STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* is produced under the auspices of the Maine Legislative Council by:

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX	*Chapter # of Constitutional Resolution passed by both Houses*
CONF CMTE UNABLE TO AGREE	*Committee of Conference unable to agree; bill died*
DIED BETWEEN BODIES	*House & Senate disagree; bill died*
DIED IN CONCURRENCE	*One body accepts ONTP report; the other indefinitely postpones the bill*
DIED ON ADJOURNMENT	*Action incomplete when session ended; bill died*
EMERGENCY	*Enacted law takes effect sooner than 90 days*
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE	*Emergency bill failed to get 2/3 vote*
FAILED ENACTMENT/FINAL PASSAGE	*Bill failed to get majority vote*
FAILED MANDATE ENACTMENT	*Bill imposing local mandate failed to get 2/3 vote*
NOT PROPERLY BEFORE THE BODY	*Ruled out of order by the presiding officers; bill died*
INDEF PP	*Bill Indefinitely Postponed*
ONTP (or Accepted ONTP report)	*Ought Not To Pass report accepted*
OTP-ND	*Committee report Ought To Pass In New Draft*
P&S XXX	*Chapter # of enacted Private & Special Law*
PASSED	*Joint Order passed in both bodies*
PUBLIC XXX	*Chapter # of enacted Public Law*
RESOLVE XXX	*Chapter # of finally passed Resolve*
UNSIGNED	*Bill held by Governor*
VETO SUSTAINED	*Legislature failed to override Governor's Veto*

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is ***September 20, 2007***. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

July 2007

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LD 21 **Resolve, To Provide Access for Persons with Disabilities to Great Ponds** **RESOLVE 22**

Sponsor(s)	Committee Report	Amendments Adopted
PINEAU	OTP-AM	H-82

LD 21 directs the Department of Conservation and the Department of Inland Fisheries and Wildlife to develop a plan to provide access for persons with disabilities to ponds that are 10 acres or greater and to submit that plan to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 3, 2008.

Committee Amendment "A" (H-82)

The committee amendment directs the Department of Conservation and the Department of Inland Fisheries and Wildlife to examine the distribution of great ponds with access for persons with disabilities and to develop priorities for increasing the number and providing an appropriate geographic distribution of ponds with adequate access for people with disabilities. The 2 departments are required to report back to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 3, 2008.

Enacted Law Summary

Resolve 2007, chapter 22 directs the Department of Conservation and the Department of Inland Fisheries and Wildlife to examine the distribution of great ponds with access for persons with disabilities and to develop priorities for increasing the number and providing an appropriate geographic distribution of ponds with adequate access for people with disabilities. The 2 departments are required to report back to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 3, 2008.

LD 25 **An Act To Change the Maine Land Use Regulation Commission's Lot Size, Coverage and Setback Requirements for Some Affordable Housing Lots on Coastal Islands** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE	ONTP	

LD 25 directs the Maine Land Use Regulation Commission to adopt dimensional standards for affordable housing on certain coastal islands. It allows affordable housing to be denser than other residential development with reduced setbacks, smaller lot sizes and larger maximum lot coverage standards. These standards apply only on islands under Maine Land Use Regulation Commission jurisdiction where at least half of the island's land area is protected for conservation purposes. If the island is a municipality or plantation, the governing body for that municipality or plantation must approve the designation of an area as appropriate for affordable housing.

LD 57 **Resolve, To Develop and Promote Enhanced Humane Livestock Handling and Slaughtering Practices** **RESOLVE 10**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH	OTP-AM	H-43

LD 57 prohibits slaughtering livestock in sight of other livestock. This prohibition becomes effective January 1, 2009 and applies to custom and commercial slaughterhouses. The bill also amends the statutes governing the

distribution of grants from the agricultural development fund to specify that the fund may be used to modify slaughterhouse facilities to comply with statutory provisions for humane slaughter. The bill also directs the Commissioner of Agriculture, Food and Rural Resources to give priority in the next 2 grant cycles to applicants proposing to modify slaughterhouses to comply with the prohibition.

Committee Amendment "A" (H-43)

This amendment changes the bill to a resolve directing the Commissioner of Agriculture, Food and Rural Resources to conduct a workshop and develop guidelines for enhanced voluntary humane livestock handling and slaughtering practices.

Enacted Law Summary

Resolve 2007, chapter 10 directs the Commissioner of Agriculture, Food and Rural Resources to conduct a workshop and develop guidelines for enhanced voluntary humane livestock handling and slaughtering practices. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation to the Second Regular Session of the 123rd Legislature. It also directs the Commissioner of Agriculture, Food and Rural Resources to give priority to applicants to the Agricultural Development Fund who are seeking funding to modify or construct slaughterhouse facilities to implement the guidelines for enhanced humane handling and slaughtering practices.

LD 145 **An Act To Include Undeveloped Archeological Sites in the Acquisition Criteria for the Land for Maine's Future Fund** **PUBLIC 64**

Sponsor(s)	Committee Report	Amendments Adopted
SOCTOMAH	OTP-AM	H-44

LD 145 requires at least 5% of the Land for Maine's Future Fund to be allocated for the purchase of archeological sites.

Committee Amendment "A" (H-44)

This amendment replaces the bill. It amends the criteria for determining eligibility for funding from the Land for Maine's Future Fund to specifically include undeveloped archeological sites.

Enacted Law Summary

Public Law 2007, chapter 64 amends the criteria for determining eligibility for funding from the Land for Maine's Future Fund to specifically include undeveloped archeological sites.

LD 185 **An Act To Prohibit Certain Uses of Monosodium Glutamate** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ANNIS SHERMAN	ONTP	

LD 185 prohibits persons selling, offering for sale or serving in any retail store, hotel, restaurant or other public eating place any food or food product from directly adding monosodium glutamate to the food being sold or served. It also changes labeling requirements for food that contains monosodium glutamate.

LD 277 **An Act To Require Mapping of Conservation Easements and Public Lands** **PUBLIC 331**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM	S-253

LD 277 directs the Executive Department, State Planning Office to develop and maintain a database containing information on public and private lands on which, for conservation or recreation purposes, development is prohibited or restricted. It directs the State Planning Office to work with the Maine Library of Geographic Information to produce and make available to the public a map on which these lands are located.

Committee Amendment "A" (S-253)

The committee amendment replaces the bill. It directs the Land for Maine's Future Board to include in its biennial report maps depicting publicly owned land and permanent interests in land held for conservation purposes. The maps are to provide a representation at a statewide level of the amount of land affected by conservation easements.

Enacted Law Summary

Public Law 2007, chapter 331 directs the Land for Maine's Future Board to include in its biennial report maps depicting publicly owned land and permanent interests in land held for conservation purposes. The maps are to provide a representation at a statewide level of the amount of land affected by conservation easements.

LD 380 **An Act To Protect the Public from Dangerous Dogs** **PUBLIC 170**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM	S-91

LD 380 establishes standards for a secure enclosure in which to confine a dangerous dog. It also allows the court to prohibit a person convicted of violating a court order pertaining to a dangerous dog from possessing or keeping a dog.

Committee Amendment "A" (S-91)

The committee amendment authorizes a court to order the owner or keeper of a dangerous dog to provide the animal control officer with identifying information for each dog kept by that person, to have dogs kept on that person's premises permanently identified and to order dogs kept on the premises to be confined in a secure enclosure. It also specifies when a dog confined in a secure enclosure by a court order is allowed out of that enclosure and the restraints that must be used.

Enacted Law Summary

Public Law 2007, chapter 170 authorizes a court to order the owner or keeper of a dangerous dog to provide the animal control officer with identifying information for each dog kept by that person, to have dogs kept on that person's premises permanently identified and to order dogs kept on the premises to be confined in a secure enclosure. It also specifies when a dog confined in a secure enclosure by a court order is allowed out of that enclosure and the restraints that must be used.

Public Law 2007, chapter 170 was enacted as an emergency measure effective May 25, 2007.

LD 400 **An Act To Provide Funding to the Department of Agriculture, Food and Rural Resources for Veterinarians for Farm Animals** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHATZ	ONTP	

LD 400 makes ongoing General Fund appropriations of $330,828 and $460,324 in fiscal years 2007-08 and 2008-09, respectively, for the costs of 4 additional Veterinarian positions in the Department of Agriculture, Food and Rural Resources.

LD 406 **An Act To Prohibit Aerial Spraying of Pesticides near Buildings, Roads and Bodies of Water** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHATZ	ONTP	

LD 406 establishes buffers where aerial spraying of pesticides is prohibited.

LD 471 **An Act To Clarify the Status of Lots Greater than 40 Acres on Plans Recorded for Unorganized Territory Land before September 21, 2001** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

LD 471 further clarifies the intent of the Legislature by enactment of 2001 Public Law, Chapter 431 to exempt from the Land Use Regulation Commission's subdivision laws lots of 40 or more acres depicted on a plan that was recorded before September 21, 2001 and that was in compliance at the time of recording.

LD 472 **An Act To Clarify Land Planning in the Unorganized and Deorganized Townships of the State** **PUBLIC 264**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	OTP-AM	S-116
		S-137 SHERMAN

LD 472 clarifies and amends the process by which the Maine Land Use Regulation Commission adopts a comprehensive land use plan for the unorganized and deorganized townships of the State.

Committee Amendment "A" (S-116)

The amendment removes language from the bill that requires the Maine Land Use Regulation Commission to collect information from residents and property owners of the jurisdiction and other interested parties to be used in establishing the land use guidance plan. The amendment also removes language that requires the commission to submit the plan to the joint standing committee of the Legislature having jurisdiction over conservation matters for its approval and that provides that if the committee approves the plan then it must be submitted for the Legislature's approval and, if the Legislature approves, to the Governor. It requires the Maine Land Use Regulation Commission to hold public hearings when developing a comprehensive land use plan. It directs the commission to submit a draft

of the comprehensive land use plan to the Joint Standing Committee on Agriculture, Conservation and Forestry along with specific information on the development of the plan no later than December 3, 2007 or a minimum of 30 days prior to a vote by the commission on final adoption of the plan.

Senate Amendment "B" (S-137)

Senate Amendment "B" clarifies the original intent of Committee Amendment "A." It clarifies the process and timing of the presentation of the comprehensive land use plan developed by the Maine Land Use Regulation Commission to the Joint Standing Committee on Agriculture, Conservation and Forestry. It requires the commission to present the final draft to the committee at least 30 days prior to a scheduled vote by the commission on adoption of the plan. If the final draft is not completed before December 3, 2007, the commission must present the most recent revision of the plan to the committee by that date.

Enacted Law Summary

Public Law 2007, chapter 264 requires the Maine Land Use Regulation Commission to hold public hearings when developing a comprehensive land use plan. It requires the commission to present the final draft to the committee at least 30 days prior to a scheduled vote by the commission on adoption of the plan. If the final draft is not completed before December 3, 2007, the commission must present the most recent revision of the plan to the committee by that date.

LD 473 **An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

LD 473 clarifies the purpose of land use regulation in the unorganized and deorganized townships of the State by confirming that such regulation is for the benefit of property owners and residents of these areas, as well as the public benefit. The bill also provides a legislative acknowledgment that these areas are important to the continued vitality of the State and to local economies by promoting forest management and agricultural activities.

LD 516 **An Act To Make More Affordable the Surcharge on the Sale of Dogs and Cats That Have Not Been Neutered** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	ONTP	

LD 516 reduces the surcharge collected by pet shops on each dog or cat sold that has not been neutered from $25 to $5.

LD 548 **An Act To Prevent Abuse of Pet Ownership Rights** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS	ONTP	

LD 548 allows the owner of a cat or dog to shoot that cat or dog only if it is done to protect the safety of the public or to end the severely injured or ill cat or dog's suffering.

LD 564 **Resolve, To Streamline the Regulation of Agricultural Composters** **RESOLVE 139**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM	S-357

LD 564 requires commercial agricultural composting operations to register with the Department of Agriculture, Food and Rural Resources. The bill requires the Commissioner of Agriculture, Food and Rural Resources to adopt rules for the regulation of commercial agricultural composting operations. The bill also requires the Commissioner of Agriculture, Food and Rural Resources to submit a written report to the Commissioner of Environmental Protection if a violation of the laws administered by the Department of Environmental Protection is believed to have occurred because of a failure to implement prescribed best management practices.

Committee Amendment "B" (S-357)

The committee amendment changes the bill to a resolve directing the Commissioner of Environmental Protection and the Commissioner of Agriculture, Food and Rural Resources to take certain steps regarding oversight of agricultural composting operations. The commissioners are directed to report back to both the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Natural Resources. The Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to submit legislation pertaining to agricultural composting operations during the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 139 directs the Commissioner of Environmental Protection to revise the department's rules pertaining to the licensing of agricultural composting operations as waste management facilities. The Commissioner of Agriculture, Food and Rural Resources is directed to develop components to be included in a compost management plan. The commissioners are directed to consult with one another as they proceed with these directives and are required to report back to both the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Natural Resources. The Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to submit legislation pertaining to agricultural composting operations during the Second Regular Session of the 123rd Legislature.

LD 598 **Resolve, To Allow Municipalities To Purchase Burn Permit Software** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

LD 598 directs the Department of Conservation, Maine Forest Service to allow municipalities to purchase and use burn permit software from a private party if all statutory requirements of issuing burn permits are met by the software.

LD 629 **Resolve, To Create the Sebago Lake Village State Park** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY SNOWE-MELLO	ONTP	

LD 629 directs the Department of Conservation, Bureau of Parks and Lands to purchase the boat ramp on Sebago Lake in the Town of Standish and 3 acres of Portland Water District property surrounding the boat ramp to establish the Sebago Lake Village State Park. The State will pay the Town of Standish fair market value for the property acquired from the town for the park and the Portland Water District for the value of the property acquired from the district at the value of the property as determined by the tax assessed under the Maine Tree Growth Tax Law. This resolve directs the Bureau of Parks and Lands to improve the boat ramp in its existing location and create parking for 100 motor vehicles and boat trailers.

LD 680 **An Act To Increase Funding for the Spaying and Neutering of Companion Animals** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM ONTP	S-103

LD 680 changes the way the fees collected from the registration of pet food and commercial feed is distributed. Currently, 1/2 of the fees collected go to the General Fund and the other 1/2 goes to the Animal Welfare Fund. This bill directs the Commissioner of Agriculture, Food and Rural Resources to deposit 1/4 of the fees collected in the General Fund, 1/4 of the fees collected in the Companion Animal Sterilization Fund and 1/2 of the fees collected in the Animal Welfare Fund. This bill also adds language indicating that funds deposited in the Companion Animal Sterilization Fund also come from funds from the registration of pet food and commercial feed pursuant to the Maine Revised Statutes, Title 7, section 714, subsection 2.

Committee Amendment "A" (S-103)

Committee Amendment "A" is the majority report. It incorporates a fiscal note.

This bill was carried over to any special or regular session of the 123rd Legislature by Joint Order, H.P. 1369.

LD 695 **An Act Concerning Applications Processed by the Maine Land Use Regulation Commission** **PUBLIC 114 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
DUCHESNE BRYANT B	OTP-AM	H-95

LD 695 amends the permit application fees set by rule by the Maine Land Use Regulation Commission to remove the limits regarding subdivision applications and zoning petitions.

Committee Amendment "A" (H-95)

The committee amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 114 removes the statutory limits on permit fees for subdivision applications and zoning petitions, allowing the Maine Land Use Regulation Commission to prescribe a wider ranger of fees through rulemaking.

Public Law 2007, chapter 114 was enacted as an emergency measure effective May 14, 2007.

LD 705 **Resolve, Regarding Legislative Review of Portions of Chapter 329: Rules Governing Milk and Milk Products, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources**

RESOLVE 8
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 705 provides for legislative review of portions of Chapter 329: Rules Governing Milk and Milk Products, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Enacted Law Summary

Resolve 2007, chapter 8 authorizes final adoption of portions of Chapter 329: Rules Governing Milk and Milk Products, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Resolve 2007, chapter 8 was enacted as an emergency measure effective April 12, 2007.

LD 717 **Resolve, Regarding Legislative Review of Portions of Chapter 1: General Provisions and Chapter 10: Land Use Districts and Standards, Major Substantive Rules of the Maine Land Use Regulation Commission**

RESOLVE 19
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-120

LD 717 provides for legislative review of portions of Chapter 1, General Provisions and Chapter 10, Land Use Districts and Standards, major substantive rules of the Maine Land Use Regulation Commission.

Committee Amendment "A" (H-120)

The committee amendment authorizes final adoption of the rule provided certain revisions are made.

Enacted Law Summary

Resolve 2007, chapter 19 authorizes final adoption of the rule provided revisions are made that:

1. Clarify that for utility lines, roads, land management roads and mineral or peat extraction, only the portion of the project or the additional length or acreage that triggers permit review is subject to the fee calculation;

2. Remove the provision requiring a permit applicant to pay actual costs incurred for a public hearing and

3. Authorize the Director of the Maine Land Use Regulation Commission to require a petitioner to pay the cost of a public hearing when the petition is for a district boundary change for the purpose of a subdivision or a commercial development.

Resolve 2007, chapter 19 was enacted as an emergency measure effective May 14, 2007.

LD 758 **An Act To Protect Household Pets and Other Animals from Poisoning** **PUBLIC 336**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN	OTP-AM	H-399

LD 758 requires that engine coolant or antifreeze that contains more than 10% ethylene glycol or propylene glycol must include an aversive agent that makes it taste bitter so that it is rendered unpalatable. This measure reduces the risk of poisoning of household pets and other animals.

Committee Amendment "A" (H-399)

The committee amendment reallocates the provisions requiring engine coolants containing more than 10% ethylene glycol to contain a bittering agent to the statutes administered by the Department of Agriculture, Food and Rural Resources. It removes the requirement in the bill that engine coolant or antifreeze containing more than 10% propylene glycol must include an aversive agent. It adds a limitation on liability for damage to the environment or natural resources or economic loss that results from the inclusion of an aversive agent. It delays the effective date until one year after 3 other northeastern states have enacted similar legislation.

Enacted Law Summary

Public Law 2007, chapter requires that engine coolant or antifreeze containing more than 10% propylene glycol include a bittering or aversive agent and provides limitations on liability for damage to the environment or natural resources or economic loss that results from the inclusion of an aversive agent. These provisions do not become effective until one year after 3 other northeastern states have enacted similar legislation.

LD 767 **Resolve, Directing the Bureau of Revenue Services To Make Information Available Concerning the Amount of Revenue Received from the Companion Animal Sterilization Fund Tax Return Checkoff** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	ONTP	

LD 767 directs the Department of Administrative and Financial Services, Bureau of Revenue Services to make available the amount of revenue received from the tax return checkoff for the Companion Animal Sterilization Fund and to post the amount on the bureau's publicly accessible website.

LD 852 **An Act To Adjust the Levels of the State's Dairy Stabilization Program** **PUBLIC 262**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	OTP-AM MAJ OTP-AM MIN	S-139

LD 852 prohibits a retail store from selling milk for a price that exceeds by 10% the minimum retail price established for payment by consumers by the Maine Milk Commission. The bill exempts sales of organic milk and sales to consumers by producer-dealers from the prohibition on excessive retail pricing. The bill also amends the definition of "target price" as that term is used in the dairy stabilization support statutes to include interest and depreciation on machinery and equipment.

Committee Amendment "A" (S-139)

Committee Amendment "A" is the majority report. It removes the sections of the bill relating to retail pricing of milk. It removes proposed changes to the definition of "target price," authorizes the Maine Milk Commission to establish and amend target prices through major substantive rulemaking and, beginning July 1, 2007, establishes interim target prices that may be changed through adoption of major substantive rules.

Committee Amendment "B" (S-140)

Committee Amendment "B" is the minority report. It changes the threshold for determining excessive retail pricing to 275% of the basic price of milk that is received by farmers, instead of the 10% above the minimum retail price. The prohibition on excessive pricing applies to retail stores meeting the definition of "supermarket." It makes the same changes to the establishment of target prices as in the majority report. The minority report was not accepted.

Enacted Law Summary

Public Law 2007, chapter 262 authorizes the Maine Milk Commission to establish and amend target prices through major substantive rulemaking and establishes interim target prices, beginning July 1, 2007, that may be changed through adoption of major substantive rules. Identical provisions regarding target prices were included in Part OOO of the biennial budget enacted as Public Law, 2007, chapter 240.

Public Law 2007, chapter 262 was enacted as an emergency measure effective June 8, 2007.

LD 861 **An Act To Require a Commercial Applicator's License To Use Pesticides in Licensed Food and Eating Establishments** **PUBLIC 245**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	OTP-AM MAJ ONTP MIN	H-318

LD 861 requires a person applying pesticides anywhere in a food-handling establishment to have a commercial applicator license.

Committee Amendment "A" (H-318)

This amendment is the majority report of the committee. The minority report is Ought Not To Pass.

It clarifies that only food establishments and eating establishments required to be licensed are being required to use a commercial applicator for pesticides in nonpublic areas. It uses existing statutory definitions for "food establishment" and "eating establishment." It clarifies that the State Board of Pesticides Control's rules to provide exemptions or reduced licensing requirements for certain applications are routine technical rules. It directs the departments with licensing authority and inspection responsibilities for food establishments and eating establishments to amend their rules to reflect these changes.

It provides an exception to the requirement that pesticides be applied by a commercial applicator when the licensed establishment is ancillary to an agricultural business, the owner or an employee of the establishment is certified as a private applicator and the pesticides are not being applied in an area open to the public.

Enacted Law Summary

Public Law 2007, chapter 245 requires licensed food establishments and eating establishments to use a commercial applicator for applying pesticides in nonpublic areas as well as public areas. The State Board of Pesticides Control can provide exemptions or reduced licensing requirements for certain applications through rulemaking. It provides an exception to the requirement that pesticides be applied by a commercial applicator when the licensed establishment is ancillary to an agricultural business, the owner or an employee of the establishment is certified as a private applicator and the pesticides are not being applied in an area open to the

public.

LD 875 **An Act To Continue the Protection of Marine Waters and Organisms from the Risks Posed by the Applications of Pesticides** **PUBLIC 50 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-46 PIEH

LD 875 extends the repeal date on statutory provisions relating to pesticides applications to control browntail moths by one year to March 31, 2008. In addition it amends the provisions to:

1. Allow application of pesticides by air-assisted sprayers to control browntail moths in the area between 50 and 250 feet of the mean high water mark;

2. Allow pesticides applications only when the wind is equal to or greater than 2 miles per hour and blowing away from marine waters;

3. Add applications by licensed commercial applicators using nonpowered equipment to other applications exempted from the restrictions and prohibitions in the Maine Revised Statutes, Title 22, section 1445;

4. Add Lincoln County to the area to which the restrictions apply;

5. Require the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control to continue monitoring of allowed spray applications and direct the board to work with the Department of Marine Resources on sampling and analysis of marine water and sediment; and

6. Require the Board of Pesticides Control to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by January 2, 2008.

House Amendment "A" (H-46)

This amendment enacts the restrictions on pesticide applications for browntail moths that were repealed on March 31, 2007 with the substantive changes proposed by LD 875 as amended by Committee Amendment "A". LD 875 as amended by Committee Amendment "A" was not enacted prior to March 31, 2007. Therefore, it was necessary to enact revised provisions rather than amending the provisions existing prior to March 31, 2007.

