c. 538 § 41, eff. Jan. 1, 2015.

E. A 3-day fishing license for a resident or nonresident, valid for the 72-hour period specified on the license, is ~~\$23~~ \$30.00.

F. A nonresident 7-day fishing license, valid for 7 days from date indicated on license, is ~~\$43~~ \$50.00.

G. A nonresident 15-day fishing license, valid for 15 days from date indicated on license, is ~~\$47~~ \$54.00.

H. A nonresident season fishing license for persons 16 years of age or older is ~~\$64~~ \$71.00.

I. Repealed, Laws 2017, c. 427 § 18, eff. Jan. 1, 2019.

J. A one-day fishing license for a resident or nonresident, valid for the 24-hour period indicated on license, is ~~\$11~~ \$18.00.

## **PART NNN SUMMARY**

This Part increases fishing license fees, assessed by the Department of Inland Fisheries and Wildlife, by \$7.

## **PART OOO**

**Sec. OOO-1. 26 MRSA c.25, sub-c.6** is enacted to read:

### **SUBCHAPTER 6**

### **TARGETED WORKFORCE INVESTMENT PROGRAM**

#### **§2040. Targeted Workforce Investment**

Police may be removed by impeachment or by the Governor on the address of both branches of the Legislature.

The Chief of the State Police is the executive head of the Bureau of State Police, as heretofore established, and shall execute the duties of the office under the direction and subject to the approval of the Commissioner of Public Safety. In the absence of the Commissioner of Public Safety, the Chief of the State Police shall assume the duties and has the authority of the commissioner, except that the Chief of the State Police has no authority to change any general rules and regulations unless the Chief of the State Police is serving in the capacity of acting commissioner as a result of the death, removal, extended leave of absence or resignation of the commissioner.

Subject to the approval of the Commissioner of Public Safety, the chief may appoint one commissioned officer of the State Police to act as the chief's deputy and 23 commissioned officers of the State Police to act as the chief's majors, all of whom serve at the pleasure of the chief. Subject to the Civil Service Law, the Chief of the State Police may enlist suitable persons as members of the State Police to enforce the law and employ such other employees as may be necessary. The Chief of the State Police shall make rules, subject to the approval of the State Civil Service Appeals Board, for the discipline and control of the State Police. If a deputy chief or major is removed or fails to be reappointed for any reason other than malfeasance of office and, at that time, does not have at least the number of years of creditable service necessary for a service retirement benefit pursuant to Title 5, section 17851, subsection 4, the deputy chief or major must be reinstated at the commissioned rank held at the time of the appointment with all the rights and privileges as provided by law and personnel rules.

It is the intent of the Legislature that the Governor may in the Governor's discretion appoint the same person to serve as Commissioner of Public Safety and Chief of the Maine State Police. In this event, the Governor shall appoint the Chief of the State Police, subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to confirmation by the Legislature, to serve at the pleasure of the Governor. Such appointment may be made from the commissioned officer membership of the State Police. In the event that the Commissioner of Public Safety and the Chief of the State Police are the same person, the commissioner may receive only the salary designated for the Commissioner of Public Safety.

#### **PART UUU SUMMARY**

This part increases the number of chief's majors the Commissioner of Public Safety may appoint from 2 to 3. Public Law 2023, chapter 643 established a third major position.

#### **PART VVV**

**Sec. VVV-1. 25 MRSA §2003, sub-§1, ¶E**, as amended by PL 2011, c.298, §7, is further

amended by amending subparagraph (4) to read:

(4) Submits an application fee along with the written application to the proper issuing authority pursuant to the following schedule:

(a) ~~Resident~~ For a resident of a municipality or unorganized territory, ~~\$35~~ \$50 for an original application and ~~\$20~~ \$35 for a renewal, except that a person who paid \$60 for a concealed firearms permit or renewal during 1991 or 1992 is entitled to a credit toward renewal fees in an amount equal to \$30 for a person who paid \$60 for an original application and \$45 for a person who paid \$60 for a permit renewal. The credit is valid until fully utilized; and

(b) ~~Nonresident~~ For a nonresident, ~~\$60~~ \$80 for an original or renewal application; and

**Sec. VVV-2. 25 MRSA §2003, sub-§15**, as amended by PL 2015, c. 123, §11, is further amended to read:

A. If the issuing authority is other than the Chief of the State Police, ~~\$25~~ \$40 of the fee for an original application and ~~\$15~~ \$30 of the fee for a renewal must be paid over to the Treasurer of State.

B. If the Chief of the State Police is the issuing authority as the designee of a municipality under section 2002-A, ~~\$25 of the fee for an original application and \$15 of the fee for a renewal~~ the application fee must be paid over to the Treasurer of State.