Enacted Law Summary

Public Law 2007, chapter 50 enacts a revised version of provisions originally enacted as Public Law 2005, chapter 50 establishing buffers and restrictions on the application of pesticides to control browntail moths in coastal areas of Cumberland, Lincoln, Sagadahoc and York Counties. These provisions are repealed on March 31, 2008. The Board of Pesticides Control is required to monitor applications of pesticides using air-assisted sprayers in these areas and to report its findings and recommendations regarding air-assisted spraying to the Joint standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Marine Resources by January 2, 2008.

Public Law 2007, chapter 50 was enacted as an emergency measure effective April 12, 2007.

LD 876 **Resolve, To Study Maine's Agricultural Creative Economy Sector** **RESOLVE 13**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH	OTP-AM	H-68

LD 876 directs the Department of Agriculture, Food and Rural Resources, the Department of Labor, the Department of Economic and Community Development and the Department of Conservation to collaborate on a study of the creative, rural agricultural value-added sector of the State's economy. It directs the Department of Agriculture, Food and Rural Resources to submit a report on the study to the Second Regular Session of the 123rd Legislature along with any recommended legislation no later than December 5, 2007.

Committee Amendment "A" (H-68)

This amendment makes technical changes to the resolve and specifies that the Department of Agriculture, Food and Rural Resources submit its report to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Business, Research and Economic Development and implementing legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 13 directs the Department of Agriculture, Food and Rural Resources, the Department of Labor, the Department of Economic and Community Development and the Department of Conservation to collaborate on a study of the value-added agricultural creative economy sector of the State's economy. The departments are directed to consider the economic impact of expanding and diversifying agricultural businesses, barriers to small-scale food production, creation of a cabinet level advisory board to develop strategies for economic development in agriculture, and the need for funding and positions to nurture the agricultural creative economy.

The Department of Agriculture, Food and Rural Resources is required to submit a report to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Business, Research and Economic Development and implementing legislation to the Second Regular Session of the 123rd Legislature by December 5, 2007.

LD 923 **An Act To Prohibit the Surgical Removal of Vocal Cords in Dogs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	ONTP	

LD 923 prohibits the removal of a dog's vocal cords for nonmedical reasons.

LD 924 **An Act To Preserve Agricultural Fairs in Rural Maine** **PUBLIC 183**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
LUNDEEN	OTP-AM	H-227

LD 924 enables agricultural fairs that held extended harness racing meets in 1998 to share in the revenues generated by the racino. This bill also corrects a conflict created by Public Law 2005, chapters 563 and 576,

which affected the same provision of law.

Committee Amendment "A" (H-227)

This amendment enables agricultural fairs that held extended harness racing meets in 1998 to share in the revenues generated by the racino until the end of 2009. At that point eligibility to share in revenue reverts to agricultural fairs that held extended harness racing meets in 2005. This amendment also adds a retroactivity clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 183 enables agricultural fairs that held extended harness racing meets in 1998 to share in the revenues generated by the racino until the end of 2009. At that point eligibility to share in revenue reverts to agricultural fairs that held extended harness racing meets in 2005.

Public Law 2007, chapter 183 was enacted as an emergency measure effective May 29, 2007.

LD 965 **Resolve, Regarding Legislative Review of Portions of Chapter 328: Rules Governing the Licensing and Inspection of Farm Cheese, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources** **RESOLVE 9 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 965 provides for legislative review of the repeal of portions of Chapter 328: Rules Governing the Licensing and Inspection of Farm Cheese, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Enacted Law Summary

Resolve 2007, chapter 9 authorizes the repeal of portions of Chapter 328: Rules Governing the Licensing and Inspection of Farm Cheese, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Resolve 2007, chapter 9 was enacted as an emergency measure effective April 17, 2007.

LD 971 **An Act To Amend Certain Animal Health Laws** **PUBLIC 128**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH	OTP-AM	H-80

LD 971 adds fertile avian eggs to the list of imported animals requiring importation permits.

Committee Amendment "A" (H-80)

This amendment defines the term "avian hatching egg" and uses that term in place of "fertile avian egg."

Enacted Law Summary

Public Law 2007, chapter 128 adds avian hatching eggs to the list of imported animals requiring importation permits.

LD 978 **An Act To Amend the Process for Making Certain Changes to State-owned Land** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON		

LD 978 requires legislative approval, including a public hearing, before a building is significantly altered, access to a body of water is altered or closed or a road is closed or altered on designated lands by an agency of State Government.

LD 983 **An Act To More Clearly Define Maple Syrup** **PUBLIC 24 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI	OTP-AM	H-39

LD 983 amends the definition of maple syrup, to match the defined grades of maple syrup more closely. It also provides for a product marketed under the alternative spelling of "sirup" to be regulated.

Committee Amendment "A" (H-39)

This amendment revises the definition of "maple syrup" proposed in the bill. The amendment also makes the bill an emergency, so that the revised definition will be in effect for and apply to maple syrup marketed in 2007.

Enacted Law Summary

Public Law 2007, chapter 24 revises the definition of "maple syrup" to more closely match the defined grades of syrup.

Public Law 2007, chapter 24 was enacted as an emergency measure effective April 2, 2007.

LD 1034 **Resolve, To Preserve the Saco River** **RESOLVE 67**

Sponsor(s)	Committee Report	Amendments Adopted
MUSE HASTINGS	OTP-AM	H-357

LD 1034 directs the Director of the Bureau of Parks and Lands within the Department of Conservation to develop a plan for consistent management of recreation on the Saco River from the New Hampshire border to Hiram Dam.
The Director of the Bureau of Parks and Lands is required to report to the joint standing committee of the Legislature having jurisdiction over public lands no later than December 15, 2007. The Commissioner of Conservation is directed to submit any legislation necessary to implement the report's recommendations.

Committee Amendment "A" (H-357)

This amendment removes the emergency preamble and emergency clause. It requires the Director of the Bureau of Parks and Lands within the Department of Conservation to develop options for consistent management of recreation on the Saco River but does not require the director to finalize a plan by December 15, 2007. The amendment adds woodlot owners and farmers to the list of interests represented on the working group convened by the director.

Enacted Law Summary

Resolve 2007, chapter 67 requires the Director of the Bureau of Parks and Lands within the Department of Conservation to develop options for consistent management of recreation on the Saco River from the New Hampshire border to Hiram Dam. The Director of the Bureau of Parks and Lands is required to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 15, 2007 on these options and to recommend funding sources for management of the river.

LD 1070 **An Act To Create the Maine Agriculture in the Classroom Council** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH SHERMAN	ONTP	

LD 1070 establishes the Maine Agriculture in the Classroom Council. The council is not an agency of the State but has certain powers and duties conferred on it for the public purpose of promoting an understanding of agriculture. The provisions proposed in this bill were incorporated in the Committee Amendment to LD 986 An Act To Establish an Agriculture Education Registration Plate. See bill summaries for the Joint Standing Committee on Transportation.

LD 1073 **Resolve, To Study the Promotion, Expansion and Regulation of the Harness Racing Industry** **RESOLVE 128 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MAREAN SAVAGE C	OTP-AM	H-317

LD 1073 establishes the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry. The commission is to study the best way to expand racing opportunities for Maine horsemen and Maine-owned horses, including an orderly expansion of race dates and venues and how to better fund the State Harness Racing Commission in a way that serves the horse racing industry and the public. The commission will review rules and regulations and issues such as drug testing to ensure the integrity of the sport. In addition, the commission is directed to explore ways to promote public interest and participation in harness racing.

Committee Amendment "A" (H-317)

This amendment adds 2 additional members of the House of Representatives to the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry. It removes the chair of the State Harness Racing Commission as a member and adds a member representing commercial tracks. It makes other changes to conform to Joint Rule 353 regarding legislative study commissions.

Enacted Law Summary

Resolve 2007, chapter 128 establishes the Commission To Study the Promotion, Expansion and Regulation of the Harness Racing Industry to study ways to expand racing opportunities for Maine horsemen and Maine-owned horses, and funding sources for the State Harness Racing Commission. The commission is directed to review regulations and examine issues such as drug testing to ensure the integrity of the sport. The commission is required to report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 5, 2007. The report must include the commission's findings and recommendations and any suggested legislation to implement the recommendations. The Joint Standing Committee on Agriculture, Conservation and Forestry is authorized to introduce legislation relating to the Harness Racing Industry to the 2nd Regular Session of the 123rd Legislature.

Resolve 2007, chapter 128 was enacted as an emergency measure effective June 27, 2007.

LD 1074 An Act To Amend the Maine Commercial Fertilizer Law **PUBLIC 147**

Sponsor(s)	Committee Report	Amendments Adopted
LUNDEEN SHERMAN	OTP-AM	H-166

LD 1074 amends the Maine Commercial Fertilizer Law to conform to national standards, increases the civil penalties for civil violations and creates a system of restitution for payments to growers who do not receive the correct fertilizer formulation.

Committee Amendment "A" (H-166)

This amendment makes technical changes to the bill to clarify the process for making assessments to consumers when analysis of fertilizers indicate there is a deficiency in one or more nutrients. It also provides for assessments received by the commissioner to be deposited in a dedicated account and used to pay costs for sampling and analyzing fertilizers.

Enacted Law Summary

Public Law 2007, chapter 147 amends the Maine Commercial Fertilizer Law to conform to national standards, increases the civil penalties for civil violations and creates a system of restitution for payments to growers who do not receive the correct fertilizer formulation. Assessments for deficiencies in fertilizers are deposited in a dedicated account and used to pay costs for sampling and analyzing fertilizers.

LD 1075 Resolve, To Assist Maine Local Land Trusts **RESOLVE 108**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	OTP-AM	H-452

LD 1075 establishes the Maine Local Land Trust Fund to be administered by the Land for Maine's Future Board. Five percent of abandoned beverage container deposits are the source of funding for this grant program. Local land trusts may receive up to 60% in matching funds for eligible land acquisition projects.

Committee Amendment "A" (H-452)

This amendment replaces the bill with a resolve directing the State Planning Office, in consultation with the Department of Conservation and the Department of Inland Fisheries and Wildlife, to compile and make available to local land trusts information on funding sources. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 108 directs the State Planning Office, in consultation with the Department of Conservation and the Department of Inland Fisheries and Wildlife, to compile and make available to local land trusts information on funding sources. It authorizes the Joint Standing Committee on Agriculture, Conservation and Forestry to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 1157 **Resolve, Directing the Department of Agriculture, Food and Rural Resources To Establish Rules Concerning Certified Organic Seed** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRAY	ONTP	

LD 1157 requires the Commissioner of Agriculture, Food and Rural Resources to establish rules for the registration and verification of seed labeled or sold as organic or grown as a crop to be certified as organic to ensure that the seed is free of genetically engineered materials. Rules established pursuant to this resolve are major substantive rules.

LD 1185 **An Act To Protect Dogs Tied Outside** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PENDLETON ROTUNDO	ONTP	

LD 1185 amends the animal welfare laws to:

1. Prohibit the tethering, confining or restraining of a dog in a manner that causes pain, injury or entanglement;

2. Impose restrictions on the tethering of dogs of dogs and require that adequate shelter is provided.

3. Permit a state veterinarian, humane agent, animal control officer or law enforcement officer to issue a notice to comply or a correction warning to any owner or keeper who fails to comply with the animal welfare laws. If the violation endangers the health and safety of the dog or if the dog has been wounded as a result of the violation or if a prior warning has been issued, then the state veterinarian, humane agent, animal control officer or law enforcement officer shall proceed under the criminal provisions of the Maine Revised Statutes, Title 17, section 1021.

LD 1293 **An Act To Enhance Protection against Rabies in Wolf Hybrids** **PUBLIC 133**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER	OTP-AM	H-141

LD 1293 clarifies that the primary responsibility for enforcement of statutory and regulatory provisions governing rabies protection in wolf hybrids rests with municipal animal control officers. It also clarifies that it is the responsibility of the municipal animal control officer, a local health officer or a law enforcement officer to euthanize for testing any wolf hybrid exposed to the rabies virus.

Committee Amendment "A" (H-141)

This amendment clarifies that the provisions for removing or euthanizing an undomesticated animal or wolf hybrid suspected of having rabies apply when the animal has bitten someone or the animal may have otherwise exposed a person or domestic animal to rabies.

Enacted Law Summary

Public Law 2007, chapter 133 clarifies that the primary responsibility for enforcement of statutory and regulatory provisions governing rabies protection in wolf hybrids rests with municipal animal control officers. It also clarifies that the provisions for removing or euthanizing an undomesticated animal or wolf hybrid suspected of having rabies apply when the animal has bitten someone or the animal may have otherwise exposed a person or domestic animal to rabies.

LD 1296 **An Act To Amend Certain Harness Racing Laws** **PUBLIC 244**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
MAREAN	OTP-AM	H-320 PIEH

LD 1296 designates the crimes of drugging a horse and prearranging the results of any harness race as Class C crimes.

House Amendment "A" (H-320)

This amendment makes the bill an emergency, expands a headnote and clarifies a term.

Enacted Law Summary

Public Law 2007, chapter 244 designates the crimes of drugging a horse and prearranging the results of any harness race as Class C crimes.

Public Law 2007, chapter 244 was enacted as an emergency measure effective June 7, 2007.

LD 1350 **Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey Interests of the State in Land in Lincolnville** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	ONTP	

LD 1350 authorizes the transfer of certain public lands to the Town of Lincolnville.

LD 1408 **An Act Concerning Harness Racing Association Funding** **PUBLIC 211**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
MAREAN	OTP-AM	H-243

LD 1408 authorizes the payment of up to 3% of funds designated for supplementing purses to be used to support a statewide association of horsemen authorized to negotiate on its members behalf.

Committee Amendment "A" (H-243)

This amendment adds an emergency preamble and clause and a retroactivity clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 211 authorizes the payment of up to 3% of funds designated for supplementing purses to be used to support a statewide association of horsemen authorized to negotiate on its members behalf.

Public Law 2007, chapter 211 was enacted as an emergency measure effective June 4, 2007.

LD 1419 **An Act To Implement the Recommendations of the Allagash Wilderness Waterway Working Group** **PUBLIC 146 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-60

LD 1419 establishes an independent advisory council to represent the public interest in the Allagash Wilderness Waterway and to provide counsel to the manager of the waterway and the Director of the Bureau of Parks and Lands within the Department of Conservation. The bill elevates the status of the waterway in the department by making it a separate region within the bureau. It creates an endowment fund to support capital acquisitions and improvements, historic, cultural and educational programs and facilities. The bill requires an annual report by the Commissioner of Conservation to the Legislature.

Committee Amendment "A" (S-60)

This amendment requires the Director of the Bureau of Parks and Lands within the Department of Conservation to create technical committees as needed to advance the Allagash Wilderness Waterway's purposes. It specifies March 1st as the date by which the annual report on the Allagash Wilderness Waterway must be submitted to the joint standing committee of the Legislature having jurisdiction over conservation matters. It specifies that funds may not be accepted for deposit in the endowment fund with any encumbrances or stipulations by the donor on how those funds may be used.

Enacted Law Summary

Public Law 2007, chapter 146 establishes an independent advisory council to represent the public interest in the Allagash Wilderness Waterway and to provide counsel to the manager of the waterway and the Director of the Bureau of Parks and Lands within the Department of Conservation. It creates an endowment fund to support capital acquisitions and improvements, historic, cultural and educational programs and facilities. It requires an annual report be submitted to the joint standing committee having jurisdiction over conservation matters by March 1st.

Public Law 2007, chapter 146 was enacted as an emergency measure effective May 21, 2007.

LD 1447 **Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Invasive Terrestrial Plant Species** **RESOLVE 21**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD MCCORMICK	OTP-AM	H-91

LD 1447 directs the Commissioner of Agriculture, Food and Rural Resources to convene a stakeholder group to develop processes and criteria to assess the danger posed to naturally occurring ecosystems by invasive terrestrial plant species and to determine which invasive plant species are of significant concern. The resolve directs the commissioner to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by February 8, 2008. The committee is authorized to submit legislation to the 2nd Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-91)

This amendment clarifies that the Department of Agriculture, Food and Rural Resources is being directed to determine if some form of restriction on trade of plants identified as "invasive terrestrial plants" is warranted.

Enacted Law Summary

Resolve 2007, chapter 21 requires the Commissioner of Agriculture, Food and Rural Resources to convene a stakeholder group to develop processes and criteria to assess the danger posed to naturally occurring ecosystems by invasive terrestrial plant species and to determine if restriction on trade is warranted for any of the species identified as invasive terrestrial plants. The commissioner is required to report to the Joint Standing Committee on Agriculture, Conservation and Forestry by February 8, 2008. The committee is authorized to submit legislation to the 2nd Regular Session of the 123rd Legislature.

LD 1468 An Act To Adjust the Milk Handling Fee **PUBLIC 269**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI	OTP-AM	H-306

LD 1468 increases the maximum rate of the milk handling fee from 12¢ to 36¢ per gallon.

Committee Amendment "A" (H-306)

This amendment makes revisions to the rate schedule proposed in the bill. The bill proposed a minimum handling fee of 6 cents per gallon. The amendment proposes that a handling fee of 2¢ be initiated when the basic price of milk drops below $24 per hundredweight. The bill proposed a handling fee of 36¢ when the basic price of milk dropped below $16 per hundredweight. The amendment proposes a handling fee of 36¢ a gallon when the basic price of milk is between $15 and $15.49 per hundredweight. The handling fee would increase by 6¢ per gallon for every 50¢ decrease in the basic price of milk below $15 per hundredweight. This amendment also makes the bill an emergency measure.

Enacted Law Summary

Public Law 2007, chapter 269 revises the rate schedule for the milk handling fee. A handling fee of 2¢ is initiated when the basic price of milk drops below $24 per hundredweight. A handling fee of 36¢ a gallon is imposed when the basic price of milk is between $15 and $15.49 per hundredweight. The handling fee increases by 6¢ per gallon for every 50¢ decrease in the basic price of milk below $15 per hundredweight. Identical revisions to the milk handling fee were included in Part PPP of the biennial budget enacted as Public Law 2007, chapter 240.

Public Law 2007, chapter 269 was enacted as an emergency measure effective June 4, 2007.

LD 1615 An Act To Amend the Animal Welfare Laws **PUBLIC 439**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH	OTP-AM	H-567
		S-373 ROTUNDO

LD 1615 amends many statutes relating to the administration and enforcement of laws pertaining to animal welfare and animal control. The bill also includes provisions to establishes 56 days as the minimum age that a dog or cat may be sold, adopted or given away and to require that animal shelters and rescue groups spay or neuter any dog or cat prior to adoption or make formal arrangements for the altering of the animal within 30 days of adoption.

Committee Amendment "A" (H-567)

This amendment:

1. Requires rabies vaccinations for wolf hybrids and clarifies that vaccination does not alter treatment of a wolf hybrid when it is suspected of having rabies;

2. Increases the dog license fee by $1 only for dogs capable of producing young. The bill proposes a $1 increase for all dog licenses;

3. Strengthens the sheltering requirements for a dog left outdoors in adverse weather;

4. Requires a vendor's license to sell or offer for sale more than one dog or cat in a 12-month period and requires advertising to provide the vendor's license number; and

5. Adds to the aggravated cruelty to animals statutes, making the shooting of a dog or cat by the owner or the owner's agent a Class C crime when the shooting does not conform to statutory conditions for an exception.

This amendment makes technical changes to, corrections to and clarifies certain provisions in the bill. It also removes several sections from the bill, including proposed changes to the definition of "dog" to exclude wolf hybrids from the definition and proposed changes to the provisions for employees of the Department of Agriculture, Food and Rural Resources serving civil process.

Senate Amendment "A" (S-373)

This amendment removes the provisions amending the aggravated cruelty to animals statute that established new Class C and D crimes.

Enacted Law Summary

Public Law 2007, chapter 439 establishes advanced training requirements for animal control officers and prohibits the appointment of persons who have been convicted of certain crimes from serving as humane agents or animal control officers. It also prohibits the Department of Agriculture, Food and Rural Resources from issuing a boarding kennel, breeding kennel or pet shop license to a person convicted of certain crimes.

It extends to 48 hours the holding period at animal shelters for stray and feral cats and increases payment to shelters holding animals pending a court hearing.

It increases the dog license fee by $1.00 for dogs capable of producing young and provides for a tag to be issued annually with a dog license. It requires rabies vaccinations for wolf hybrids and clarifies that vaccination does not alter treatment of a wolf hybrid when it is suspected of having rabies.

It requires boarding kennels and pet stores to insert their state license number in any advertising they use. It prohibits a pet dealer from contractually exempting the pet dealer from the remedies provided for deaths or health problems caused by disease.

It establishes 56 days as the minimum age that a dog or cat may be sold, adopted or given away. It requires that animal shelters and rescue groups spay or neuter a dog or cat prior to adoption or make formal arrangements for the altering of the animal within 30 days of adoption.

Unless selling under a facility license, a vendor's license is required to sell or offer for sale more than one dog or cat in a 12-month period. The vendor's license number must be included in advertisements.

It strengthens the shelter requirements for a dog left outdoors in adverse weather and amends the animal trespass laws to require immediate removal of an animal if public safety is threatened.

LD 1650 **An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
SCHATZ		

LD 1650 amends the definition of "genetically engineered" and "seed dealer" and defines "technology use agreement." The bill requires the manufacturer of a genetically engineered plant part, seed or plant sold in the State to report annually to the Commissioner of Agriculture, Food and Rural Resources the total potential amount of acreage of genetically modified crops grown from that plant part, seed or plant in the State. It provides for a process by which a manufacturer of a genetically engineered plant part, seed or plant may investigate a violation of a technology use agreement and the rights of a farmer during an investigation.

It creates a right of action as and damages for a private nuisance against a manufacturer of a genetically engineered plant part, seed or plant that cross-contaminates a person's land and limits the liability of knowing and unknowing users and possessors of a genetically engineered plant part, seed or plant.

This bill was carried over to any special or regular session of the 123rd Legislature by Joint Order, H.P. 1369.

LD 1668 **An Act To Create a Saco River Preservation Fund** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MUSE	ONTP	

LD 1668 establishes a fee for a permit issued to allow a fire within the Saco River Corridor. It establishes the Saco River Preservation Fund and requires the Director of the Bureau of Forestry within the Department of Conservation to adopt rules to establish a process for reimbursing municipalities from the fund. Costs incurred in providing law enforcement, sanitation and emergency services within the Saco River Corridor are eligible for reimbursement from the fund along with costs to purchase equipment specifically to provide those services. See the bill summary for LD 1034 Resolve, To Preserve the Saco River.

LD 1673 **An Act To Change the Registration Fees for Home-based Manufacturers of Pet Foods** **PUBLIC 459**

Sponsor(s)	Committee Report	Amendments Adopted
DOW	OTP-AM	S-149

LD 1673 reduces annual pet food registration and surcharge fees for home-based manufacturers of pet food that produce 10 or fewer product names and that sell directly to consumers. The total annual registration fee is $100 and the total annual surcharge is $20.

Committee Amendment "A" (S-149)

This amendment enacts a definition of "home-based manufacturer of pet food" and makes changes in the bill to reflect the presence of the definition.

Enacted Law Summary

Public Law 2007, chapter 459 reduces annual pet food registration and surcharge fees for home-based manufacturers of pet food that produce 10 or fewer product names and that sell directly to consumers. The total annual registration fee is $100 and the total annual surcharge is $20.

LD 1684 **An Act To Create the Maine Agriculture Protection Act** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN		

LD 1684 repeals the Maine Revised Statutes, Title 17, section 2805, which provides protection from nuisance suits for farm operations that use best management practices. It revises the repealed provisions for inclusion in Title 7 under a chapter proposed for enactment as the Agriculture Protection Act in Title 7. The bill establishes incentives to conserve and protect agricultural land and enterprises and to further encourage agricultural development. The bill also allows the State to create agriculture protection areas to foster and strengthen agriculture development.

This bill was carried over to any special or regular session of the 123rd Legislature by Joint Order, H.P. 1369.

LD 1698 **An Act To Provide for Public Notification of Indoor Pesticide Applications** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	ONTP	

LD 1698 directs the Board of Pesticides Control to establish certain notice requirements for the application of pesticides in occupied buildings other than school buildings. The bill would void the Board of Pesticides Control's rules on this subject.

LD 1700 **Resolve, Regarding Legislative Review of Portions of Chapter 103: Board of Pesticides Control Regulatory Agenda, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

LD 1700 was inadvertently printed as a committee bill. See bill summary for LD 1891 for the correct bill pertaining to designation of major substantive rules.

LD 1713 **Resolve, Directing the Department of Agriculture, Food and Rural Resources To Implement a Pilot Program To Preserve Agricultural Land** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOLMAN	ONTP	

LD 1713 directs the Department of Agriculture, Food and Rural Resources to develop a pilot program to discourage commercial and residential development outside of growth areas established by municipalities and to encourage farmers to defer development of actively productive farmlands through the purchase of

limited-term deed restrictions. It requires the department to implement a pilot program and the Commissioner of Agriculture, Food and Rural Resources to report to the Joint Standing Committee on Agriculture, Conservation and Forestry annually for the duration of the pilot project.

LD 1727 **An Act To Require Veterinarians To Notify the Department of Agriculture, Food and Rural Resources of Rabies Vaccinations of Dogs** **PUBLIC 119**

Sponsor(s)	Committee Report	Amendments Adopted
HILL	OTP-AM	H-121

LD 1727 requires a veterinarian who issues a certificate of rabies vaccination for a dog to forward within one month of issuing the certificate a copy of the certificate to the clerk of the municipality in which the owner resides or, if the owner resides in the unorganized territory, to the dog recorder in that unorganized territory or, in the absence of a duly authorized dog recorder, to a dog recorder in the nearest municipality or unorganized territory in the same county in which the owner resides.

Committee Amendment "A" (H-121)

This amendment requires a veterinarian to send a copy of dog rabies certificates to the Department of Agriculture, Food and Rural Resources instead of to municipal clerks. The department is charged with periodically distributing the certificates received to the appropriate municipal clerk or dog recorder. It requires the Commissioner of Agriculture, Food and Rural Resources to provide veterinarians with contact information.

Enacted Law Summary

Public Law 2007, chapter 119 requires a veterinarian to send a copy of dog rabies certificates to the Department of Agriculture, Food and Rural Resources. The department is charged with periodically distributing the certificates received to the appropriate municipal clerk or dog recorder. It requires the Commissioner of Agriculture, Food and Rural Resources to notify veterinarians of the new law and to provide an e-mail address, mailing address and a Fax number for veterinarians to use for submitting copies of certificates to the department.

LD 1768 **Resolve, Regarding Legislative Review of Portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine and Chapter 255: Imported Seed Potatoes, Major Substantive Rules of the Department of Agriculture, Food and Rural Resources** **RESOLVE 42 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-203

LD 1768 provides for legislative review of portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-203)

This amendment authorizes final adoption of portions of Chapter 255: Imported Seed Potatoes, a provisionally adopted rule of the Department of Agriculture, Food and Rural Resources in addition to portions of Chapter 252.

Enacted Law Summary

Resolve 2007, chapter 42 authorizes final adoption of portions of Chapter 255: Imported Seed Potatoes, a provisionally adopted rule of the Department of Agriculture, Food and Rural Resources in addition to portions of Chapter 252.

Resolve 2007, chapter 42 was enacted as an emergency measure effective May 29, 2007.

LD 1798 **An Act To Fund Pesticide Education in the State** **PUBLIC 302**

Sponsor(s)	Committee Report	Amendments Adopted
BLANCHARD	ONTP MAJ OTP-AM MIN	H-324

LD 1798 establishes the Maine Pesticide Education Fund. Money in the fund is to be distributed to the Integrated Pest Management Fund, the Board of Pesticides Control and the University of Maine Cooperative Extension for pest management education programs. A15¢ per container fee is imposed on the retail sale of pesticides for deposit in the fund.

Committee Amendment "A" (H-324)

This amendment is the minority report. It removes the proposed collection of a fee on consumer containers of pesticides as a funding source.

Enacted Law Summary

Public Law 2007, chapter 302 establishes the Maine Pesticide Education Fund. Money in the fund is to be distributed to the Integrated Pest Management Fund, the Board of Pesticides Control and the University of Maine Cooperative Extension for pest management education programs. The fund is dependent on contributions from public and private sources.

LD 1891 **An Act To Designate Certain Rules of the Board of Pesticides Control as Major Substantive Rules** **PUBLIC 145 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted

LD 1891designates certain rules of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control as major substantive rules. This bill was a committee report of the Joint Standing Committee on Agriculture, Conservation and Forestry.

Enacted Law Summary

Public Law 2007, chapter 145 designates certain rules proposed for adoption by the Board of Pesticides Control after July 1, 2007 as major substantive rules. This designation applies to rules relating to:

1. Drift from outside spraying;

2. Notification requirements for outside spraying;

3. Pesticides applications in occupied buildings;

4. A notification registry for indoor applications of pesticides; and

5. Buffers from shorelines for broadcast applications of pesticides.

Public Law 2007, chapter 145 was enacted as an emergency measure effective May 21, 2007.

LD 1913 **Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands** **RESOLVE 91**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH	OTP-AM	H-520

LD 1913 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to convey certain parcels of land and interest in certain lands owned by the State.

Committee Amendment "A" (H-520)

This amendment authorizes conveyance of a 2nd easement across a state-owned recreational trail to provide motor vehicle access within a residential subdivision in the Town of Jay. In the bill, the 2nd easement was restricted to aboveground and below ground utilities. This amendment also authorizes conveyance of approximately 4 acres of land on Upper Richardson Lake that is currently leased with the lessee owning the buildings on the property. The amendment stipulates that the conveyance is contingent on the property being transferred as one parcel with deed restrictions prohibiting future subdivision.

Enacted Law Summary

Public Law 2007, chapter 91 allows the Director of the Bureau of Parks and Lands within the Department of Conservation to convey:

1. An easement for electric transmission lines across 2 state-owned parcels to TransCanada Maine Wind Development, Inc. The parcels are in Wyman Township abutting existing utility corridors and proximate to or abutting State Route 27 and the Appalachian Trail Corridor;

2. An easement for electric transmission lines across a state-owned parcel to Bangor Hydro-Electric Company. The parcel is in Bradley;

3. An easement for electric transmission lines across a state-owned parcel to Bangor Hydro-Electric Company. The parcel is in Township 21 in Washington County;

4. The remaining state interests in the Sandy Pond Dam to the Town of Freedom;

5. Trail crossing rights and access rights across the state-owned St. John Valley Heritage Trail in St. John Plantation;

6. Trail crossing rights across the St. John Valley Heritage Trail in the Town of St. Francis;

7. State-owned property adjacent to a state-owned abandoned rail corridor trail in the Town of Mapleton to allow a landowner to rebuild and expand following a fire;

8. Trail crossing rights to the Town of Jay for a town way across a state-owned recreational trail in the Town of Jay;

9. To Taylor Made Homes Inc. an easement across a state-owned recreational trail in Jay to provide motor vehicle access within a residential subdivision as well as an easement for utilities crossings.

10. To the abutting landowner an easement across a state-owned access road to Bradbury Mountain State Park in the Town of Pownal;

11. State-owned property to the abutting landowner in the Town of Littleton, Aroostook County; and

12. Approximately 4 acres of land on Upper Richardson Lake to the current lessee owning the buildings on the property.

LD 1914 **An Act To Extend the Time Allowed for Outcome-based Forestry** **PUBLIC 271 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP	

LD 1914 extends the time during which the laws governing outcome-based forestry are in effect. These laws are scheduled to be repealed July 1, 2007. This bill delays the repeal date until July 1, 2012. It removes the acreage limitations on outcome-based forestry agreements.

Enacted Law Summary

Public Law 2007, chapter 271 extends the time during which the laws governing outcome-based forestry are in effect. until July 1, 2012 and removes the acreage limitations on outcome-based forestry agreements.

Public Law 2007, chapter 271 was enacted as an emergency measure effective June 8, 2007.

LD 1930 **Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B		

LD 1930 authorizes the Commissioner of Inland Fisheries and Wildlife to sell 2 parcels of land in the Town of Kennebunk to Central Maine Power Company for appraised market value.

This resolve was carried over to any special or regular session of the 123rd Legialture by Joint Order , H.P. 1369.

SUBJECT INDEX

Agriculture-Policy

Enacted		
LD 876	Resolve, To Study Maine's Agricultural Creative Economy Sector	RESOLVE 13
Not Enacted		
LD 1070	An Act To Create the Maine Agriculture in the Classroom Council	ONTP
LD 1157	Resolve, Directing the Department of Agriculture, Food and Rural Resources To Establish Rules Concerning Certified Organic Seed	ONTP
LD 1650	An Act To Amend the Laws Concerning Genetically Engineered Plants and Seeds	CARRIED OVER
LD 1684	An Act To Create the Maine Agriculture Protection Act	CARRIED OVER

Animal Control, Health and Welfare

Enacted		
LD 380	An Act To Protect the Public from Dangerous Dogs	PUBLIC 170 EMERGENCY
LD 1293	An Act To Enhance Protection against Rabies in Wolf Hybrids	PUBLIC 133
LD 1615	An Act To Amend the Animal Welfare Laws	PUBLIC 439
LD 1727	An Act To Require Veterinarians To Notify the Department of Agriculture, Food and Rural Resources of Rabies Vaccinations of Dogs	PUBLIC 119
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LD 516	An Act To Make More Affordable the Surcharge on the Sale of Dogs and Cats That Have Not Been Neutered	ONTP
LD 548	An Act To Prevent Abuse of Pet Ownership Rights	ONTP
LD 680	An Act To Increase Funding for the Spaying and Neutering of Companion Animals	CARRIED OVER
LD 767	Resolve, Directing the Bureau of Revenue Services To Make Information Available Concerning the Amount of Revenue Received from the Companion Animal Sterilization Fund Tax Return Checkoff	ONTP

LD 923	An Act To Prohibit the Surgical Removal of Vocal Cords in Dogs	ONTP
LD 1185	An Act To Protect Dogs Tied Outside	ONTP

Dairy and Livestock

Enacted

LD 57	Resolve, To Develop and Promote Enhanced Humane Livestock Handling and Slaughtering Practices	RESOLVE 10
LD 705	Resolve, Regarding Legislative Review of Portions of Chapter 329: Rules Governing Milk and Milk Products, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources	RESOLVE 8 EMERGENCY
LD 852	An Act To Adjust the Levels of the State's Dairy Stabilization Program	PUBLIC 262 EMERGENCY
LD 965	Resolve, Regarding Legislative Review of Portions of Chapter 328: Rules Governing the Licensing and Inspection of Farm Cheese, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources	RESOLVE 9 EMERGENCY
LD 1468	An Act To Adjust the Milk Handling Fee	PUBLIC 269 EMERGENCY

Not Enacted

LD 400	An Act To Provide Funding to the Department of Agriculture, Food and Rural Resources for Veterinarians for Farm Animals	ONTP

Department of Agriculture - Regulation

Enacted

LD 564	Resolve, To Streamline the Regulation of Agricultural Composters	RESOLVE 139
LD 758	An Act To Protect Household Pets and Other Animals from Poisoning	PUBLIC 336
LD 971	An Act To Amend Certain Animal Health Laws	PUBLIC 128
LD 983	An Act To More Clearly Define Maple Syrup	PUBLIC 24 EMERGENCY
LD 1074	An Act To Amend the Maine Commercial Fertilizer Law	PUBLIC 147
LD 1447	Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Invasive Terrestrial Plant Species	RESOLVE 21
LD 1673	An Act To Change the Registration Fees for Home-based Manufacturers of Pet Foods	PUBLIC 459

LD 1768	Resolve, Regarding Legislative Review of Portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine and Chapter 255: Imported Seed Potatoes, Major Substantive Rules of the Department of Agriculture, Food and Rural Resources	RESOLVE 42 EMERGENCY

Not Enacted

LD 185	An Act To Prohibit Certain Uses of Monosodium Glutamate	ONTP

Department of Conservation - Bureau of Parks and Lands

Enacted

LD 1034	Resolve, To Preserve the Saco River	RESOLVE 67
LD 1419	An Act To Implement the Recommendations of the Allagash Wilderness Waterway Working Group	PUBLIC 146 EMERGENCY
LD 1913	Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands	RESOLVE 91

Not Enacted

LD 629	Resolve, To Create the Sebago Lake Village State Park	ONTP
LD 1350	Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey Interests of the State in Land in Lincolnville	ONTP
LD 1668	An Act To Create a Saco River Preservation Fund	ONTP

Department of Conservation - Maine Forest Service

Enacted

LD 1914	An Act To Extend the Time Allowed for Outcome-based Forestry	PUBLIC 271 EMERGENCY

Not Enacted

LD 598	Resolve, To Allow Municipalities To Purchase Burn Permit Software	ONTP

Harness Racing

Enacted

LD 924	An Act To Preserve Agricultural Fairs in Rural Maine	PUBLIC 183 EMERGENCY
LD 1073	Resolve, To Study the Promotion, Expansion and Regulation of the Harness Racing Industry	RESOLVE 128 EMERGENCY

LD 1296	An Act To Amend Certain Harness Racing Laws	PUBLIC 244 EMERGENCY
LD 1408	An Act Concerning Harness Racing Association Funding	PUBLIC 211 EMERGENCY

Land Preservation and Public Access

Enacted

LD 21	Resolve, To Provide Access for Persons with Disabilities to Great Ponds	RESOLVE 22
LD 145	An Act To Include Undeveloped Archeological Sites in the Acquisition Criteria for the Land for Maine's Future Fund	PUBLIC 64
LD 277	An Act To Require Mapping of Conservation Easements and Public Lands	PUBLIC 331
LD 1075	Resolve, To Assist Maine Local Land Trusts	RESOLVE 108

Not Enacted

LD 978	An Act To Amend the Process for Making Certain Changes to State-owned Land	INDEF PP
LD 1713	Resolve, Directing the Department of Agriculture, Food and Rural Resources To Implement a Pilot Program To Preserve Agricultural Land	ONTP
LD 1930	Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Convey Certain Lands	CARRIED OVER

Maine Land Use Regulation Commission

Enacted

LD 472	An Act To Clarify Land Planning in the Unorganized and Deorganized Townships of the State	PUBLIC 264
LD 695	An Act Concerning Applications Processed by the Maine Land Use Regulation Commission	PUBLIC 114 EMERGENCY
LD 717	Resolve, Regarding Legislative Review of Portions of Chapter 1: General Provisions and Chapter 10: Land Use Districts and Standards, Major Substantive Rules of the Maine Land Use Regulation Commission	RESOLVE 19 EMERGENCY

Not Enacted

LD 25	An Act To Change the Maine Land Use Regulation Commission's Lot Size, Coverage and Setback Requirements for Some Affordable Housing Lots on Coastal Islands	ONTP
LD 471	An Act To Clarify the Status of Lots Greater than 40 Acres on Plans Recorded for Unorganized Territory Land before September 21, 2001	ONTP
LD 473	An Act To Clarify Land Use Regulation in Unorganized and Deorganized Townships	ONTP

Pesticides

Enacted

LD 861	An Act To Require a Commercial Applicator's License To Use Pesticides in Licensed Food and Eating Establishments	PUBLIC 245
LD 875	An Act To Continue the Protection of Marine Waters and Organisms from the Risks Posed by the Applications of Pesticides	PUBLIC 50 EMERGENCY
LD 1798	An Act To Fund Pesticide Education in the State	PUBLIC 302
LD 1891	An Act To Designate Certain Rules of the Board of Pesticides Control as Major Substantive Rules	PUBLIC 145 EMERGENCY

Not Enacted

LD 406	An Act To Prohibit Aerial Spraying of Pesticides near Buildings, Roads and Bodies of Water	ONTP
LD 1698	An Act To Provide for Public Notification of Indoor Pesticide Applications	ONTP
LD 1700	Resolve, Regarding Legislative Review of Portions of Chapter 103: Board of Pesticides Control Regulatory Agenda, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources	ONTP

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

July 2007

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LD 58 **An Act To Ensure State Budget Funding for Wastewater Treatment Facilities and Water Supply Facilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD SHERMAN	ONTP	

LD 58 makes ongoing General Fund appropriations of $2,900,000 per year for grants and loans for public drinking water systems and wastewater treatment facilities.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 59 **An Act To Restore Continuing Funding for the Maine Institute for Public Safety Innovation** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS	ONTP	

LD 59 restores funding to the Maine Institute for Public Safety Innovation, formerly entitled the Maine Community Policing Institute, by reestablishing a 2% surcharge on all fines collected by the courts.

LD 60 **An Act To Authorize a General Fund Bond Issue for Maine's Roads and Bridges** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUPREY MCCORMICK	ONTP	

The funds provided by this bond issue, in the amount of $60,000,000, will be used to repair Maine's roads and bridges.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 63 **An Act To Increase Access to After-school Programs** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	OTP	

This bill provides funds for grants to establish after-school programs in communities that currently do not have such programs.

This bill was initially reported out of committee on a unanimous "ought to pass" vote, placed on the Senate Special Appropriations Table and carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 64 **An Act To Recapitalize the Maine Downtown Center** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON BENOIT	ONTP	

This bill makes a one-time General Fund appropriation of $300,000 to the Executive Department, State Planning Office to recapitalize the Maine Downtown Center.

Public Law 2007, chapter 240 provided funding for a similar initiative.

LD 65 **An Act To Provide Funding for Mentoring Programs** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER EDMONDS	OTP	

This bill makes ongoing General Fund appropriations of $100,000 per year to fund the Maine Mentoring Partnership Grant Program.

This bill was initially reported out of committee on a unanimous "ought to pass" vote, placed on the Senate Special Appropriations Table and carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 93 **An Act To Appropriate Funds from the General Fund to the Maine Correctional Center** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW BARTLETT	ONTP	

LD 93 makes a one-time General Fund appropriation of $250,000 in fiscal year 2007-08 for the construction of an automotive facility to allow inmates at the Maine Correctional Center to train on the maintenance of public safety vehicles.

LD 118 **An Act To Provide Funding for the Drinking Water Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HAYES MARTIN	ONTP	

This bill makes a one-time General Fund appropriation of $1,660,000 in fiscal year 2006-07 to match 20% of an $8.3 million federal grant for public drinking water improvements.

Public Law 2007, chapter 39 enacted a similar bond proposal

LD 119 **An Act To Increase Funding for Private Nonmedical Institutions** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN	ONTP	

This bill includes ongoing General Fund appropriations for the Department of Health and Human Services to increase reimbursement rates to all providers of private nonmedical institution services by 5% beginning on October 1, 2007. It also establishes a procedure for transferring funds out of the Departmentwide program to the appropriate MaineCare and non-MaineCare programs and includes a reporting requirement.

LD 120 **An Act To Provide Transitional Support for the Downeast Heritage Museum in Calais** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A RAYE		

This bill makes General Fund appropriations of $250,000 in fiscal year 2007-08 and $225,000 in fiscal year 2008-09 to the Downeast Heritage Museum in Calais for the first 2 years of a 5-year funding effort to raise $1,000,000 to support the museum in its becoming self-sustaining.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 186 **An Act To Provide Funding to the St. Francis Water District for New Wells** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	OTP	

LD 186 makes a one-time General Fund appropriation of $50,000 in fiscal year 2007-08 for the St. Francis Water District.

This bill was initially reported out of committee on a unanimous "ought to pass" vote, placed on the Senate Special Appropriations Table and carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 187 **An Act To Increase Access to Child Care and Early Education for Maine's Working Families** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAND	ONTP	

This bill makes ongoing General Fund appropriations of $7,000,000 per year for subsidized child care, Head Start and early Head Start services.

LD 188 **An Act To Authorize a General Fund Bond Issue for Public Transportation in Rural Areas** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHATZ DAMON	ONTP	

The funds provided by this bond issue, in the amount of $2,500,000, provide for public transportation in rural areas of the State.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 189 **An Act To Invest in an Allied Health Center at Northern Maine Community College** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER SHERMAN		

This bill makes a one-time General Fund appropriation of $500,000 in fiscal year 2007-08 to Northern Maine Community College to help fund a collaborative allied health center in partnership with the University of Maine at Presque Isle, the State and local health care providers. This funding is to be used primarily to purchase equipment for the center.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 190 **An Act To Fund Business Attraction Efforts** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BEAUDETTE SULLIVAN	ONTP	

This bill makes ongoing General Fund appropriations of $200,000 per year beginning in fiscal year 2007-08 for Maine and Company to support business attraction, retention and expansion efforts.

LD 194 **An Act To Establish More Probation Officer Positions in the Department of Corrections for Better Oversight of Sex Offenders** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CROCKETT MCCORMICK	ONTP	

LD 194 makes ongoing General Fund appropriations of $709,758 in fiscal year 2007-08 and $993,092 in fiscal year 2008-09 to establish 12 new Probation Officer positions within the Department of Corrections to be dedicated for the oversight of convicted sex offenders.

LD 215 **An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2007**

PUBLIC 1
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER ROTUNDO	OTP-AM	H-3

LD 215 is the Governor's proposed Fiscal Year 2006-07 Emergency Supplemental Budget Bill.

Committee Amendment "A" (H-3)

Committee Amendment "A" (H-3) is the unanimous report of the Committee in response to the Governor's proposed bill.

Enacted Law Summary

Public Law 2007, chapter 1 does the following:

PART A makes supplemental appropriations and allocations of funds for fiscal year 2006-07.

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

PART C does the following.

1. It lapses $147,344 of the unencumbered balance in the Disproportionate Share - Riverview Psychiatric Center General Fund account in the Department of Health and Human Services to the General Fund in fiscal year 2006-07.

2. It lapses $717,693 of the unencumbered balance in the Disproportionate Share - Dorothea Dix Psychiatric Center General Fund account in the Department of Health and Human Services to the General Fund in fiscal year 2006-07.

PART D does the following.

1. It removes the Director of Special Projects and External Affairs from the list of major policy-influencing positions within the Department of Education and eliminates a reference to the position. This position was eliminated in Public Law 2003, chapter 20, Part B as part of the reorganization of the department.

2. It removes the Assistant to the Commissioner position from the list of major policy-influencing positions within the Department of Labor and eliminates a reference to the position. This position was exchanged administratively for a classified Public Service Coordinator I position in fiscal year 2005-06.

PART E removes the Assistant to the Commissioner position from the list of major policy-influencing positions within the Department of Marine Resources. This position was eliminated in Public Law 2005, chapter 519, Part JJ.