C. If the Chief of the State Police is the issuing authority because the applicant is a resident of an unorganized territory, a nonresident or an applicant under subsection 18, the application fee must be paid over to the Treasurer of State. ~~The fee must be applied to the expenses of administration incurred by the State Police.~~

## **PART VVV SUMMARY**

This Part increases the fees charged to an individual applying for or renewing a permit to carry a concealed handgun. The bill also amends the provision that directs a portion of the collected fees to the Treasurer of State by increasing the amount paid to the Treasurer of State.

## **PART WWW**

**Sec. WWW-1. Department of Administrative and Financial Services and Department of Public Safety; lease-purchase authorization for motor vehicles for State Police.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial

Services, in cooperation with the Treasurer of State, on behalf of the Department of Public Safety, may enter into financing agreements in fiscal years 2025-26 and 2026-27 for the acquisition of motor vehicles for the State Police. The financing agreements entered into in each fiscal year may not exceed \$3,655,000 in principal costs, and a financing agreement may not exceed 60 months in duration. The interest rate may not exceed 7%. The annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the State Police accounts.

### **PART WWW SUMMARY**

This Part authorizes the Department of Administrative and Financial Services and the Department of Public Safety to enter into financial arrangements in fiscal year 2023-24 and 2024-25 for the acquisition of motor vehicles for the State Police.

### **PART XXX**

**Sec. XXX-1. Department of Administrative & Financial Services; transfer of funds.** Notwithstanding any provision of law to the contrary, on or before June 30, 2026, the State Controller shall transfer \$2,400,000 from the Department of Public Safety, Administration-Public Safety, Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2026. Funds were transferred to this program in Public Law 2023, chapter 643, Part VVV to fund certain first responder overtime costs associated with the Lewiston mass casualty even on October 25, 2023 and the subsequent apprehension operation.

### **PART XXX SUMMARY**

This Part authorizes the State Controller to transfer \$2,400,000 from the Department of Public Safety, Administration-Public Safety, Other Special Revenue Funds account to the unappropriated surplus of the General Fund on or before June 30, 2026. Funds were transferred to this program in Public Law 2023, chapter 643, Part VVV to fund certain first responder overtime costs associated with the Lewiston mass casualty even on October 25, 2023 and the subsequent apprehension operation. All submitted requests for reimbursement have been processed by the Department of Public Safety. This balance will not be used to the authorized purpose.

### **PART YYY**

**Sec. YYY-1. Sec. ?-1. 39-A MRSA §154, sub-§6, ¶A** as amended by PL 2023, c. 17, §1, is further amended to read:

A. The assessments levied under this section may not be designed to produce more ~~than~~ \$14,700,000 beginning in the 2023-24 fiscal year revenue than is sufficient for expenditures allocated pursuant to subsection 2 and to maintain a reserve of up to 1/4 of the board's annual budget. Assessments collected that exceed ~~the~~ this limit by a margin of more than 10% must be

used to reduce the assessment that is paid by insured employers pursuant to subsection 3. Any amount collected above the board's allocated budget and within the 10% margin must be used to create a reserve of up to 1/4 of the board's annual budget.

### **PART YYY SUMMARY**

This Part amends the provision of law governing the Workers' Compensation Board Administrative Fund to ensure the board will be able to fund expenditures allocated by the Legislature and maintain its reserve. This Part removes current statutory language that places a specific dollar amount on the maximum value of assessments that may be levied from insured employers and replaces it with language providing that assessments levied may not be designed to produce more revenue than is sufficient for the Workers' Compensation Board to fund the expenditures allocated by the Legislature and to maintain a reserve of up to 1/4 of the board's annual budget. This part retains language from current law that requires that any funds collected above the maximum assessment that exceed a margin of 10% be used to reduce the assessments paid by insured employers.

### **PART ZZZ**

**Sec. ZZZ-1. Suspension of Appropriation Limit.** Notwithstanding any provision of law to the contrary, the requirements in Maine Revised Statutes, Title 5 section 1534 establishing an appropriation limit and the criteria for exceeding the limit is suspended for fiscal year 2025-26.

### **PART ZZZ SUMMARY**

This Part suspends the appropriation limit for fiscal year 2025-26.

### **PART AAAA**

**Sec. AAAA-1. Transfer of Personal Services balances to All Other; Judicial Department, Courts – Supreme, Superior and District; fiscal year 2025-26.** Notwithstanding any provision of law to the contrary, for fiscal years 2025-26, the Judicial Department is authorized to transfer up to \$80,000 of available balances of appropriations in the Personal Services line category in the Courts – Supreme, Superior and District program, after all financial commitments for salary, benefit and other obligations have been met, to the All Other line category in order to fund costs associated with market pay study. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.