PART F removes the Executive Director, Maine Outdoor Heritage Fund Board from salary range 80 in the statutes. This position was eliminated pursuant to Public Law 2005, chapter 519, Part JJ, section 1.

PART G does the following.

1. It transfers $58,000 from the Carrying Account as established by the Maine Revised Statutes, Title 12, section

10202, subsection 5 in the Department of Inland Fisheries and Wildlife to the Licensing Services - Inland Fisheries and Wildlife General Fund account to fund the final vendor payment for the MOSES program by June 30, 2007.

2. It transfers $75,600 from the Carrying Account as established by the Maine Revised Statutes, Title 12, section 10202, subsection 5 in the Department of Inland Fisheries and Wildlife to the Enforcement Operations - Inland Fisheries and Wildlife General Fund account on or before June 30, 2007 to fund training reimbursement costs for the Maine Warden Service.

PART H renames several programs of the Department of Health and Human Services.

PART I does the following.

1. It allows remaining All Other balances in the Food Stamps Administration program of the Department of Health and Human Services to carry forward.

2. It requires remaining All Other balances in the Medical Care Services, General Fund account to carry from June 30, 2007 to June 30, 2008 to be used for the same purposes.

PART J does the following.

1. It requires the State Controller to transfer $331,264 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Bureau of Child and Family Services - Central, Federal Expenditures Fund account within the Department of Health and Human Services to settle indirect cost allocation settlements.

2. It requires the State Controller to transfer $374,386 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Purchased Social Services, Federal Expenditures Fund account within the Department of Health and Human Services to settle federal audit findings related to the 2003 Victims of Crimes grant.

3. It requires the State Controller to transfer $619,000 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Office of Management and Budget, Federal Expenditures Fund account within the Department of Health and Human Services for indirect cost allocation settlements.

4. It requires the State Controller to transfer $5,020 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Office of Management and Budget, Federal Expenditures Fund account within the Department of Health and Human Services for federal grant overdraws.

5. It requires the State Controller to transfer $5,606,160 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Office of Management and Budget Operations - Regional, Federal Expenditures Fund account within the Department of Health and Human Services for indirect cost allocation settlements.

6. It requires the State Controller to transfer $3,117,000 in fiscal year 2006-07 from the unappropriated surplus of the General Fund to the Foster Care, Federal Expenditures Fund account within the Department of Health and Human Services for federal audit settlements.

PART K authorizes the transfer of certain Personal Services salary savings balances in the Dorothea Dix Psychiatric Center and Riverview Psychiatric Center accounts to All Other upon recommendation of the State Budget Officer and approval of the Governor.

PART L authorizes the transfer of up to $82,000,000 from the unappropriated surplus of the General Fund to the Medical Care - Payments to Providers, General Fund account. Any amounts transferred are to be considered adjustments to appropriations in fiscal year 2007-08 and may be allotted by financial order. This Part also requires the Department of Health and Human Services to provide weekly reports to the Joint Standing Committee on

Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services describing the status of interim payment collections and expenditures in MaineCare seed accounts.

PART M repeals provisions enacted in PL 2005, chapter 519, Part AA governing the distribution of a deallocation from the Fund for a Healthy Maine. This language is no longer required as the deallocation is proposed to be offset in Part A.

PART N authorizes that any fiscal year 2006-07 All Other unencumbered balances in the Management Information Systems program, General Fund account may be carried forward to the Learning Through Technology program to be carried forward to fiscal year 2007-08 and fiscal year 2008-09 to be used for distance learning and technology maintenance and support services.

PART O delays education attainment credits.

PART P removes the provision requiring that the budget document contain a part that lists and describes each tax expenditure and revenue loss. This Part also refines the definition of "tax expenditures" for purposes of the budget document.

PART Q authorizes the transfer of an additional $1,000,000 by June 30, 2007 from the unappropriated surplus of the General Fund to the Callahan Mine Site Restoration Other Special Revenue Funds program within the Department of Transportation.

PART R authorizes the one-time transfer by the State Controller of $500,000 in General Fund undedicated revenue to the Office of Information Services Internal Service Fund, retroactively to July 1, 2005, as partial funding towards the development and implementation of the AdvantageME System.

PART S removes the Director, Office of Agricultural, Natural and Rural Resources position from the list of major policy-influencing positions within the Department of Agriculture, Food and Rural Resources. This position was eliminated pursuant to Public Law 2005, chapter 457, Part D.

PART T changes where the fees collected from reservations by the Department of Conservation will be deposited from the General Fund to the Parks Reservations Other Special Revenue Funds account. This change will allow for the proper accounting of providing Internet reservation services. The net collections will then be transferred as undedicated revenue to the General Fund.

PART U authorizes the State Treasurer to use available salary savings in fiscal year 2006-07 to fund the reorganization of several positions within the Administration - Treasury program General Fund account.

PART V authorizes the establishment of an earned revenue account within the Department of Health and Human Services.

PART W extends the acting capacity appointment of the Acting Commissioner of Professional and Financial Regulation by 6 months beyond the current scheduled end date for the appointment.

PART X amends the law regarding determination of the Dirigo Health savings offset payment to change the date for the Board of Directors of Dirigo Health determination of aggregate measurable cost savings from April to August of each year and to require the savings offset payment to be determined by January 1st. The changes apply to the savings offset payment for plan years beginning on or after July 1, 2008.

PART Y directs the Department of Health and Human Services to adopt routine technical rules to increase fees in the Office of Substance Abuse Driver Education and Evaluation Program.

Public Law 2007, chapter 1 was enacted as an emergency measure effective February 13, 2007.

LD 218 **An Act To Authorize a General Fund Bond Issue To Encourage Municipal High-speed Internet Access** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS STRIMLING	ONTP	

The funds provided by this bond issue, in the amount of $2,000,000, will be used to provide matching funds to communities to build the infrastructure necessary to provide high-speed Internet access to underserved areas of the State.

LD 244 **An Act To Provide Additional Funding for the Office of Substance Abuse** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	ONTP	

This bill provides additional funding of $150,000 in each year of the biennium for the Department of Health and Human Services, Office of Substance Abuse.

LD 247 **An Act To Authorize a General Fund Bond Issue To Fight Global Warming through Energy Conservation** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

The funds provided by this bond issue, in the amount of $100,000,000, will be used to fight global warming through energy conservation.

LD 248 **Resolve, Honoring Women Veterans of Maine** **RESOLVE 141 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP	S-359 ROTUNDO

This resolve provides initial funding to begin construction of the Women Veterans Monument as recommended by the Commission to Arrange for a Monument Honoring Women Veterans of Maine.

Senate Amendment "A" (S-359)

This amendment removes the General Fund appropriation and requires the State Controller to transfer $10,000 from the General Fund unappropriated surplus to the Buildings and Grounds Operations, Other Special Revenue Funds account within the Department of Administrative and Financial Services by June 30, 2008.

Enacted Law Summary

Resolve 2007, chapter 141 provides initial funding of $10,000 in fiscal year 2007-08 to begin construction of the Women Veterans Monument. This funding is provided through a transfer from the General Fund unappropriated surplus to the Buildings and Grounds Operations, Other Special Revenue Funds account within

the Department of Administrative and Financial Services by June 30, 2008.

Resolve 2007, chapter 141 was enacted as an emergency measure effective June 29, 2007.

LD 269 **An Act To Retire the Mortgage of York County Community College** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BEAUDETTE HOBBINS	ONTP	

This bill makes a one-time General Fund appropriation of $3,710,633 in fiscal year 2007-08 for the Maine Community College System to retire the mortgage of the York County Community College. This bill also deappropriates $400,000 of the $1,600,000 in ongoing General Fund appropriations provided in Private and Special Law 2005, chapter 69 to the Maine Community College System beginning in fiscal year 2006-07 for general operating expenses. These funds were provided to cover the mortgage fee that would otherwise be paid by York County Community College students and will no longer be needed once the mortgage is retired.

LD 291 **An Act To Expand Workforce Development Programs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER	ONTP	

This bill makes ongoing General Fund appropriations of $250,000 per year for the Maine Community College System's Maine Quality Centers program to expand the current program to create more new jobs in Maine and to offset fees for incumbent retraining.

LD 292 **An Act to Authorize a General Fund Bond Issue To Help Construct a Recreation Center for the City of Presque Isle** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER	ONTP	

The funds provided by this bond issue, in the amount of $500,000, will be used to help construct a recreation center for the City of Presque Isle through its Department of Parks and Recreation.

LD 304 **An Act To Authorize a General Fund Bond Issue for Capital Projects for the Maine Community College System and the University of Maine System** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR TURNER	ONTP MAJ OTP MIN	

The funds provided by this bond issue, in the amount of $40,000,000, will be used for capital projects for the University of Maine System and the Maine Community College System.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 305 **An Act To Increase the Availability of Cellular Telephone Service for Rural Residents** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	OTP	

This bill makes one-time General Fund appropriations of $125,000 in each year of the 2008-2009 biennium for the Department of Economic and Community Development to enter into partnerships with private businesses to install cellular telephone towers in underserved rural areas where there is currently no signal or to place cellular telephone equipment on state-owned towers in areas that lack cellular telephone service.

This bill was initially reported out of committee on a unanimous "ought to pass" vote, placed on the Senate Special Appropriations Table and carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 314 **An Act To Restore Funding for the Reading Recovery Program** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P		

This bill makes ongoing General Fund appropriations of $1,220,000 per year beginning in fiscal year 2007-08 to restore state support for the Reading Recovery program.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 315 **An Act Authorizing a General Fund Bond Issue To Improve the Quality and Safety of Science and Teaching Laboratories, General Classrooms and Libraries at Maine's Public** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	ONTP MAJ OTP MIN	

The funds provided by this bond issue, in the amount of $62,000,000, will be used to modernize and improve the teaching laboratories, libraries and general classrooms in the University of Maine System.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 318 **An Act To Provide Funds for the Coordination and Promotion of the 400th Anniversary of the Popham Colony** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
BENOIT	OTP	

This bill makes a one-time General Fund appropriation of $50,000 in fiscal year 2007-08 to the Maine State Museum for the Friends of Phippsburg to support the coordination of educational programs to commemorate the 400th

anniversary of the founding of Popham Colony.

LD 335 **An Act To Authorize a General Fund Bond Issue for Research and Development To Stimulate Maine's Innovation Economy** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This bill implements a recommendation of the Joint Select Committee on Research, Economic Development and the Innovation Economy. The bill authorizes a bond issue of up to $50,000,000 per year for each of the next 5 years totaling up to $250,000,000 to be used for competitive grants to stimulate economic growth and job creation through investments in research and development and commercialization.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 357 **An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD	ONTP	

The funds provided by this bond issue, in the amount of $40,000,000, will be used to recapitalize the Land for Maine's Future program over 2 years to continue the State's land conservation efforts, leveraging a minimum of $20,000,000 in required matching funds.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 374 **An Act To Provide Funding for the Maine-Canada Trade Ombudsman** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	ONTP	

LD 374 makes ongoing General Fund appropriations of $108,638 in fiscal year 2007-08 and $148,284 in fiscal year 2008-09 to fund the Maine-Canada Trade Ombudsman position within the Executive Department.

LD 376 **An Act To Authorize a General Fund Bond Issue To Capitalize the Maine Marine Research Fund** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	ONTP	

The funds provided by this bond issue, in the amount of $30,000,000, will be used to provide funds to the Maine Marine Research Fund managed by the Maine Technology Institute for the development of marine research infrastructure that supports collaboration between Maine's public, nonprofit and for-profit marine research organizations.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 411 **An Act To Establish a Pilot Program for Return of Unused Prescription Drugs by Mail** **P & S 27**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A	OTP	S-360 ROTUNDO

This bill makes a one-time General Fund appropriation of $300,000 in fiscal year 2007-08 to provide funding for the Maine Drug Enforcement Agency to establish a pilot program for return of unused prescription drugs by mail consistent with the recommendations of the Maine Drug Return Implementation Group established in Public Law 2003, chapter 679.

Senate Amendment "A" (S-360)

Unlike the bill, which appropriated $300,000 from the General Fund to the Department of Public Safety, Maine Drug Enforcement Agency to establish a pilot program for the return of unused prescription drugs by mail, this amendment allocates $150,000 from the Fund for a Healthy Maine to the Maine Drug Enforcement Agency to establish the pilot program.

Enacted Law Summary

Private and Special Law 2007, chapter 27 allocates $150,000 from the Fund for a Healthy Maine to the Maine Drug Enforcement Agency to establish the pilot program.

LD 417 **An Act To Authorize the Issuance of a Highway Fund Bond Issue for Maine's Roads and Bridges** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLETT	ONTP	

The funds provided by this bond issue, in the amount of $60,000,000, will be used for highway and bridge construction.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 425 **An Act Regarding the Accounting Procedure for Certain State Programs** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
HOLMAN		

This bill provides more transparency to the appropriations process by returning the funding mechanism for the Maine Residents Property Tax Program and business equipment tax reimbursement to General Fund appropriations rather than an offset to General Fund revenue within the individual income tax category beginning in the 2010-2011 biennium. It also requires the State Tax Assessor to issue an annual financial report for the Maine Residents Property Tax Program at the same time as a similar existing report is required for the Business Equipment Tax Reimbursement program.

This bill requires the State Controller's official annual report of the State and the state budget to specifically identify all nonexpenditure payments that are accounted for as an offset to revenue to increase access to the information by the public.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 426 **An Act To Authorize a General Fund Bond Issue for Repairs to Traditional Meetinghouses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHATZ	ONTP	

The funds provided by this bond issue, in the amount of $2,500,000, will be used for the repair of traditional meetinghouses in the State, such as grange halls, community houses and other traditional public areas of gathering in a community.

LD 427 **An Act To Authorize a General Fund Bond Issue for Recreational Facilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHATZ	ONTP	

The funds provided by this bond issue, in the amount of $2,500,000, will be used to establish recreational health facilities for areas in the State that lack access to physical fitness facilities.

LD 432 **An Act To Authorize a General Fund Bond Issue To Maintain, Improve and Develop Trails** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	ONTP	

The funds provided by this bond issue, in the amount of $10,000,000, will be used to improve, maintain and develop a trails network in Maine.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 440 **An Act To Authorize a General Fund Bond Issue To Revitalize Communities and Expand Maine's Innovative Economy through the New Century Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	

The funds provided by this bond issue, in the amount of $5,000,000, will be used to revitalize downtown areas, support cultural tourism, increase access to digital resources and expand Maine's creative economy.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 445 **An Act To Authorize a General Fund Bond Issue for the Municipal Investment Trust Fund** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

The funds provided by this bond issue, in the amount of $10,000,000, will be used to recapitalize the Municipal Investment Trust Fund.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 450 **An Act To Authorize a General Fund Bond Issue To Support Maine's Working Waterfronts** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	ONTP	

The funds provided by this bond issue, in the amount of $20,000,000, will be used to support land purchases and the preservation of Maine's working waterfronts.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 499 **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, 2007, June 30, 2008 and June 30, 2009** **PUBLIC 240 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER	OTP-AM	H-412 H-445 FISCHER

LD 499 was the Governor's proposed 2008-2009 Biennial Budget Bill.

Committee Amendment "A" (H-412)

Committee Amendment "A" (H-412) is the unanimous report of the Committee in response to the Governor's proposed bill.

House Amendment "T" (H-445)

House Amendment "T" (H-445) makes technical corrections to Committee Amendment "A" to accomplish the following:

This amendment srikes language that is duplicated on page 370, lines 11 to 14 in the committee amendment.

This amendment inserts the General Fund appropriation for the Maine Historical Society that was inadvertently omitted from the committee amendment.

This amendment also corrects language covering a reduction of allotments.

This amendment corrects a reference to the building in the Lockwood Mill Historic District in the City of Waterville for which a taxpayer is entitled to a historic rehabilitation tax credit and changes the tax years for which the credit is allowed.

This amendment makes the following changes to Part XXXX:
1. It amends the language authorizing regional school unit boards to create local school committees by removing unneeded language.
2. It clarifies that cost-sharing agreements pursuant to certain laws remain in effect unless the parties to the agreement modify or terminate the agreement.
3. It clarifies that a municipality that is part of a regional school unit may raise money and direct the spending of those funds to a school serving children from kindergarten to grade 8.
4. It amends the penalty provisions for nonconforming school administrative units by:
   A. Providing a 50% reduction in the minimum state allocation, rather than the full amount;
   B. Adjusting the cost component for system administration by half, rather than to zero;
   C. Removing the ineligibility for the isolated small school adjustment; and
   D. Removing the percentage increase of the unit's mill rate.
5. It adjusts the full-value education mill rate for nonconforming school administrative units.
6. It clarifies the intent of the Legislature to achieve sustainable, long-term administrative efficiencies by consolidating the current number of school units into 80 regional units or into a number of units that meets the administrative efficiencies established by Part XXXX.
7. It adds language that allows for an efficient, high-performing district to submit a notice of intent to submit an alternate plan.
8. It adds a requirement that school administrative units must exercise due diligence and act in good faith in developing a reorganization plan.
9. It allows an exception to the minimum student population parameter for a school administrative unit that has performed due diligence to develop a regional plan but is surrounded by other units that are included in other consolidation plans.
10. It removes the percentage reductions under the plan parameters and instead requires reorganizing administrative functions, duties and noninstructional personnel so that projected expenditures will not have an adverse impact on the instructional program.
11. It requires written findings by the Commissioner of Education providing specific reasons why a plan does not meet with the requirements of Part XXXX if the plan is returned to the governing body of the affected school administrative units.
12. It prohibits the Commissioner of Education from making a finding that a plan does not meet the requirements of Part XXXX solely on the ground that a finding that it meets the requirements would cause the number of school administrative units to exceed 80.
13. It also amends the referendum procedure to provide for a 2nd referendum date of June 10, 2008 for plans that did not meet the requirements of Part XXXX.
14. It adds a provision requiring the Commissioner of Education to establish criteria for high-performing and low-performing districts.

This amendment enacts a Part YYYY that adjusts the appropriation made in Part A relating to the Maine Community College System and makes an appropriation and an allocation to the Department of Health and Human Services that were inadvertently omitted from the committee amendment.

Enacted Law Summary

Public Law 2007, chapter 240 does the following:

PART A makes appropriations and allocations for necessary expenditures of State Government and other purposes for the 2008-2009 biennium.

PART B provides appropriations and allocations for approved reclassifications and range changes.

PART C authorizes Jobs for Maine's Graduates, the Maine School of Science and Mathematics, the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to be included as miscellaneous costs under the General Purpose Aid for Local Schools funding formula to replace General Fund deappropriations in Part A. It also reduces the annual target for the state share percentage for fiscal year 2007-08 and establishes the mill rate expectation at 7.44 for fiscal year 2007-08. It also establishes the state and local components of the cost of funding public education from kindergarten to grade 12 for fiscal year 2007-08.

PART D clarifies and makes technical changes to address issues of eligibility for salary supplements and minimum teacher salaries. It continues the legislative intent that certain municipalities receive the minimum state allocation. It also authorizes additional uses of funding provided for General Purpose Aid for Local Schools and makes statutory changes regarding the disbursement of funds for regionalization, consolidation and efficiency assistance.

PART E repeals the Fund for the Efficient Delivery of Educational Services within the Department of Education.

PART F increases the number of qualifying contributions for Maine Clean Election Act gubernatorial candidates from 2,500 to 3,250. In lieu of the $2,000,000 transfer authorized to be made on January 1, 2009, it authorizes the transfer of $700,000 from the General Fund to the Maine Clean Election Fund on September 1, 2008.

PART G requires the State Budget Officer to calculate and transfer by financial order, as adjustments to appropriations, savings in the cost of health insurance in Part A and report the transferred amounts to the Joint Standing Committee on Appropriations and Financial Affairs by November 1, 2007.

PART H changes the distribution of the State's share of real estate transfer tax proceeds by reducing the amount paid to the Maine State Housing Authority by $5,000,000 in fiscal year 2007-08 and fiscal year 2008-09.

PART I eliminates from the list of major policy influencing positions the Forest Insect Manager position in the Department of Conservation, Bureau of Forestry.

PART J authorizes the Department of Corrections to transfer by financial order Personal Services, All Other and Capital Expenditures between accounts within the same fund for the purpose of paying overtime expenses.

PART K changes the name of the EPSCoR steering committee to the Governor's Maine Science and Technology Advisory Council.

PART L changes the name of the Maine Small Business Commission program within the Department of Economic and Community Development to the Maine Small Business and Entrepreneurship Commission.

PART M continues the voluntary employee incentive programs for use prior to July 1, 2009 and allows the continuation of certain state paid benefits during an employee's participation in such a program. It also directs the State Budget Officer to transfer savings from the program to the General Fund Compensation and Benefit Plan account and lapses $350,000 in each year of the biennium from identified savings attributable to the programs.

PART N authorizes the State Budget Officer to transfer available balances of General Fund appropriations for Personal Services in fiscal years 2007-08 and 2008-09 to be used for costs associated with collective bargaining.

PART O delays implementation of the Fiscal Stability Program until the 2010-2011 biennium.

PART P removes the limitation on the number of employees that may be funded using the funds collected from the Public Utilities Commission's regulatory assessment.

PART Q authorizes the Maine Governmental Facilities Authority to issue additional securities up to $11,000,000 in fiscal year 2007-08 and $6,000,000 in fiscal year 2008-09 for preliminary planning costs and capital repairs and improvements to various state facilities. It also requires the unexpended balance in the Debt Service - Government Facilities Authority account in the Department of Administrative and Financial Services on June 30, 2007 to be carried forward for the same purpose until June 30, 2009.

PART R authorizes the Department of Administrative and Financial Services, in cooperation with others, to enter into certain financing arrangements including: $5,000,000 for the acquisition of motor vehicles for the Central Fleet Management Division; $1,800,000 for the acquisition of motor vehicles for the Maine State Police; and $15,000,000 for the acquisition of hardware, software and systems to support the operations of the Statewide Radio and Network System Reserve Fund.

PART S delays the increase in revenue sharing from 5.1% to 5.2% from July 1, 2007 to July 1, 2009.

PART T recognizes savings from the prepayment of teachers' retirement in fiscal year 2008-09 and provides a plan of action in the event the State Controller determines insufficient cash flow exists to make the entire prepayment.

PART U changes the methodology for funding the administrative expenses of the Maine State Retirement System, the Maine Legislative Retirement System and the Maine Judicial Retirement System.

PART V amends the 3-factor corporate income tax apportionment factor to a single factor, based on sales, effective for tax years beginning on or after January 1, 2007. This Part also applies the so-called "market share" approach for sourcing receipts from intangibles and the sales of services by multistate taxpayers.

PART W increases from .04% to .08% the percentage of Maine adjusted gross income for reporting use tax.

PART X provides that any All Other balance in the Department of Health and Human Services, Bureau of Medical Services, General Fund account must be carried forward to June 30, 2009 to be used for the same purpose and defines available balances and authorizes the transfer between accounts by financial order of available balances of appropriations in MaineCare General Fund accounts. It also includes MaineCare financial reporting requirements.

PART Y requires that any unexpended balance in the Department of Health and Human Services, Nursing Facilities, Other Special Revenue Funds account as of June 30, 2007 and June 30, 2008 be carried forward for the purpose of funding cost-of-living adjustments for licensed nursing facilities and for residential care facilities. It also requires the department to provide cost-of-living adjustments up to 2%, depending on the availability of funds, to all components of the reimbursement rate except the fixed cost component for nursing facilities and for residential care facilities in fiscal years 2007-08 and 2008-09. It also requires that any facility that accepts a cost-of-living increase must provide an equal percentage increase in wages and benefits to all employees other than the administrator. It also requires the department to prepare and issue quarterly reports on nursing facilities tax balances for the remainder of the 2008-2009 biennium.

PART Z authorizes the transfer of up to 30 Intensive Case Manager positions in the Mental Health Services - Community program as they become vacant to the Office of Integrated Access and Support program to be reorganized to Family Independence Specialist positions. It also provides for transfers of related funding and reorganization of allocations based on the permissible federal match.

PART AA provides the method of distributing a departmentwide appropriation to the Department of Health and Human Services to pay for legal services.

PART BB provides the method of distributing a departmentwide appropriation to the Department of Health and Human Services to pay for information technology.

PART CC provides the method of distributing a departmentwide savings to the Department of Health and Human Services from the implementation of a managed care effort for behavioral health services.

PART DD provides the method of distributing departmentwide savings and position eliminations in the Department of Health and Human Services resulting from a departmentwide reorganization.

PART EE provides the method of distributing a departmentwide savings to the Department of Health and Human Services resulting from a reduction in payments to the Health and Human Services Service Center.

PART FF authorizes the transfer of State Cost Allocation Program (STA-CAP) revenue received in excess of budgeted amounts to the Office of Information Technology for certain statewide financial information systems.

PART GG requires the Commissioner of Health and Human Services to review the structure, systems and operations of the Office of MaineCare Services program to transition to a model operated by a fiscal agent. Transfers of position counts and available balances between line categories by financial order are authorized and considered adjustments to appropriations.

PART HH merges the Department of Administrative and Financial Services, Bureaues of Employee Relations and Human Resources.

PART II continues funding for individual tax expenditures reported in the budget document submitted by the Governor on January 5, 2007 pursuant to the Maine Revised Statutes, Title 5, section 1666.

PART JJ authorizes interest earned on the Bangor court facility bonds to be used to offset any Judicial Department principal or interest payments and requires a report on the status of construction fund interest earnings and balance. It also allows calculated savings from interest earnings to lapse to the General Fund unappropriated surplus.

PART KK directs the State Controller to transfer unexpended Personal Services balances in the General Fund lapsing accounts on June 30, 2007, June 30, 2008 and June 30, 2009 to the Compensation Salary Plan General Fund account to be used for costs associated with collective bargaining agreements for state employees.

PART LL changes the Workers' Compensation Board assessment for administrative operations from a statutorily specified amount to the amount required for expenditures allocated by the Legislature for operating the board.

PART MM authorizes the transfer of up to $107,500,000 from the unappropriated surplus of the General Fund to the Medical Care - Payments to Providers General Fund account to increase prospective interim payments to hospitals in fiscal year 2007-08 (up to $82,000,000 less any amount received in fiscal year 2006-07) and for hospital settlements ($25,500,000 representing the first of 4 equal payments).

PART NN transfers the Maine Conservation Corps from the Department of Labor to the Department of Conservation.

PART OO establishes the consumer-directed personal care services program within the Office of Adults with Cognitive and Physical Disabilities Services of the Department of Health and Human Services and repeals the program of state-funded consumer-directed personal care assistance services within the Department of Labor.

PART PP authorizes rather than requires the Department of Administrative and Financial Services, Office of Information Technology to charge a fee to agencies using the statewide radio and network system.

PART QQ merges the Atlantic Salmon Commission into the Department of Marine Resources.

PART RR renames several programs of the Department of Health and Human Services.

PART SS renames the Youth in Need of Services Program within the Department of Health and Human Services and makes certain statutory changes and requires the department to distribute the Homeless Youth Program funding based on a request for proposal and requires the Commissioner to provide a draft of the request to the Joint Standing Committees on Health and Human Services and Appropriations and Financial Affairs.

PART TT renames the Human Leukocyte Antigen Screening Fund and the Fund for a Healthy Maine - Human Leukocyte program within the Department of Health and Human Services and makes certain statutory changes.

PART UU authorizes the Department of Health and Human Services to accept funding to create a supply or stockpile of items necessary in the event of pandemic influenza or other epidemic.

PART VV repeals the Maine Small Business Health Coverage Plan and corrects a cross-reference.

PART WW provides up to $50,000 funding per year from the Victims' Compensation Fund to pay the costs of sexual assault forensic examiner training and education provided by the State's sexual assault forensic examiner program. This Part also provides that $104,317 of the unencumbered balance in the Fair Drug Pricing Contingent Account in the Department of the Attorney General lapses to the General Fund in fiscal year 2007-08.

PART XX authorizes the issuance of $12,000,000 in additional securities by the Maine Governmental Facilities Authority for courthouses in the Judicial Department.

PART YY authorizes the State Budget Officer to transfer technology-related positions to the Department of Administrative and Financial Services, Office of Information Technology in fiscal year 2007-08.

PART ZZ requires a farm that stores more than 100 tons of manure per year not generated on that farm to have a nutrient management plan.

PART AAA lapses available General Fund balances in several Department of Health and Human Services accounts.

PART BBB makes adjustments to appropriations and allocations for fiscal year 2006-07.

PART CCC updates the Maine Revised Statutes, Title 36 to conform the Maine tax code to the federal tax code, specifically to the changes in the federal Tax Relief and Health Care Act of 2006. This Part also continues Maine's nonconformity with the federal temporary increases in the United States Internal Revenue Code, Section 179, which concerns business expense deductions. In May 2006, the Code was amended to extend the federal increases in Section 179 to tax years beginning in 2008 and 2009. Under prior federal law, the increases in allowable Section 179 business expense deductions were set to expire for tax years beginning after December 31, 2007.

PART DDD authorizes the State Controller to transfer $1,000,000 by June 30, 2007 from the Office of Securities Other Special Revenue Funds account in the Department of Professional and Financial Regulation to the unappropriated surplus of the General Fund.

PART EEE transfers $9,500,000 currently available in the General Fund Profit and Loss account to the unappropriated surplus of the General Fund and subsequently transfers the same amount from the unappropriated surplus of the General Fund to the Medical Care - Payments to Providers General Fund account. As a result of the transfers, $9,500,000 is available for deappropriation from the Medical Care - Payments to Providers account.

PART FFF authorizes the State Controller to transfer $6,000,000 no later than June 30, 2008 from Other Special

Revenue Funds to the unappropriated surplus of the General Fund and to reverse this transfer along with interest on July 1, 2008, as repayment. This transfer is considered an interfund advance to be repaid with interest compounded annually at the earnings rate within the Treasurer of State's cash pool on the date of the advance.

PART GGG increases the prescription drug copayment to be collected from MaineCare members from $2.50 to $3.00 per prescription dispensed. The per member per month cap on total copayments is changed from $25 to $30.

PART HHH authorizes the Department of Administrative and Financial Services, Office of Information Technology to enter into financing arrangements on or after January 1, 2008 and on or after January 1, 2009: to acquire hardware, software and systems to support the development of new applications; and to enhance and modify current application systems. This Part also establishe principal amounts, terms and maximum interest rates; specifies that payment for the debt service costs must be paid by the affected departments; and includes departmentwide appropriations to the Department of Health and Human Services for information technology costs.

PART III authorizes the State Controller to transfer $2,229,354 by June 30, 2007 from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund.

PART JJJ makes statutory changes related to Medicaid 3rd-party liability provisions. These changes are needed to meet federal requirements and to enhance the ability of the Office of MaineCare Services in the Department of Health and Human Services, to identify and recover when 3rd-party payers are responsible for making payments on behalf of MaineCare recipients.

PART KKK provides the method for distributing departmentwide savings within the Department of Health and Human Services that will result from restructuring its cooperative agreement with the University of Maine System and Maine Community College System.

PART LLL requires the Commissioner of Professional and Financial Regulation to biennially conduct a review of fees assessed by the Department of Professional and Financial Regulation and submit a report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs, insurance and financial services matters and business, research and economic development matters identifying any fee changes recommended by the commissioner. This Part also transfers funds from the department with the intent that the transfer not result in an increase of fees imposed by the department.

PART MMM authorizes the Department of Health and Human Services to adopt rules on an emergency basis to implement those provisions of this Act over which the department has subject matter jurisdiction.

PART NNN requires that any amount in excess of $500,000 transferred in a fiscal year to the Fund for the Efficient Delivery of Local and Regional Services must be transferred to General Fund undedicated revenue.

PART OOO authorizes the Maine Milk Commission to establish and amend target prices for milk producers in the State through major substantive rulemaking and, beginning July 1, 2007, establishes interim target prices that may be changed through adoption of major substantive rules.

PART PPP makes revisions to the milk handling fee. This Part establishes a rate schedule with a minimum handling fee of 2¢ when the basic price of milk drops below $24 per hundredweight up to a handling fee of 36¢ a gallon when the basic price of milk is between $15 and $15.49 per hundredweight. The handling fee would then increase by 6¢ per gallon for every 50¢ decrease in the basic price of milk below $15 per hundredweight.

PART QQQ requires the Joint Standing Committee on Appropriations and Financial Affairs to conduct the initiative to streamline State Government, a comprehensive analysis of State Government with the goals of consolidating functions and eliminating duplication and inefficiencies in programs, in contracted personal services and

administrative and management positions within State Government. The committee shall investigate and identify major sources of administrative excess, redundancy, inefficiency and program overlap with other state, local or federal programs. The committee shall identify $10,100,000 in savings to be achieved during the 2008-2009 biennium.

PART RRR establishes the Irrevocable Trust Fund for Other Post-employment Benefits to meet the State's unfunded liability obligations for retiree health benefits, establishes the Retiree Health Insurance Post-employment Benefits Investment Trust Fund within the Maine State Retirement System, designates the members of the Board of Trustees of the Maine State Retirement System as trustees of the investment trust fund and assigns responsibility for investment of the assets of the investment trust fund to the trustees. It provides for the calculation and transfer of funds from the Retiree Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the Retiree Health Insurance Post-employment Benefits Investment Trust Fund at the Maine State Retirement System.

PART SSS approves the cost items in tentative collective bargaining agreements reached by the State and the bargaining units pursuant to Maine Revised Statutes, Title 26, section 979-D. It authorizes the use of the Salary Plan accounts in the General Fund and Highway Fund for the costs of collective bargaining. It also amends the statutes to increase the mileage allowance paid by the State for travel by employees using privately owned vehicles to the federal rate of reimbursement or 40¢ per mile beginning July 1, 2007, 42¢ per mile beginning July 1, 2008 and 44¢ per mile beginning January 1, 2009, whichever is lower.

PART TTT provides that a total of $1,588,928 of unencumbered balance forward at the close of fiscal year 2006-07 in the Education in Unorganized Territory, General Fund account in the Department of Education lapses to the General Fund at the close of fiscal year 2006-07.

PART UUU requires the Commissioner of Education to convene a working group to study the current offering of remedial college courses at the University of Maine System and the Maine Community College System and to provide a report to the Joint Standing Committee on Education and Cultural Affairs with its findings and recommendations for changes in the delivery of remedial college courses no later than February 1, 2008.

PART VVV defines "semester" for Title 20-A, chapter 208-A as the fall, spring or summer terms of an academic year and requires that not more than 10% of the total funding available for postsecondary education, either through a direct appropriation to the postsecondary education program within the Department of Education or as part of the ongoing funds included in the appropriation for the general purpose aid for local schools program, may be used for secondary students to take a postsecondary course during the summer term.

PART WWW establishes the authority and requirements for the Department of Health and Human Services to establish rules to implement the MaineCare radiology services prior authorization initiative included in Part A.

PART XXX expands the membership of the Maine Maritime Academy board of trustees from 13 to 16.

PART YYY requires the State Court Administrator and the Commissioner of Corrections, when preparing impact statements on legislation, to consult with certain persons and associations in order to provide accurate estimates of the impact of that legislation on the judicial branch and the correctional system, respectively.

PART ZZZ allows the Commissioner of Corrections, without a prisoner's consent, to transfer a prisoner to supervised community confinement if that prisoner has less than 18 months remaining on that prisoner's sentence. The inmate would have had to serve at least 2/3 of the inmate's sentence if the sentence was more than 5 years or at least 1/2 of the sentence if the sentence was 5 years or less. This Part also requires a pro rata reimbursement to the Department of Corrections for the costs of training a corrections officer who then leaves the department to seek work as a corrections officer in a county facility or other law enforcement agency. This is consistent with current law regarding the costs of training law enforcement officers who change employment after training.

PART AAAA defines the process by which the Department of Health and Human Services will work with providers to achieve savings from standardized rates, system redesign and reduction of administrative burdens. It provides that if the department decides to use rate standardization adjustments to generate a larger part of the total budgeted savings than the amount shown for rate standardization in Part A or the amount recommended by the Rate Standardization Work Group pursuant to this Part, the department must first report that difference to the appropriate committees of the Legislature and allow for adequate public comment on its intentions before proceeding. It also provides that this initiative is departmentwide.

PART BBBB lapses a total of $1,350,000 from accounts within the Legislature to the General Fund over the fiscal years ending June 30, 2007 and June 30, 2008.

PART CCCC directs the State Controller to transfer surplus funds not needed for current operations by June 30, 2007 from the Emergency Services Communications Bureau Other Special Revenue Funds account in the Public Utilities Commission and the Conservation Program Fund Other Special Revenue Funds account within the Public Utilities Commission to the unappropriated surplus of the General Fund.

PART DDDD requires the Department of Health and Human Services to maintain day habilitation services at the level they were provided on January 1, 2007 while the department transitions to a new federal Medicaid waiver.

PART EEEE directs the State Controller to transfer surplus funds not needed for current operations by June 30, 2007 from various Other Special Revenue Funds accounts in the Department of Public Safety to the unappropriated surplus of the General Fund.

PART FFFF directs the State Controller to transfer $127,176 of the unencumbered balance in fiscal year 2007-08 in the Federal-State Inspection Fund Other Special Revenue Funds account of the Division of Quality Assurance and Regulations program within the Department of Agriculture, Food and Rural Resources to the General Fund in fiscal year 2007-08.

PART GGGG authorizes the State Controller to transfer funds by June 30, 2008 from the Administration - Attorney General Other Special Revenue Funds account to the unappropriated surplus of the General Fund from the State's share of a multistate settlement.

PART HHHH directs the State Controller to transfer surplus funds not needed for current operations by June 30, 2007 from the Baxter Compensation Authority Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

PART IIII requires the State Court Administrator to increase certain fees collected by the Judicial Department.

PART JJJJ recognizes savings of $1,400,000 annually in fiscal years 2007-08 and 2008-09 to be realized through increased efficiencies.

PART KKKK provides that a captive insurance company is not subject to an insurance premiums tax in this State and, therefore, is no longer exempted from taxation under Maine's corporate income tax. Accordingly, a captive insurance company is required to be included in a combined income tax return when it is part of a unitary business that operates in this State. This Part also exempts from the definition of "corporation" a person that is engaged solely in the business of reinsuring risks of one or more affiliated insurance companies that are not captive insurance companies formed or licensed under the Maine Revised Statutes, Title 24-A, chapter 83 or under the laws of another state.

PART LLLL redirects the $20 initial registration fee for the sportsman motor vehicle specialty registration plate from the Lifetime License Fund to the Boat Launch Facilities Fund. It also redirects and divides the $20 renewal fee

for the sportsman registration plate from the Lifetime License Fund to the fish hatchery maintenance fund, the Boat Launch Facilities Fund, the Maine Endangered and Nongame Wildlife Fund and the Support Landowners Program. It authorizes the Secretary of State to issue sportsman registration plates with fewer than the 3-digit and 3-letter combination that is currently required for other specialty plates. This Part also directs the Commissioner of Inland Fisheries and Wildlife to submit a new proposed design for the sportsman registration plate every 6 years for approval or modification by the Secretary of State. Finally, this Part transfers $650,000 from the Inland Fisheries and Wildlife carrying account for the construction of a Department of Inland Fisheries and Wildlife regional headquarters in Aroostook County.

PART MMMM directs the State Controller to transfer $27,300 in fiscal year 2007-08 from the unappropriated surplus of the General Fund to the Maine Coast Environmental Trust Fund in the Department of Marine Resources.

PART NNNN provides an income tax credit to qualified taxpayers eligible for a federal historic rehabilitation credit with regard to the Lockwood Mill Historic District in the City of Waterville.

PART OOOO requires the State Controller to monitor the accounts receivable established as a result of a use tax liability. It also provides a General Fund appropriation of $200,000 in fiscal year 2007-08 for certain air ambulance organizations contingent upon certification by the State Controller that the air ambulance accounts receivable balance is $200,000 or less.

PART PPPP increases the property tax exemption for veterans and their eligible survivors from $5,000 to $6,000.

PART QQQQ authorizes the State to provide Pine Tree Development Zone benefits to Maine manufacturing companies that would not otherwise qualify for these benefits. It specifies the criteria for the application that an applicant must submit to the Commissioner of Economic and Community Development, adds a sunset provision that requires applications for benefits to be received by the commissioner by December 1, 2009 and authorizes the Department of Economic and Community Development to adopt rules to implement the enacted subchapter.

PART RRRR augments the efforts of Realize!Maine, under the auspices of the Maine Development Foundation, to retain and attract young people to live, work and recreate in the State. This Part also repeals the "S.W.A.T. team" law and incorporates the responsibilities formerly set out in the Maine Revised Statutes, Title 5, chapter 389 into the responsibilities of the Maine Development Foundation. This Part also appropriates funds to the Maine Development Foundation.

PART SSSS allows the Department of Administrative and Financial Services, Bureau of General Services to make renovations to house a women's transitional corrections facility in Bangor.

PART TTTT directs the State Controller to transfer $300,000 from the Other Special Revenue Funds elderly tax deferral program in fiscal year 2007-08 to the General Fund unappropriated surplus.

PART UUUU directs the Chancellor of the University of Maine System, the President of the Maine Community College System and the President of the Maine Maritime Academy to form an administrative savings group to review potential savings in noninstructional costs for the 3 systems by combining administrative services to the extent practicable and report back to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs on or before January 1, 2008.

PART VVVV establishes the Marine Fisheries Stock Enhancement Fund in the Department of Marine Resources. Money in the fund must be administered by the department for commercial marine stock enhancement to improve the marine economy in this State through applied research, development, production of harvested marine species, infrastructure, monitoring and assessment. Money in the fund may be used as federal matching funds.

PART WWWW exempts diesel internal combustion engine fuel used for the purpose of operating or propelling a

commercial groundfishing boat from the sales tax for fiscal year 2007-08. "Commercial groundfishing boat" is defined as a boat that is licensed to harvest and is used for harvesting northeast multispecies fish.

PART XXXX provides a framework for the reorganization of school administrative units into regional school units to maximize efficiencies in administrative and other noninstructional areas of kindergarten to grade 12 education.

Part YYYY adjusts the appropriation made in Part A relating to the Maine Community College System and makes an appropriation and an allocation to the Department of Health and Human Services that were inadvertently omitted from Part A.

Public Law 2007, chapter 240 was enacted as an emergency measure effective June 7, 2007, except as otherwise indicated.

LD 501 **An Act To Provide Relief to the Commuters on Casco Bay Islands** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	ONTP	

This bill makes ongoing appropriations to the Casco Bay Island Transit District to stabilize passenger, vehicle and freight rates and to make ferry transportation affordable to year-round residents served by the transit district.

Public Law 2007, chapter 39 enacted a similar provision in the bond proposal.

LD 502 **An Act To Ensure That Maine Residents Have Reliable Winter Heating Assistance** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	ONTP	

This bill makes ongoing General Fund appropriations of $17,000,000 per year beginning in fiscal year 2007-08 to the Maine State Housing Authority for the Low Income Home Energy Assistance Program (LIHEAP) to provide necessary heating assistance funding for Maine residents in a timely manner. Funding received from the Federal Government for LIHEAP must be used to offset the General Fund appropriation.

LD 538 **An Act To Authorize a General Fund Bond Issue To Promote Increased Research and Development Collaboration between the Environmental and Energy Technology Sector and the University of Maine System** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS	ONTP	

The funds provided by this bond issue, in the amount of $2,000,000, will be used to promote increased research and development collaboration between the environmental and energy technology sector of the State and the University of Maine System.

LD 572 **An Act To Fund the Western Maine Career Centers** **P & S 31**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP	S-361 ROTUNDO

This bill makes a one-time General Fund appropriation of $350,000 in fiscal year 2006-07 to sustain the career centers in Wilton, Rumford and South Paris.

Senate Amendment "A" (S-361)

This amendment strikes the emergency preamble and clause from the bill and eliminates the one-time General Fund appropriation of $350,000 in fiscal year 2006-07 and provides a one-time General Fund appropriation of $15,000 in fiscal year 2007-08 to sustain the career centers in Wilton, Rumford and South Paris.

Enacted Law Summary

Private and Special Law 2007, chapter 31 provides a one-time General Fund appropriation of $15,000 in fiscal year 2007-08 to sustain the career centers in Wilton, Rumford and South Paris.

LD 573 **An Act To Authorize a General Fund Bond Issue for the Western Maine Creative Arts Center** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

The funds provided by this bond issue, in the amount of $10,000,000, will be used for renovation of certain buildings on the University of Maine at Farmington campus to create the Western Maine Creative Arts Center for a creative economy.

LD 594 **An Act To Authorize a General Fund Bond Issue To Facilitate Laboratory and Education Facility Construction for the Gulf of Maine Research Institute** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	ONTP	

The funds provided by this bond issue, in the amount of $2,000,000, will be used for the Gulf of Maine Research Institute for reconstruction of a bulkhead and wharf to prepare the site for additional laboratory and education facility construction.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 603 **An Act To Support the Capital Riverfront Improvement District** **P & S 26 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP	S-362 ROTUNDO

This bill makes General Fund appropriations in fiscal year 2007-08 and fiscal year 2008-09 for the Capital Riverfront Improvement District.

Senate Amendment "A" (S-362)

This amendment makes a one-time General Fund appropriation of $20,000 in fiscal year 2007-08 for the Capital Riverfront Improvement District.

Enacted Law Summary

Private and Special Law 2007, chapter 26 makes a one-time General Fund appropriation of $20,000 in fiscal year 2007-08 for the Capital Riverfront Improvement District.

Private and Special Law 2007, chapter 26 was enacted as an emergency measure effective June 27, 2007.

LD 611 **An Act To Generate Entrepreneurship, Small Business Development and Employment among Women and Rural Residents through Training and Technical Support** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY EDMONDS	ONTP	

This bill makes ongoing General Fund appropriations of $375,000 per year beginning in fiscal year 2007-08 to maintain capacity to provide entrepreneurial training, small business development and financial management assistance to help women and rural entrepreneurs create, sustain and expand microenterprises throughout the State.

Public Law 2007, chapter 240 provided funding for a similar initiative.

LD 612 **An Act To Authorize a General Fund Bond Issue for Capital Improvements for the Maine Community College System** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
FINCH BOWMAN	ONTP MAJ OTP MIN	

The funds provided by this bond issue, in the amount of $30,000,000, will be used for capital improvements to the Maine Community College System.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 646 **An Act To Support and Expand Regional Teacher Development Centers and Early College Readiness Programs** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J		

This bill makes ongoing General Fund appropriations of $1,000,000 per year beginning in fiscal year 2007-08 to the University of Maine System to support and expand the University of Maine System Regional Teacher Development

Centers and early college readiness programs.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 647 **An Act To Encourage Economic Development** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

This bill makes ongoing General Fund appropriations of $750,000 per year beginning in fiscal year 2007-08 for local economic development efforts in rural counties to be distributed based on objective criteria.

Public Law 2007, chapter 39 enacted a similar provision in the bond proposal.

LD 657 **An Act To Provide Funding for Transitional Employment Training Opportunities for Persons with Mental Illness** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
CANAVAN	OTP	

This bill makes one-time and ongoing General Fund appropriations for Kennebec Valley Mental Health Center's transitional employment training programs for people with mental illness.

The Department of Health and Human Services indicated that some existing funding would be dedicated to this effort.

LD 670 **An Act To Promote Economic Growth through Entrepreneurship, the Creative Economy and Rural Economic Development** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP	

This bill makes ongoing General Fund appropriations of $700,000 in fiscal year 2007-08 and $1,800,000 in fiscal year 2008-09 to the University of Maine System to enhance activities in entrepreneurship education, leadership and community outreach; expand academic programs in multimedia software and technologies necessary to the support, production and management of the creative economy; and create a Center for Rural Sustainable Development to engage in research on issues important to those who live in rural areas.

LD 674 **An Act To Restore Funding to the Maine Joint Environmental Training Coordinating Committee** **P & S 29**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP	S-363 ROTUNDO

LD 674 makes ongoing General Fund appropriations of $20,500 per year for the Maine Joint Environmental Training Coordinating Committee program.

Senate Amendment "A" (S-363)

This amendment reduces the General Fund appropriation and makes a General Fund appropriation of $10,000 for fiscal year 2007-08 for the Maine Joint Environmental Training Coordinating Committee program.

Enacted Law Summary

Private and Special Law 2007, chapter 29 provides a General Fund appropriation of $10,000 for fiscal year 2007-08 for the Maine Joint Environmental Training Coordinating Committee Program.

LD 707 **An Act To Fund the Fractionation Development Center** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	OTP	

This bill makes ongoing General Fund appropriations of $350,000 per year for the Fractionation Development Center.

LD 718 **An Act To Authorize a General Fund Bond Issue To Stimulate the Midcoast Economy** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY EDMONDS	ONTP	

The funds provided by this bond issue, in the amount of $20,000,000, are to be used for economic stimulation to the midcoast area of Maine for infrastructure improvement and property acquisition directly related to economic development and job growth, to help businesses and landlords through the transition period of the decommissioning of Brunswick Naval Air Station, to provide funding for the expansion of existing business, to provide venture capital for start-ups and expansion of existing businesses, to fund research and development projects in the midcoast area by the Maine Technology Institute and to improve the rail and highway infrastructures.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 721 **An Act To Restore Support for HIV and AIDS Treatment and Prevention** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN TURNER		

This bill makes ongoing General Fund appropriations of $600,000 per year to the Maine Center for Disease Control and Prevention in the Department of Health and Human Services for HIV and AIDS treatment and prevention.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 744 **An Act To Stabilize and Expand Funding for the Graduate School of Biomedical Science at the University of Maine** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN		

This bill makes ongoing General Fund appropriations of $4,000,000 per year beginning in fiscal year 2007-08 to the University of Maine System to stabilize and expand the Graduate School of Biomedical Science through the formation of a partnership with the University of New England to collaborate on a school of pharmacy.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 745 **An Act To Expand the Maine Economic Improvement Fund** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN	ONTP	

This bill makes ongoing General Fund appropriations of $10,000,000 per year beginning in fiscal year 2007-08 to the University of Maine System to increase the amount of funding available for research and development in the Maine Economic Improvement Fund.

Public Law 2007, chapter 240 provided funding for a similar initiative.

LD 746 **An Act To Authorize a General Fund Bond Issue To Finance the Acquisition of Land and Water Access and To Access Matching Contributions** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE TURNER	ONTP	

The purpose of this legislation is to recapitalize the Land for Maine's Future program with $75,000,000 over 3 years to continue Maine's land conservation efforts, leveraging a minimum of $37,500,000 in required matching funds.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 747 **An Act To Authorize a General Fund Bond Issue for the Municipal Investment Trust Fund** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CROCKETT MITCHELL	ONTP	

The funds provided by this bond issue, in the amount of $5,000,000, will be used to finance the Municipal Investment Trust Fund so that an eligible municipality or group of municipalities may apply for a public service infrastructure grant or loan.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 777 **An Act To Authorize a General Fund Bond Issue for Affordable Rental Housing** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	

The funds provided by this bond issue, in the amount of $20,000,000, will be used to establish affordable rental housing through the Maine State Housing Authority.

LD 782 **An Act To Establish a New Method of Determining the State Budget** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
JOY		

LD 782 shifts the start of the fiscal biennium for the state budget from the first regular session of the Legislature to the second regular session of the Legislature, beginning for the fiscal year that begins on July 1, 2010. This bill also provides that the state budget beginning on July 1, 2009 is a one-year budget.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H. P. 1369.

LD 793 **An Act To Provide Essential Library Resources to All Maine Communities** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS		

This bill makes ongoing General Fund appropriations to the Maine State Library for grants to improve library collections throughout the State, to support interlibrary deliveries, to digitize materials for preservation and statewide access, to improve online data resources and to improve area reference and resource centers. The bill also provides funds for 2 librarian positions.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 800 **An Act To Enhance the Maine State Grant Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

This bill makes ongoing General Fund appropriations of $9,600,000 per year to the Finance Authority of Maine for the Maine State Grant Program to enhance postsecondary educational opportunities for Maine students attending Maine colleges and universities.

LD 801 **An Act To Authorize a General Fund Bond Issue for Infrastructure Improvements for Canton Village and To Provide Funding for the CareerCenter in Rumford** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	ONTP	

Part A of this bill provides funds through a bond issue in the amount of $2,000,000 to be used for infrastructure improvements for Canton Village to assist in the town's flood recovery and prevention efforts.

Part B of this bill makes ongoing General Fund appropriations of $159,000 in fiscal year 2007-08 and $200,000 per year beginning in fiscal year 2008-09 for 3 Career Center Consultant positions and related All Other for the career center in Rumford effective October 1, 2007.

LD 804 **An Act To Ensure Responsible Government Spending and Investment** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS		

Part A of this bill establishes new procedures to govern the act of exceeding or increasing the various spending limitations that currently apply to state, county, municipal and school governments. On the state level, Part A establishes a system to make the determination of compliance with the spending limitation system an accurate year-to-year comparison if the Legislature decides to fund a General Fund expenditure outside of the General Fund appropriation process. For counties, schools and municipalities, the existing approval procedures to exceed the current spending limitations would still be required, but, if the local government was proposing to exceed or increase the applicable limitation and the local government was the recipient of net new funding from the State, the approval would have to be accomplished by a referendum vote. For municipal and school governments, a 2/3 vote of the legislative body, such as the town meeting or school district meeting or city council, would avoid the need to obtain a referendum approval of the budget.

Part B of this bill establishes a 5% limit on the amount of General Fund and Highway Fund revenues that may be allocated for tax-supported debt service in any fiscal year. Part B also directs the State Treasurer to annually calculate and report to the Legislature on the aggregate unfunded actuarial liability of the State, taking into consideration health and life insurance and pension benefits that are scheduled to be provided to retired state employees, teachers and other governmental workers provided benefits pursuant to state law.

Part C of this bill establishes as a goal a 10% reduction by the year 2010 in the statewide expenditure for educational administrative services in kindergarten to grade 12 public education as that expenditure is measured as a percent of total personal income. It establishes goals for specific categories of costs and services. It also establishes a comprehensive system of analysis, recommendation, outreach and implementation to be accomplished on the local level through the creation of regional planning alliances to achieve that goal within the 26 career and technical education regions in Maine. If the cost reduction goal is not achieved, the Commissioner of Education must submit a plan to the Legislature to achieve the cost reductions.

Part D of this bill amends the law governing the responsibilities of the Executive Department, State Planning Office to collect data and report about the effects of government spending limitation law on Maine's overall tax burden. It also requires the State Planning Office to work with the Maine Development Foundation to prepare the required compliance reports in a manner designed to be accessible to the general public. It also requires the State Planning

Office to perform calculations of Maine's state and local government employment and expenditure levels in comparison with other states for the purpose of identifying categories of government employment and expenditure that deviate significantly from national and peer state averages. Finally, it directs the State Planning Office, working in conjunction with Maine Revenue Services, to establish a contract with the Maine Development Foundation to comprehensively analyze the sources of government revenue available to each state in the United States, including Maine, with a focus on comparing the various state and local taxes and fees in terms of nominal revenues by category, tax and revenue burdens, rates of taxes and fee schedules and levels of reliance and exportation.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369. The Joint Standing Committee on Appropriations and Financial Affairs requested the Joint Select Committee on Prosperity consider this bill in the conduct of their deliberations.

LD 806 **An Act To Authorize a General Fund Bond Issue for the Maine Biomedical Research Fund to Create Jobs and Strengthen Maine's Economy** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TARDY	ONTP	

The funds provided by this bond issue, in the amount of $75,000,000 to stimulate economic growth and job creation through investments to support capital infrastructure and equipment for medical research and development, will be used to provide funds for the Maine Biomedical Research Fund. The bonds will be issued in 5 increments of $15,000,000 each during the next 5 years in anticipation of approximately $150,000,000 in federal and private funds.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 817 **An Act To Support the Maine Keeping Seniors Home Program** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL	OTP	

This bill makes an ongoing General Fund appropriation of $350,000 in fiscal years 2007-08 and 2008-09 to the Department of Health and Human Services for the statewide Keeping Seniors Home program administered by Western Maine Community Action, Inc.

This bill was initially reported out of committee on a unanimous "ought to pass" vote, placed on the Senate Special Appropriations Table and carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 818 **An Act To Provide Support for the Volunteer Medical Ride Network** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL	ONTP	

This bill makes a one-time General Fund appropriation of $50,000 in fiscal year 2007-08 for direct grants to local area agencies on aging to support the volunteer medical ride network. These funds are to be distributed to each area agency on aging via the guidelines identified in the federal Older Americans Act of 1965. The funds will be used to

support and expand a volunteer medical ride network focused on using volunteers to transport Maine's elderly to health care services such as kidney dialysis and cancer therapy.

Public Law 2007, chapter 240 provided funding for a similar initiative.

LD 819 **An Act To Provide Supplemental Funding for Mileage Reimbursement for Volunteers for Meals on Wheels Programs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL	ONTP	

This bill appropriates funds to reimburse volunteers for meals on wheels programs for increased travel expenses resulting from increased motor fuel costs.

Public Law 2007, chapter 240 provided funding for a similar initiative.

LD 858 **An Act To Authorize a General Fund Bond Issue for the University of Maine for Research and Development** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	ONTP	

The funds provided by this bond issue, in the amount of $66,214,500, are to be used for research and development purposes by the University of Maine System for biotechnology, aquaculture, information technology, precision manufacturing, forestry and agriculture and geographic information systems for strategic economic development.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 862 **An Act To Improve Health Care for Maine Children through the Expansion of School-based Health Care Centers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HARLOW	ONTP	

This bill makes ongoing General Fund appropriations of $443,687 in fiscal year 2007-08 and $713,597 beginning in fiscal year 2008-09 to support 20 school-based health centers in fiscal year 2007-08 and 25 school-based health centers in fiscal year 2008-09 as well as additional funding for planning grants, data evaluation and technical assistance contracts.

Public Law 2007, chapter 240 provided funding for a similar initiative in the FHM - Bureau of Health account.

LD 863 **An Act To Authorize a General Fund Bond Issue for Acquiring Land and Water Access through the Land for Maine's Future Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	ONTP	

The purpose of this legislation is to recapitalize the Land for Maine's Future program with $95,000,000 over 4 years to continue Maine's land conservation efforts, leveraging a minimum of $45,000,000 in required matching funds.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 874 **An Act To Provide Funding for the Low-income Home Energy Assistance Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M BRYANT B	ONTP	

This bill provides $5,000,000 to the Low-income Home Energy Assistance Program and specifies that the funds may be used only for fuel purchases.

LD 896 **An Act To Authorize a General Fund Bond Issue for the Cleanup of Hazardous Waste Sites** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.
This bill, as emergency legislation, proposes to create a General Fund bond issue in the amount of $10,000,000 to fund cleanup of hazardous waste sites such as the Statler Tissue mill site in Augusta.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 925 **An Act To Provide Funds To Support Residential Programs for People with Developmental Disabilities** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN		

The bill makes ongoing General Fund appropriations of $6,000,000 per year for room and board costs for people with developmental disabilities served under the MaineCare home and community-based care waiver for people with developmental disabilities. These room and board costs are no longer Medicaid reimbursable and therefore require a state appropriation for grants to make up for the loss in federal funds.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 926 **An Act To Support the Marine Law Institute** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY	ONTP	

This bill makes ongoing General Fund appropriations of $200,000 to the University of Maine School of Law to support the Marine Law Institute.

LD 942 **An Act To Authorize a General Fund Bond Issue for Educational Facilities and Research and Development Facilities for the University of New England** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRANNIGAN	ONTP	

The funds provided by this bond issue, in the amount of $5,000,000, will be used to fund the University of New England for proposed construction of educational facilities for a pharmaceutical college and other facilities for research and development at the Portland campus of the university.

LD 1009 **An Act To Provide Firearms Safety Instruction for Adolescents** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING		

This bill requires secondary schools to provide firearms safety instruction as part of the curriculum.

The bill was printed for reference to the Joint Standing Committee on Appropriations and Financial Affairs but died between the bodies over insistence for reference to either the Joint Standing Committee on Education and Cultural Affairs or the Joint Standing Committee on Inland Fisheries and Wildlife.

LD 1019 **An Act To Authorize a General Fund Bond Issue To Replenish the School Revolving Renovation Fund** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BOWMAN	ONTP	

The funds provided by this bond issue, in the amount of $25,000,000, will be used to replenish the School Revolving Renovation Fund for school repair and renovation.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 1035 **An Act To Increase Wheelchair Van Services Reimbursement Rates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE MITCHELL	ONTP	

This bill makes ongoing General Fund appropriations of $463,089 in fiscal year 2007-08 and $483,095 in fiscal year 2008-09 and adds an allocation of federal matching funds.

Public Law 2007, chapter 240 provided funding for a similar initiative.

LD 1065 **Resolve, To Enhance the Education Opportunities for Maine's Early Childhood Workers** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
SILSBY		

This resolve makes ongoing General Fund appropriations of $125,000 per year to increase the number of scholarships the Finance Authority of Maine awards under the Quality Child Care Education Scholarship Fund and makes a one-time General Fund appropriation to the University of Maine System to develop a degree program for those seeking training for working with preschool children with special needs. This resolve also directs the Finance Authority of Maine to adopt rules to make a nonmatriculated student eligible for a grant under the Quality Child Care Education Scholarship Fund.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369. The bill did not have a public hearing during the First Regular Session of the 123rd Legislature.

LD 1114 **An Act To Appropriate Funds for the School Breakfast Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

This bill makes ongoing General Fund appropriations of $130,000 per year beginning in fiscal year 2007-08 for the School Breakfast Program within the Department of Education.

Public Law 2007, chapter 240 provided funding through the Fund for a Healthy Maine for a similar initiative.

LD 1134 **An Act To Ensure Access to the Community College for Students in Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS MITCHELL	ONTP	

This bill makes one-time General Fund appropriations of $7,500,000 per year in fiscal year 2007-08 and fiscal year 2008-09 necessary to eliminate the backlog of students awaiting entrance to the community college degree programs.

Public Law 2007, chapter 240 provided funding for a similar initiative.

LD 1149 **An Act To Authorize a General Fund Bond Issue To Improve Child Care Facilities in Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CONNOR	ONTP	

The funds provided by this bond issue, in the amount of $2,000,000, will be used to establish a combination of low-interest loans and grants to develop new child care options in all communities, to bring existing facilities and programs up to higher quality standards and to assist existing programs with higher quality standards in repaying

existing loans and mortgage expenses during an expansion.

LD 1165 **An Act To Authorize a General Fund Bond Issue for Development of 2 Educational Facilities for Spurwink** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

The funds provided by this bond issue, in the amount of $1,200,000, will be used by the Spurwink Corporation to expand a special needs regional vocational center in Casco and construct a special needs regional elementary school in Cornville.

LD 1190 **An Act To Promote Economic Growth through Education for Androscoggin County** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO		

This bill makes a one-time General Fund appropriation of $3,000,000 in fiscal year 2007-08 to complete a portion of a building to address overcrowding at Lewiston-Auburn College.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1199 **An Act To Resolve Unfunded State Mandates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

LD 1199 requires the Commissioner of Administrative and Financial Services to maintain a list of unfunded state mandates that have been imposed by act of the Legislature on towns, cities, counties and other units of government. In the same manner that the Secretary of State must submit legislation to repeal inactive boards each first regular session, the commissioner is required to submit legislation to repeal the unfunded state mandates to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs each Legislature.

LD 1222 **An Act To Authorize a General Fund Bond Issue for Wastewater Infrastructure on the Penobscot River and To Require Testing Relating to Publicly Owned Treatment Works** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	ONTP	

The funds provided by this bond issue, in the amount of $10,000,000, will be used to fund a state wastewater revolving fund for combined sewer overflow abatement of publicly owned treatment works on the Penobscot River from Millinocket to Penobscot Bay. The bill also requires publicly owned treatment works to submit monthly reports to the Department of Environmental Protection in connection with effluent received from users that are not connected to the publicly owned treatment works.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 1224 **An Act To Prevent Violence against Maine Families and To Provide Adequate Intervention in Cases of Domestic Violence and Sexual Assault** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	ONTP	

This bill makes a General Fund appropriation of $4,600,000 in each of fiscal years 2007-08 and 2008-09 for the Department of Health and Human Services to contract with community-based agencies to provide school-based and community-based sexual assault and domestic violence prevention education and to sustain the efforts already in place to protect Maine citizens from domestic violence and sexual assault and to provide services to victims of those crimes.

Public Law 2007, chapter 240 provided funding for a similar initiative.

LD 1237 **An Act To Authorize a General Fund Bond Issue To Create Jobs through Enhancing Maine's Commercial Marine Resources** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EMERY	ONTP	

The funds provided by this bond issue, in the amount of $55,000,000, will be used for creating jobs through the establishment of an ongoing fund to enhance the State's marine resource economy.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 1245 **An Act To Authorize a General Fund Bond Issue To Encourage Research and Development in Renewable Energy** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

The funds provided by this bond issue, in the amount of $5,000,000, will be used to encourage research and development in renewable energy.

LD 1256 **An Act To Authorize a General Fund Bond Issue for Community Recycling and Household Hazardous Waste Collection** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	ONTP	

The funds provided by this bond issue, in the amount of $6,000,000, will be used to to continue funding the program for technical and financial assistance for waste reduction and recycling and the household hazardous waste collection and disposal program, with emphasis given to providing planning and coordination assistance to encourage regional recycling efforts by multiple municipalities and giving priority to a municipality that has a goal

of recycling more than 50% of the waste generated in that municipality.

LD 1268 **An Act To Fund the Nursing Education Loan Repayment Program and Fund** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS		

This bill appropriates $50,000 from the General Fund each year for the next 2 years to finance the nursing education loan repayment program, which was established in Public Law 2005, chapter 417.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1279 **An Act To Terminate the Authority of the Maine Governmental Facilities Authority** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GOOLEY	ONTP	

LD 1279 prohibits the Maine Governmental Facilities Authority from undertaking new projects or financing projects other than those approved by the Legislature prior to January 1, 2007. The bill authorizes the authority to carry out its responsibilities for current projects and outstanding debt on those projects.

LD 1312 **An Act To Authorize a General Fund Bond Issue for the Preservation of Forest Lodge in the Town of Upton** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	ONTP	

This bill proposes a General Fund bond issue of $1,000,000 for the purpose of having the Department of Conservation purchase the historical Forest Lodge property in the Town of Upton. Contingent upon approval of the bond issue by the voters, it appropriates $500,000 from the General Fund on a one-time basis to the Department of Conservation for the repair and maintenance of the Forest Lodge property.

LD 1344 **An Act To Authorize a General Fund Bond Issue To Support Maine's Economy and Quality of Place through the New Century Community Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	ONTP	

The funds provided by this bond issue, in the amount of $25,000,000, will be used to fund a grant program under the New Century Community Program to distribute grants on a competitive basis using criteria that include but are not limited to the importance of a project to foster growth of arts and culture within the community, project viability, the likelihood of funding success, geographic diversity and the ability to attract matching funds on a one-to-one ratio or better.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 1395 **An Act To Protect Maine Rivers and To Authorize a General Fund Bond Issue** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	ONTP	

Part A of the bill authorizes a General Fund bond issue. The funds provided by the bond issue, in the amount of $40,000,000, will be used to finance the upgrade of sewage treatment systems in the State. Part B of the bill directs the Department of Environmental Protection to amend the rules to end the combination of sewage and storm water discharge.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 1402 **An Act To Authorize a General Fund Bond Issue To Enhance Funding for Stem Cell Research in Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PILON	ONTP	

The funds provided by this bond issue, in the amount of $20,000,000, will be used to expand research in adult stem cells and embryonic stem cells, establish a public umbilical cord blood bank, award grants to aid in the development of umbilical cord blood banks and establish an advisory council on umbilical cord blood banks.

LD 1424 **An Act Requiring Long-range Budget Planning** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY		

LD 1424 requires that the state budget document include a long-range plan for State Government and describe any imbalance between projected revenues and projected expenditures.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369. The Joint Standing Committee on Appropriations and Financial Affairs requested the Joint Select Committee on Prosperity consider this bill in the conduct of their deliberations.

LD 1448 **An Act To Authorize a General Fund Bond Issue for Wastewater Treatment Facilities and Water Supply Facilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD MCCORMICK	ONTP	

The funds provided by this bond issue, in the amount of $8,700,000, to be appropriated over 3 years, will be used to fund drinking water programs and wastewater treatment facilities.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 1513 **An Act To Authorize a General Fund Bond Issue To Fund Water and Wastewater Infrastructure** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	ONTP	

The funds provided by this bond issue, in the amount of $40,000,000, will be used to match federal funds for the construction of wastewater pollution control facilities, to match federal funds for a revolving loan match for drinking water facilities, for funds to repair, upgrade and complete new wastewater control facilities, for combined sewage overflow and for removing and replacing some of the 1,500 overboard discharge systems in the State, as well as to help repair failing septic systems that are polluting surface waters.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 1520 **An Act To Authorize a General Fund Bond Issue for Biorefineries** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	ONTP	

This bill provides funds through a bond issue in the amount of $12,500,000 to be used to create a pool for the start-up costs of biorefineries to generate power, fuels and specialty chemicals.

LD 1526 **An Act To Enhance Family Development Accounts** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

This bill makes ongoing General Fund appropriations of $100,000 per year for the Family Development Account program within the Finance Authority of Maine to serve as matching funds for federal and private dollars.

LD 1531 **An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	ONTP	

The funds provided by this bond issue, in the amount of $70,000,000, will be used to recapitalize the Land for Maine's Future program over 2 years to continue the State's land conservation efforts.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 1611 **An Act To Authorize a General Fund Bond Issue for Research and Development to Create Jobs in Maine's Emerging Biobased Plastics Industry** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N	ONTP	

The funds provided by this bond issue, in the amount of $30,000,000, are to fund research, development and commercialization of the emerging biobased plastics industry in Maine. The Maine Technology Institute will administer competitive awards through a biobased plastics and green chemistry fund for collaborative projects that include, but are not limited to, research and development of processes to manufacture biobased plastics from agricultural and forest products and the commercialization of biobased plastics production from potatoes and agricultural crops in Aroostook County.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 1628 **An Act To Fund the Fuel Assistance Reserve Fund To Ensure That Help from the Low-income Home Energy Assistance Program Is Received in a Timely Fashion** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	ONTP	

This bill appropriates one-time funds for the Maine State Housing Authority to establish and capitalize the Fuel Assistance Reserve Fund as described in the Maine Revised Statutes, Title 30-A, section 4992-A. The authority shall use the Fuel Assistance Reserve Fund to ensure that fuel assistance benefits for the State's eligible elderly and low-income residents are available in a timely fashion.

LD 1654 **An Act To Reduce the Cost of the Unfunded Liability of the State Employee and Teacher Retirement Fund and To Reduce the Cost to Maine Citizens of Purchasing State Bonds** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to accomplish 2 goals. Part A would reduce the cost of the unfunded actuarial liability to the state employee and teacher retirement fund by authorizing the issuance of pension cost reduction bonds by the Maine Municipal Bond Bank. Part B would authorize the Treasurer of State to institute a program to make the purchase of State general obligation bonds more accessible to Maine citizens.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369. The Joint Standing Committee on Appropriations and Financial Affairs requested the Joint Select Committee on Prosperity consider this bill in the conduct of their deliberations.

LD 1677 **An Act To Authorize a General Fund Bond Issue for Riverfront Community Development** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

The funds provided by this bond issue, in the amount of $25,000,000, will be used to fund a grant program to invest in projects that contribute to economic, environmental and community development and revitalization along the State's rivers, promote economic activity, protect the environment and enhance the quality of life for Maine people.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 1692 **An Act To Authorize a General Fund Bond Issue for Improvements to Passenger Rail Service** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	

The funds provided by this bond issue, in the amount of $40,000,000, will be used to make improvements to passenger rail service in Maine.

Public Law 2007, chapter 39 enacted a similar bond proposal.

LD 1796 **An Act To Authorize Bond Issues for Ratification by the Voters for the June and November 2007 Elections and the June 2008 Election and To Transfer Certain Funds** **PUBLIC 39 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-26

LD 1796 was the Governor's proposed bond issue for improvements to highways and bridges, airports, public transit facilities, ferry and port facilities including port and harbor structures and statewide bicycle and pedestrian trails.

Committee Amendment "A" (S-26)

Committee Amendment "A" (S-26) was the unanimous report of the Committee in response to various general obligation bond proposals.

Enacted Law Summary

Public Law 2007, chapter 39 does the following:

Part A authorizes a $112,975,000 bond issue for improvements to highways and bridges, airports, public transit facilities, ferry and port facilities including port and harbor structures and bicycle and pedestrian trails. Part A requires a June 2007 referendum.

Part B authorizes a bond issue in the amount of $18,300,000 for grants and low-interest loans to support construction of wastewater treatment facilities and to support improvements to Maine's public water systems. Part B requires a June 2007 referendum.

Part C authorizes a $43,500,000 bond issue to make interior and exterior building renovations, improvements and additions at all campuses of the Maine Community College System, Maine Maritime Academy and the University of Maine System; provides funds for the School Revolving Renovation Fund; and provides funds for the New Century Community Program. Part C requires a November 2007 referendum.

Part D authorizes a bond issue for $50,000,000 in research and development funds and $5,000,000 in loan and grant funds for economic development. Part D requires a November 2007 referendum.

Part E authorizes a $35,500,000 bond issue to be matched by at least $21,875,000 in private and public contributions. The proceeds must be used to recapitalize the Land for Maine's Future program, of which $3,000,000 will support the working waterfront program; to fund the agricultural water source development grant program; to fund capital improvements at state parks and historic sites; to invest in river-based community development pursuant to a competitive process under the program authorized in Part F; and to fund the Municipal Investment Trust Fund. Part E requires a November 2007 referendum.

Part F establishes the Riverfront Community Development Program, which is contingent on voter approval of the bonds proposed in Part E.

Part G authorizes a $29,725,000 bond issue for natural resource and environmental quality investments, fish hatcheries, dam safety, pollution control and monitoring measures to protect water quality and public health, and for improvements to highways and bridges, airports, public transit facilities, ferry and port facilities and statewide bicycle and pedestrian trails. This Part requires a June 2008 referendum.

Part H authorizes the State Budget Officer to transfer by financial order in fiscal year 2006-07 any unexpended balance of Personal Services to All Other in the Department of the Secretary of State, Bureau of Administrative Services and Corporations for expenses associated with the special election to be held in June 2007.

Public Law 2007, chapter 39 was enacted as an emergency measure effective April 10, 2007.

LD 1848 An Act To Promote Sustainable Prosperity **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to accomplish 2 goals. Part A would reduce the cost of the unfunded actuarial liability to the state employee and teacher retirement fund by authorizing the issuance of pension cost reduction bonds by the Maine Municipal Bond Bank. Part B would authorize the Treasurer of State to institute a program to make the purchase of State general obligation bonds more accessible to Maine citizens.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369. The Joint Standing Committee on Appropriations and Financial Affairs requested the Joint Select Committee on Prosperity consider this bill in the conduct of their deliberations.

The purpose of this bill is to implement the recommendations of the report by the Brookings Institution entitled "Charting Maine's Future: An Action Plan for Promoting Sustainable Prosperity and Quality Places."

Part A of this bill establishes the Maine Government Efficiency Commission and directs the commission to identify government expenditures that can be eliminated or reduced by consolidating governmental entities, increasing

efficiency in the provision of services and eliminating duplication.

Part B of this bill establishes the Maine Government Efficiency Fund, which consists of that portion of undedicated General Fund revenues that is certified by the Office of Program Evaluation and Government Accountability to be directly attributable to savings resulting from reductions in spending in state and local government recommended by the Maine Government Efficiency Commission.

Part C of this bill authorizes the issuance of bonds for competitive grants for collaborative research and development activities with the goal of stimulating the State's economic development.

Part D of this bill establishes the Maine Cluster Development Fund within the Office of Innovation in the Department of Economic and Community Development for the purpose of providing cluster development grants to be used for competitive grants to industry-led coalitions in the targeted technology sectors and the Innovation Jobs Fund within the Office of Innovation within the Department of Economic and Community Development. Part D also transfers funds from the Government Efficiency Fund, if sufficient funds exist and in this order of priority, to the Maine Cluster Development Fund, the Innovation Jobs Fund and the Fund for the Efficient Delivery of Local and Regional Services. Part D also requires that, when sufficient funds are available in the Government Efficiency Fund to fund the changes, the State Tax Assessor shall submit legislation to reduce the highest tax rate applicable to income from 8.5% to 8.0% and to increase by 20% the threshold for applying that rate.

Part E of this bill:

1. Establishes the Maine Community Enhancement Fund for the purposes of providing resources to towns and municipalities for community planning and facilitating and implementing comprehensive plans;

2. Authorizes, until December 31, 2012, a surcharge of $20 per transaction for all documents that are recorded in the registry of deeds and transfers revenue from this surcharge for deposit into the Maine Community Enhancement Fund;

3. Directs the Executive Department, State Planning Office to establish a pilot project for a regional planning initiative involving multiple political subdivisions of the State;

4. Allocates funds from the Maine Community Enhancement Fund to the Maine Downtown Center, to the State Planning Office for assisting municipalities in implementing any applicable statewide building code, and to the State Planning Office for a pilot project for a regional planning initiative involving multiple political subdivisions of the State.

Part F of this bill directs the Department of Administrative and Financial Services, Bureau of Revenue Services to implement a program to reimburse service center communities for property taxes lost by reason of the nontaxable status of property of regional significance located within that community.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369. The Joint Standing Committee on Appropriations and Financial Affairs requested the Joint Select Committee on Prosperity consider this bill in the conduct of their deliberations.

LD 1852 **An Act To Provide Taxpayer Relief** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
LANSLEY		

This bill proposes to restrain the growth in state and local government by imposing expenditure limitations on state and local government and by requiring a procedure of voter approval of certain tax and fee increases.

Under this bill, growth in annual expenditures of the General Fund, the Highway Fund and Other Special Revenue Funds are limited according to increases in population and inflation. For the General Fund and Highway Fund budgets, revenues exceeding the expenditure limitation must be distributed by directing 20% of that excess to a budget stabilization fund and 80% of that excess to a tax relief fund. The budget stabilization funds may be used only in years when revenues are not sufficient to fund the level of expenditure permitted by the growth limits. The tax relief funds must be used to provide tax relief through refunds proportional to individual income tax personal exemptions claimed in the previous tax year or a decrease in motor fuels taxes. For state agencies that manage Other Special Revenue Funds, the managers of those funds must report excess surpluses to the Legislature with a plan for refund of those revenues.

State expenditure limits contained in this bill could be exceeded by a 2/3 vote of each House of the Legislature and approval by the voters. Local district expenditure limits could be exceeded by a majority vote of the voters of the local district.

Under this bill, an increase in state revenue would be possible only by a 2/3 vote of each House of the Legislature and the approval of the voters.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

SUBJECT INDEX

Budget Bills

Enacted

LD 215	An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2007	PUBLIC 1 EMERGENCY
LD 499	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, 2007, June 30, 2008 and June 30, 2009	PUBLIC 240 EMERGENCY

Fiscal Policy

Not Enacted

LD 425	An Act Regarding the Accounting Procedure for Certain State Programs	CARRIED OVER
LD 782	An Act To Establish a New Method of Determining the State Budget	CARRIED OVER
LD 804	An Act To Ensure Responsible Government Spending and Investment	CARRIED OVER
LD 1199	An Act To Resolve Unfunded State Mandates	ONTP
LD 1279	An Act To Terminate the Authority of the Maine Governmental Facilities Authority	ONTP
LD 1424	An Act Requiring Long-range Budget Planning	CARRIED OVER
LD 1654	An Act To Reduce the Cost of the Unfunded Liability of the State Employee and Teacher Retirement Fund and To Reduce the Cost to Maine Citizens of Purchasing State Bonds	CARRIED OVER
LD 1852	An Act To Provide Taxpayer Relief	CARRIED OVER

General Obligation Bond Bills

Enacted

LD 1796	An Act To Authorize Bond Issues for Ratification by the Voters for the June and November 2007 Elections and the June 2008 Election and To Transfer Certain Funds	PUBLIC 39 EMERGENCY

Not Enacted

LD 60	An Act To Authorize a General Fund Bond Issue for Maine's Roads and Bridges	ONTP
LD 188	An Act To Authorize a General Fund Bond Issue for Public Transportation in Rural Areas	ONTP
LD 218	An Act To Authorize a General Fund Bond Issue To Encourage Municipal High-speed Internet Access	ONTP
LD 247	An Act To Authorize a General Fund Bond Issue To Fight Global Warming through Energy Conservation	ONTP
LD 292	An Act to Authorize a General Fund Bond Issue To Help Construct a Recreation Center for the City of Presque Isle	ONTP
LD 304	An Act To Authorize a General Fund Bond Issue for Capital Projects for the Maine Community College System and the University of Maine System	ACCEPTED ONTP REPORT
LD 315	An Act Authorizing a General Fund Bond Issue To Improve the Quality and Safety of Science and Teaching Laboratories, General Classrooms and Libraries at Maine's Public	ACCEPTED ONTP REPORT
LD 335	An Act To Authorize a General Fund Bond Issue for Research and Development To Stimulate Maine's Innovation Economy	ONTP
LD 357	An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program	ONTP
LD 376	An Act To Authorize a General Fund Bond Issue To Capitalize the Maine Marine Research Fund	ONTP
LD 417	An Act To Authorize the Issuance of a Highway Fund Bond Issue for Maine's Roads and Bridges	ONTP
LD 426	An Act To Authorize a General Fund Bond Issue for Repairs to Traditional Meetinghouses	ONTP
LD 427	An Act To Authorize a General Fund Bond Issue for Recreational Facilities	ONTP
LD 432	An Act To Authorize a General Fund Bond Issue To Maintain, Improve and Develop Trails	ONTP
LD 440	An Act To Authorize a General Fund Bond Issue To Revitalize Communities and Expand Maine's Innovative Economy through the New Century Program	ONTP
LD 445	An Act To Authorize a General Fund Bond Issue for the Municipal Investment Trust Fund	ONTP
LD 450	An Act To Authorize a General Fund Bond Issue To Support Maine's Working Waterfronts	ONTP

LD 538	An Act To Authorize a General Fund Bond Issue To Promote Increased Research and Development Collaboration between the Environmental and Energy Technology Sector and the University of Maine System	ONTP
LD 573	An Act To Authorize a General Fund Bond Issue for the Western Maine Creative Arts Center	ONTP
LD 594	An Act To Authorize a General Fund Bond Issue To Facilitate Laboratory and Education Facility Construction for the Gulf of Maine Research Institute	ONTP
LD 612	An Act To Authorize a General Fund Bond Issue for Capital Improvements for the Maine Community College System	ACCEPTED ONTP REPORT
LD 718	An Act To Authorize a General Fund Bond Issue To Stimulate the Midcoast Economy	ONTP
LD 746	An Act To Authorize a General Fund Bond Issue To Finance the Acquisition of Land and Water Access and To Access Matching Contributions	ONTP
LD 747	An Act To Authorize a General Fund Bond Issue for the Municipal Investment Trust Fund	ONTP
LD 777	An Act To Authorize a General Fund Bond Issue for Affordable Rental Housing	ONTP
LD 801	An Act To Authorize a General Fund Bond Issue for Infrastructure Improvements for Canton Village and To Provide Funding for the CareerCenter in Rumford	ONTP
LD 806	An Act To Authorize a General Fund Bond Issue for the Maine Biomedical Research Fund to Create Jobs and Strengthen Maine's Economy	ONTP
LD 858	An Act To Authorize a General Fund Bond Issue for the University of Maine for Research and Development	ONTP
LD 863	An Act To Authorize a General Fund Bond Issue for Acquiring Land and Water Access through the Land for Maine's Future Program	ONTP
LD 896	An Act To Authorize a General Fund Bond Issue for the Cleanup of Hazardous Waste Sites	ONTP
LD 942	An Act To Authorize a General Fund Bond Issue for Educational Facilities and Research and Development Facilities for the University of New England	ONTP
LD 1019	An Act To Authorize a General Fund Bond Issue To Replenish the School Revolving Renovation Fund	ONTP
LD 1149	An Act To Authorize a General Fund Bond Issue To Improve Child Care Facilities in Maine	ONTP
LD 1165	An Act To Authorize a General Fund Bond Issue for Development of 2 Educational Facilities for Spurwink	ONTP

LD 1222	An Act To Authorize a General Fund Bond Issue for Wastewater Infrastructure on the Penobscot River and To Require Testing Relating to Publicly Owned Treatment Works	ONTP
LD 1237	An Act To Authorize a General Fund Bond Issue To Create Jobs through Enhancing Maine's Commercial Marine Resources	ONTP
LD 1245	An Act To Authorize a General Fund Bond Issue To Encourage Research and Development in Renewable Energy	ONTP
LD 1256	An Act To Authorize a General Fund Bond Issue for Community Recycling and Household Hazardous Waste Collection	ONTP
LD 1312	An Act To Authorize a General Fund Bond Issue for the Preservation of Forest Lodge in the Town of Upton	ONTP
LD 1344	An Act To Authorize a General Fund Bond Issue To Support Maine's Economy and Quality of Place through the New Century Community Program	ONTP
LD 1395	An Act To Protect Maine Rivers and To Authorize a General Fund Bond Issue	ONTP
LD 1402	An Act To Authorize a General Fund Bond Issue To Enhance Funding for Stem Cell Research in Maine	ONTP
LD 1448	An Act To Authorize a General Fund Bond Issue for Wastewater Treatment Facilities and Water Supply Facilities	ONTP
LD 1513	An Act To Authorize a General Fund Bond Issue To Fund Water and Wastewater Infrastructure	ONTP
LD 1520	An Act To Authorize a General Fund Bond Issue for Biorefineries	ONTP
LD 1531	An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Program	ONTP
LD 1611	An Act To Authorize a General Fund Bond Issue for Research and Development to Create Jobs in Maine's Emerging Biobased Plastics Industry	ONTP
LD 1677	An Act To Authorize a General Fund Bond Issue for Riverfront Community Development	ONTP
LD 1692	An Act To Authorize a General Fund Bond Issue for Improvements to Passenger Rail Service	ONTP

Miscellaneous Funding and Other Requests

Enacted

LD 248	Resolve, Honoring Women Veterans of Maine	RESOLVE 141 EMERGENCY
LD 411	An Act To Establish a Pilot Program for Return of Unused Prescription Drugs by Mail	P & S 27

LD 572	An Act To Fund the Western Maine Career Centers	P & S 31
LD 603	An Act To Support the Capital Riverfront Improvement District	P & S 26 EMERGENCY
LD 674	An Act To Restore Funding to the Maine Joint Environmental Training Coordinating Committee	P & S 29

Not Enacted

LD 58	An Act To Ensure State Budget Funding for Wastewater Treatment Facilities and Water Supply Facilities	ONTP
LD 59	An Act To Restore Continuing Funding for the Maine Institute for Public Safety Innovation	ONTP
LD 63	An Act To Increase Access to After-school Programs	CARRIED OVER
LD 64	An Act To Recapitalize the Maine Downtown Center	ONTP
LD 65	An Act To Provide Funding for Mentoring Programs	CARRIED OVER
LD 93	An Act To Appropriate Funds from the General Fund to the Maine Correctional Center	ONTP
LD 118	An Act To Provide Funding for the Drinking Water Program	ONTP
LD 119	An Act To Increase Funding for Private Nonmedical Institutions	ONTP
LD 120	An Act To Provide Transitional Support for the Downeast Heritage Museum in Calais	CARRIED OVER
LD 186	An Act To Provide Funding to the St. Francis Water District for New Wells	CARRIED OVER
LD 187	An Act To Increase Access to Child Care and Early Education for Maine's Working Families	ONTP
LD 189	An Act To Invest in an Allied Health Center at Northern Maine Community College	CARRIED OVER
LD 190	An Act To Fund Business Attraction Efforts	ONTP
LD 194	An Act To Establish More Probation Officer Positions in the Department of Corrections for Better Oversight of Sex Offenders	ONTP
LD 244	An Act To Provide Additional Funding for the Office of Substance Abuse	ONTP
LD 269	An Act To Retire the Mortgage of York County Community College	ONTP

LD 291	An Act To Expand Workforce Development Programs	ONTP
LD 305	An Act To Increase the Availability of Cellular Telephone Service for Rural Residents	CARRIED OVER
LD 314	An Act To Restore Funding for the Reading Recovery Program	CARRIED OVER
LD 318	An Act To Provide Funds for the Coordination and Promotion of the 400th Anniversary of the Popham Colony	DIED ON ADJOURNMENT
LD 374	An Act To Provide Funding for the Maine-Canada Trade Ombudsman	ONTP
LD 501	An Act To Provide Relief to the Commuters on Casco Bay Islands	ONTP
LD 502	An Act To Ensure That Maine Residents Have Reliable Winter Heating Assistance	ONTP
LD 611	An Act To Generate Entrepreneurship, Small Business Development and Employment among Women and Rural Residents through Training and Technical Support	ONTP
LD 646	An Act To Support and Expand Regional Teacher Development Centers and Early College Readiness Programs	CARRIED OVER
LD 647	An Act To Encourage Economic Development	ONTP
LD 657	An Act To Provide Funding for Transitional Employment Training Opportunities for Persons with Mental Illness	DIED ON ADJOURNMENT
LD 670	An Act To Promote Economic Growth through Entrepreneurship, the Creative Economy and Rural Economic Development	DIED ON ADJOURNMENT
LD 707	An Act To Fund the Fractionation Development Center	DIED ON ADJOURNMENT
LD 721	An Act To Restore Support for HIV and AIDS Treatment and Prevention	CARRIED OVER
LD 744	An Act To Stabilize and Expand Funding for the Graduate School of Biomedical Science at the University of Maine	CARRIED OVER
LD 745	An Act To Expand the Maine Economic Improvement Fund	ONTP
LD 793	An Act To Provide Essential Library Resources to All Maine Communities	CARRIED OVER
LD 800	An Act To Enhance the Maine State Grant Program	ONTP

LD 817	An Act To Support the Maine Keeping Seniors Home Program	CARRIED OVER
LD 818	An Act To Provide Support for the Volunteer Medical Ride Network	ONTP
LD 819	An Act To Provide Supplemental Funding for Mileage Reimbursement for Volunteers for Meals on Wheels Programs	ONTP
LD 862	An Act To Improve Health Care for Maine Children through the Expansion of School-based Health Care Centers	ONTP
LD 874	An Act To Provide Funding for the Low-income Home Energy Assistance Program	ONTP
LD 925	An Act To Provide Funds To Support Residential Programs for People with Developmental Disabilities	CARRIED OVER
LD 926	An Act To Support the Marine Law Institute	ONTP
LD 1009	An Act To Provide Firearms Safety Instruction for Adolescents	DIED BETWEEN HOUSES
LD 1035	An Act To Increase Wheelchair Van Services Reimbursement Rates	ONTP
LD 1065	Resolve, To Enhance the Education Opportunities for Maine's Early Childhood Workers	CARRIED OVER
LD 1114	An Act To Appropriate Funds for the School Breakfast Program	ONTP
LD 1134	An Act To Ensure Access to the Community College for Students in Maine	ONTP
LD 1190	An Act To Promote Economic Growth through Education for Androscoggin County	CARRIED OVER
LD 1224	An Act To Prevent Violence against Maine Families and To Provide Adequate Intervention in Cases of Domestic Violence and Sexual Assault	ONTP
LD 1268	An Act To Fund the Nursing Education Loan Repayment Program and Fund	CARRIED OVER
LD 1526	An Act To Enhance Family Development Accounts	ONTP
LD 1628	An Act To Fund the Fuel Assistance Reserve Fund To Ensure That Help from the Low-income Home Energy Assistance Program Is Received in a Timely Fashion	ONTP
LD 1848	An Act To Promote Sustainable Prosperity	CARRIED OVER

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

July 2007

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LD 30 **Resolve, To Decrease Landfill Costs and Protect the Environment through a Beverage Container Reuse Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	ONTP	

This resolve directs the Executive Department, State Planning Office, in consultation with the Department of Agriculture, Food and Rural Resources, the Department of Environmental Protection and the Department of Health and Human Services, to study the economics of a beverage container reuse program in Maine.

LD 121 **An Act To Strengthen the Home Construction Contract Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN ROTUNDO	ONTP	

This bill amends the laws relating to construction contracts by:

1. Directing the Attorney General to enforce the provision of the contract requiring the contractor to submit to dispute resolution;

2. Requiring a contractor that is subject to the construction contract provisions to post a $10,000 bond to ensure the contract's warranty provision; and

3. Requiring a judgment against a contractor for a violation of a contract to include court costs and reasonable attorney's fees.

LD 177 **An Act To Clarify the Requirements for Temporary Licensure of Psychologists** **PUBLIC 10**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP	

This bill specifies that applicants for temporary licensure by the State Board of Examiners of Psychologists must possess at least 1,500 hours of postdoctoral experience, which is the standard currently contained in the Board's rules.

Enacted Law Summary

Public Law 2007, chapter 10 specifies that applicants for temporary licensure by the State Board of Examiners of Psychologists must possess at least 1,500 hours of postdoctoral experience, which is the standard currently contained in the Board's rules.

LD 183 **An Act To Protect Consumers in the Home Appraisal Process** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

This bill requires that appraisers physically inspect real estate on site while preparing an appraisal of that property for a financial institution or creditor that imposes a fee on the consumer for the appraisal.

LD 253 **An Act To Implement the Recommendations of the Joint Select Committee on Research, Economic Development and the Innovation Economy** **PUBLIC 420**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-196
		S-368 ROTUNDO

This bill implements recommendations of the Joint Select Committee on Research, Economic Development and the Innovation Economy. The bill establishes the Maine Innovation Economy Advisory Board in statute. It amends the membership of the Maine Economic Growth Council to add a member from the Maine Innovation Economy Advisory Board. It requires the Maine Economic Growth Council to develop research and development budgetary recommendations. It sets a minimum recommendation level for research and development for the Governor's proposed budget to the Legislature. It requires an annual progress report relating to the 5-year evaluation of state investments in research and development.

Committee Amendment "A" (S-196)

This amendment replaces sections 7 and 8 of the bill and changes the membership of the Maine Innovation Economy Advisory Board from 19 members to the Director of the Maine Technology Institute, the Director of the Office of Innovation and 30 members appointed by the Governor with a variety of expertise in research and development.

Senate Amendment "A" (S-368)

This amendment removes the percentage requirements for research and development appropriations in the Governor's budget submissions and instead provides legislative intent that those requirements be included beginning in fiscal year 2009-10.

The amendment also reduces the General Fund appropriation in each fiscal year.

Enacted Law Summary

Public Law 2007, chapter 420 implements the recommendations of the Joint Select Committee on Research, Economic Development and the Innovation Economy. The law establishes the Maine Innovation Economy Advisory Board in statute to coordinate the State's research and development activities. The law amends the membership of the Maine Economic Growth Council to add a member from the Maine Innovation Economy Advisory Board and requires the Maine Economic Growth Council to develop research and development budgetary recommendations. The law inlcudes a General Fund appropriation for the Maine Development Foundation for the additional costs associated with the Growth Council's development of specific budget recommendations for research and development and preparation of an annual accountability update. It also sets a minimum funding recommendation level for research and development in the Governor's proposed budget to the Legislature beginning in fiscal year 2008-09 and for each successive year for the next 10 fiscal years. Finally, the law requires an annual progress report relating to the 5-year evaluation of state investments in research and development.

LD 270 **Resolve, Establishing the Task Force To Eliminate Outdated or Unnecessary Laws and Rules To Stimulate Job Creation** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON BROMLEY		

This resolve is a concept draft pursuant to Joint Rule 208. This resolve proposes to create a task force composed of Legislators and members of the small business community. The task force would be required to examine laws and rules relating to the regulation of small business and report back to the Second Regular Session of the 123rd Legislature with recommendations to alter or eliminate those laws or rules that are unnecessary or outdated.

This resolve was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 281 **An Act Regarding Notification of Intent To Sell a Mobile Home Park** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SILSBY	ONTP	

This bill requires an owner of a mobile home park who intends to sell the mobile home park to provide 45 days written notice of that intent to the Maine State Housing Authority. Current law only requires the mobile home park owner to give 45 days written notice to tenants of the mobile home park.

LD 289 **Resolve, Directing the Commissioner of Labor To Convene a Task Force To Evaluate and Recommend Revisions to the Definition of Service Dog** **RESOLVE 96**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON	OTP-AM	H-472

This bill enacts a definition of "service dog." It requires documentation of minimum training standards for service dogs and dogs trained to assist in law enforcement and search and rescue efforts in order to receive an exemption from licensing fees.

Committee Amendment "A" (H-472)

This amendment replaces the bill with a resolve. It directs the Commissioner of Labor to convene a task force to evaluate and recommend changes to the statutory definition of service dog in the Maine Revised Statutes. It provides that the task force must be staffed and coordinated by the Department of Labor and must include a variety of state and local stakeholders to review the following issues within the parameters of applicable federal and state laws: criteria or documentation that town clerks must use to verify a dog as a service animal to qualify for the license fee exemption; proposed revisions to the Maine Revised Statutes to clarify the rights of and protections for people with disabilities who use service animals; proposed revisions necessary to the Maine Revised Statutes to provide clarification to business owners of their rights and responsibilities concerning service animals; and proposals for any specific criteria that may be required for consideration by medical practitioners when prescribing the use of a service animal. The amendment requires the commissioner to submit a report following this review by January 15, 2008 to the Joint Standing Committee on Business,

Research and Economic Development and authorizes that committee to submit legislation on the subject matter of the report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 96 directs the Commissioner of Labor to convene a task force to evaluate and recommend changes to the statutory definition of service dog in the Maine Revised Statutes. It provides that the task force must be staffed and coordinated by the Department of Labor and must include a variety of state and local stakeholders to review the following issues within the parameters of applicable federal and state laws: criteria or documentation that town clerks must use to verify a dog as a service animal to qualify for the license fee exemption; proposed revisions to the Maine Revised Statutes to clarify the rights of and protections for people with disabilities who use service animals; proposed revisions necessary to the Maine Revised Statutes to provide clarification to business owners of their rights and responsibilities concerning service animals; and proposals for any specific criteria that may be required for consideration by medical practitioners when prescribing the use of a service animal. This resolve requires the commissioner to submit a report following this review by January 15, 2008 to the Joint Standing Committee on Business, Research and Economic Development and authorizes that committee to submit legislation on the subject matter of the report to the Second Regular Session of the 123rd Legislature.

LD 385 **An Act To Require Stable Gasoline Pricing** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	ONTP	

This bill requires a retail seller of motor fuel to post the price of the fuel by 6 a.m. each day and prohibits the price from changing until after midnight of that day. Failure to comply is a civil violation, punishable by a maximum fine of $100.

LD 428 **An Act To Conserve Energy in Maine Households** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	ONTP	

This bill establishes the Weatherization Assistance Program to provide funds or materials to eligible households to improve the energy efficiency of the homes of those eligible households. The program is administered by the Maine State Housing Authority. The program is funded by an annual allocation of $7,500,000 of the funds from the real estate transfer tax that are transferred to the Maine State Housing Authority.

LD 441 **An Act To Restructure the Board of Commissioners of the Maine State Housing Authority To Closely Match Local** **PUBLIC 101 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	OTP-AM	S-33

This bill changes the number of commissioners on the Maine State Housing Authority appointed by the Governor from 5 to 7, 2 of whom must be representatives of low-income people, to match the number of commissioners on local authorities. It also changes the manner in which the chair of the commissioners is chosen.

Committee Amendment "A" (S-33)

This amendment adds an emergency preamble and clause and replaces the bill. It increases the number of commissioners on the Maine State Housing Authority from 7 to 10 commissioners, increases the number appointed by the Governor from 5 to 8 and requires that at least 3 appointments be given to a representative of bankers, the elderly and a resident of subsidized housing. It requires that of the 5 remaining gubernatorial appointments, priority be given to a representative involved in the housing business and a representative of the disability community. It requires that the director of the Maine State Housing Authority serve as an exofficio, nonvoting member and the Treasurer of State serve as an exofficio voting member. It requires the Governor to appoint the chair of the commissioners from among the 8 gubernatorial appointments and provides that the chair serve as a nonvoting member, except that the chair may vote only to break a tie. It also increases the number of commissioners necessary for a quorum from 4 to 5.

Enacted Law Summary

Public Law 2007, chapter 101 increases the number of commissioners on the Maine State Housing Authority from 7 to 10 commissioners, increases the number appointed by the Governor from 5 to 8 and requires that at least 3 appointments be given to a representative of bankers, the elderly and a resident of subsidized housing. It also requires that of the 5 remaining gubernatorial appointments, priority be given to a representative involved in the housing business and a representative of the disability community. It requires that the director of the Maine State Housing Authority serve as an exofficio, nonvoting member and the Treasurer of State serve as an exofficio voting member. The law requires the Governor to appoint the chair of the commissioners from among the 8 gubernatorial appointments and provides that the chair serve as a nonvoting member, except that the chair may vote only to break a tie. The law also increases the number of commissioners necessary for a quorum from 4 to 5.

Public Law 2007, chapter 101 was enacted as an emergency measure effective May 11, 2007.

LD 449 **Resolve, To Support Creative Economy Businesses** **RESOLVE 97**

Sponsor(s)	Committee Report	Amendments Adopted
BEAUDETTE	OTP-AM	H-473

This bill is a concept draft pursuant to Joint Rule 208. It proposes to develop an approach to make creative space more available and affordable for those who are involved in the creative economy. Under this bill, the Maine Arts Commission would work in concert with groups of individuals involved in similar creative media, disciplines or arts to keep costs down and enhance creativity and economic stability for those individuals.

LD 451 **An Act To Support the Creative Economy Effort** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. It proposes to provide funding for the establishment of a system to provide a creative space or hub in towns with fewer than 10,000 residents in order to facilitate growth of small creative economy businesses and to support the revitalization, stability and growth of the towns' downtown centers. The funds will be coordinated by the Maine Arts Commission and be available upon application and approval to towns and to qualified nonprofit organizations.

LD 452 **An Act To Encourage the Reuse of Plastic Containers (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON	ONTP	

This bill requires that a beverage container with the capacity of 2 liters or less made of polyethylene terephthalate must be a standardized bottle that can be refilled at least 9 times.

LD 463 **An Act To Create the Marine Research Matching Fund** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	ONTP MAJ OTP-AM MIN	

This bill creates the Marine Research Matching Fund, to be administered by the Maine Technology Institute, for the purpose of providing matching funds for marine research grants provided by federal research funding agencies. The bill also appropriates ongoing funds from the General Fund to provide resources for the fund.

Committee Amendment "A" (S-105)

This amendment is the minority report of the committee. It makes technical changes to the initiative in the bill's appropriations and allocations section.

LD 479 **An Act Regarding Licensure Testing by the Oil and Solid Fuel Board** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DRISCOLL	ONTP	

This bill requires the Oil and Solid Fuel Board to provide at least one license examination site per county and for online examinations for licensure.

LD 480 **Resolve, To Reduce Paperwork Retention Required by the Maine State Housing Authority** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	

This resolve directs the Maine State Housing Authority to adopt rules so that a recipient of a low-income housing credit from the Federal Government would not have to retain paperwork for longer than required by the Internal Revenue Service or longer than 20 years.

LD 525 **Resolve, To Stimulate Tourism Development Projects** **RESOLVE 14**

Sponsor(s)	Committee Report	Amendments Adopted
ANNIS SMITH D	OTP-AM	H-69

This resolve directs the Office of Tourism to develop a nature-based tourism program in 3 separate areas of the State and requires the office to report on its progress in developing the program to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2008.

Committee Amendment "A" (H-69)

This amendment clarifies that the Office of Tourism is required to develop a nature-based tourism program within existing resources.

Enacted Law Summary

Resolve 2007, chapter 14 directs the Office of Tourism to develop within existing resources a nature-based tourism program in 3 separate areas of the State and target and coordinate its tourism development efforts in these areas so that the program will serve as a model for future tourism efforts throughout the State.

LD 550 **An Act To Allow the Independent Practice of Dental Hygiene** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	ONTP	

This bill allows dental hygienists to practice independently and perform duties as defined by the Board of Dental Examiners.

LD 553 **An Act To Allow for Corporate Ownership of Dental Practices** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	ONTP	

This bill removes the prohibition on corporations engaging in the practice of dentistry. The Maine Professional Service Corporation Act continues to apply to incorporated dental practices.

LD 565 **An Act To Remove the Sunset on the Exemption of Internet Services from Auctioneer Licensure Requirements** **PUBLIC 61 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP	

Current law provides an exemption from licensing as an auctioneer for a person who contracts to sell goods over the Internet. The exemption is scheduled to expire on May 15, 2007.

This bill removes the sunset of the exemption.

Enacted Law Summary

Public Law 2007, chapter 61 removes the sunset of the exemption from the auctioneer licensing requirements for a person who contracts to sell goods over the Internet. The exemption was scheduled to expire on May 15, 2007.

Public Law 2007, chapter 61 was enacted as an emergency measure effective April 30, 2007.

LD 575 **An Act To Expand Jurisdictions of Municipal Housing Authorities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DRISCOLL	ONTP	

This bill provides municipal housing authorities with the exclusive authority to administer federal funds within their areas of operation and within the boundaries of contiguous communities for the operation and management of housing projects.

LD 607 **An Act To Improve Electrical Safety** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

This bill requires that electrical work performed by a nonlicensed individual be inspected by a licensed electrician or a municipal code enforcement officer.

LD 630 **Resolve, Directing the Commissioner of Professional and Financial Regulation To Strengthen Safety Inspection Requirements Governing Industrial Elevators** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK BRYANT B	ONTP	

This resolve directs the Commissioner of Professional and Financial Regulation to review and strengthen current industrial elevator safety inspection requirements so they are similar to those of residential and business elevators.

LD 656 **Resolve, To Focus State Agency Efforts in Economic Development on Entrepreneurial Sustainability and Growth** **RESOLVE 38**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A	OTP-AM MAJ ONTP MIN	H-133

This bill is a concept draft pursuant to Joint Rule 208. It proposes to require state agencies that promote economic development to focus on the sustainability and growth of entrepreneurial efforts and development in the poorest counties of the State.

Committee Amendment "A" (H-133)

This amendment replaces the bill and creates a resolve that directs the Department of Economic and Community Development to convene working groups in 3 rural counties in the State to develop a plan for economic development and growth that addresses the specific economic environment of each county. It provides that the working groups must convene at least 4 meetings to review the economic development needs of these counties and provide benchmarks for their strengths and weaknesses. The department is required to assist and guide the working groups with their economic development initiatives and to report on the progress of each working group to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2008.

Enacted Law Summary

Resolve 2007, chapter 38 directs the Department of Economic and Community Development to convene working groups in 3 rural counties in the State to develop a plan for economic development and growth that addresses the specific economic environment of each county. It provides that the working groups must convene at least 4 meetings to review the economic development needs of these counties and provide benchmarks for their strengths and weaknesses. The department is required to assist and guide the working groups with their economic development initiatives and to report on the progress of each working group to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2008.

LD 662 Resolve, To Assist Veterans in Need of Shelter — RESOLVE 90

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP-AM	H-459

This resolve directs the Maine State Housing Authority, with input from the Bureau of Veterans' Services within the Department of Veterans Affairs, to assess the need for and placement of housing and shelter throughout the State for homeless veterans and to make it a top priority to develop plans and work with local, state, regional and federal agencies to provide shelter and housing for homeless veterans.

Committee Amendment "A" (H-459)

This amendment replaces the resolve and requires the Maine State Housing Authority to work with the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services, to increase outreach efforts across the State for veterans who are homeless and directs the authority to convene a group of stakeholders involved in veterans affairs to find methods for improving outreach efforts and using any available federal grants to assist in meeting the needs of homeless veterans.

Enacted Law Summary

Resolve 2007, chapter 90 requires the Maine State Housing Authority to work with the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services, to increase outreach efforts across the State for veterans who are homeless and directs the authority to convene a group of stakeholders involved in veterans affairs to find methods for improving outreach efforts and using any available federal grants to assist in meeting the needs of homeless veterans.

LD 671 **An Act To Amend the Laws Dealing with the Posting of Gas Prices** **PUBLIC 86**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP-AM	S-45

This bill changes the current law to permit price readings built into the fuel pump as a means by which retail motor fuel sellers fulfill the requirement to make fuel prices visible at the pump.

Committee Amendment "A" (S-45)

This amendment replaces the bill. It changes current law to permit a retail seller of fuel to use price readings, digital or analog, built into the pump that reflect the actual price of the fuel pumped to fulfill the statutory requirement to make fuel prices visible at the pump. It requires that a sign of no less than 64 square inches be used on the pump if either the price on the pump differs from the price posted on the roadside sign due to a difference in grade of fuel or service or the retailer does not have a roadside sign.

Enacted Law Summary

Public Law 2007, chapter 86 changes current law to permit a retail seller of fuel to use price readings, digital or analog, built into the pump that reflect the actual price of the fuel pumped to fulfill the statutory requirement to make fuel prices visible at the pump. It requires that a sign of no less than 64 square inches be used on the pump if either the price on the pump differs from the price posted on the roadside sign due to a difference in grade of fuel or service or the retailer does not have a roadside sign.

LD 677 **Resolve, Directing the Development of a Building Code and Building Rehabilitation Code Implementation Plan** **RESOLVE 46**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ ONTP MIN	S-94

This resolve is a recommendation of the Community Preservation Advisory Committee. The bill directs the Executive Department, State Planning Office, with assistance from the Office of the State Fire Marshal, the Department of Economic and Community Development and the Maine Historic Preservation Commission, to develop a plan for implementing the Maine Model Building Code and the International Existing Building Code.

Committee Amendment "A" (S-94)

This amendment is the majority report of the committee. This amendment changes the resolve to include the Department of Professional and Financial Regulation in the group of agencies directed to develop a plan for implementing the Maine Model Building Code and the International Existing Building Code. It also includes a requirement that the agencies identify overlap between model codes and the codes and standards listed in the Maine Revised Statutes, Title 10, section 9703 and the advantages and disadvantages of maintaining the current state fire code or changing to the International Fire Code. It also requires the agencies to identify measures that allow for preserving the artistic and architectural integrity of historic structures without unreasonable risk to life and safety.

Enacted Law Summary

Resolve 2007, chapter 46 directs the Executive Department, State Planning Office, with assistance from the Office of the State Fire Marshal, the Department of Economic and Community Development, the Department of

Professional and Financial Regulation and the Maine Historic Preservation Commission, to develop a plan for implementing the Maine Model Building Code and the International Existing Building Code. It also requires the agencies to identify overlap between model codes and the codes and standards listed in the Maine Revised Statutes, Title 10, section 9703 and the advantages and disadvantages of maintaining the current state fire code or changing to the International Fire Code. The resolve also requires the agencies to identify measures that allow for preserving the artistic and architectural integrity of historic structures without unreasonable risk to life and safety. The resolve requires the agencies to complete the development of the implementation plan by January 15, 2008 and the report must include a recommended implementation schedule. The resolve directs the Executive Department, State Planning Office to report to the Joint Standing Committee on Business, Research and Economic Development by February 15, 2008 with the results of the implementation plan. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

LD 686 **An Act To Ensure Truth in Music Advertising** **PUBLIC 171**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS BARTLETT	OTP-AM	H-198

This bill, which is based on Pennsylvania law, prohibits musical groups from advertising or conducting performances using false or misleading connections with other musical groups. Under the bill, imitators could face fines of $5,000 to $15,000, in addition to being required to make restitution.

Committee Amendment "A" (H-198)

This amendment makes the following changes to the bill:

1. It prohibits a person to promote, in addition to advertise or conduct, a live musical performance or production through the use of a false, deceptive or misleading affiliation with a performing group and a recording group;

2. It clarifies that the court may order restitution only for the recording group;

3. It exempts nonprofit corporations from liability under this chapter; and

4. It reduces the minimum fine from $5,000 to $500 for each violation and removes the maximum fine.

Enacted Law Summary

Public Law 2007, chapter 171 does the following:

1. It prohibits a person from promoting, in addition to advertising or conducting, a live musical performance or production through the use of a false, deceptive or misleading affiliation with a performing group and a recording group;

2. It authorizes the Attorney General or a district attorney to file an action in court for a restraining order to restrain this activity and authorizes the court to order restitution for the recording group;

3. It exempts nonprofit corporations from liability under this chapter; and

4. It provides for a minimum fine of $500 for each civil violation.

LD 719 **An Act To Encourage Manufacturing by Expanding Pine Tree Development Zones** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
HARLOW DAMON	OTP-AM MAJ ONTP MIN	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to expand Pine Tree Development Zones to allow Maine manufacturers to be more competitive with out-of-state manufacturers.

LD 748 **An Act To Expand the Recycling of Beverage Containers (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON	ONTP	

This bill increases the bottle deposit on beverage containers, except wine and spirits containers, from 5¢ to 10¢.

LD 749 **An Act To Dedicate Unclaimed Beverage Deposits to Beverage Container Recycling Development (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON	ONTP	

This bill provides that 1/2 of the amount of unclaimed beverage container deposits must be deposited in a dedicated account in the Department of Agriculture for the research and development of beverage container recycling.

LD 750 **An Act To Support Efforts To Attract and Retain Young People in the State's Workforce** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM	H-247

This bill augments the efforts of Realize!Maine, under the auspices of the Maine Development Foundation, to retain and attract young people to live, work and recreate in Maine. The bill also repeals the "S.W.A.T. team" law and incorporates the responsibilities formerly set out in the Maine Revised Statutes, Title 5, chapter 389 into the responsibilities of the Maine Development Foundation.

Committee Amendment "A" (H-247)

This amendment replaces section 2 of the bill with new language describing the Maine Development Foundation's responsibility to establish and oversee an initiative to develop, recommend and implement specific strategies and efforts to attract and retain youth in Maine. It also requires the foundation to report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by February 1, 2009 on the progress made pursuant to the Maine Revised Statutes, Title 10, section 917-A, subsection 6 to attract and retain young people in Maine and to support regional efforts in Maine to connect, attract and retain people 20 to

40 years of age and the foundation's use of any state funds appropriated to support these efforts across the State. It also amends the initiative section of the appropriations and allocations section to require the foundation to use the appropriated funds to support any of these efforts to provide programs and outreach to attract and retain young people in Maine, provided that not less than 50% of the funds be used to support regional efforts across the State.

LD 751 **An Act To Modernize Maine's Accountancy Laws** **PUBLIC 384**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR COURTNEY	OTP-AM	H-547

This bill makes changes to the laws governing the practice of certified public accountants by allowing a certified public accountant licensed in another jurisdiction to provide professional services in the State without a permit if the accountant receives certification from the National Association of State Boards of Accountancy, National Qualification Appraisal Service that the accountant has substantially equivalent qualifications to qualifications required by the State.

The bill also subjects the out-of-state accountant to the Board of Accountancy's rules and jurisdiction and requires the Board of Accountancy to adjust the fees required for a permit to practice accountancy yearly so that revenues from the fees neither increase or decrease. Finally, this bill removes limitations on the Board of Accountancy's quorum requirements.

Committee Amendment "A" (H-547)

This amendment makes changes to the substantial equivalency requirements proposed by the bill for determining when accountants and firms licensed in other jurisdictions may practice in Maine without a license to require that the final determination of substantial equivalency is made by the Department of Professional and Financial Regulation, Board of Accountancy. It also removes from the bill proposed changes to the Board of Accountancy and removes the statutory fee cap language as well as the language allowing the Department of Professional and Financial Regulation to adjust fees, as this department already has the authority to adjust fees for each program as necessary.

Enacted Law Summary

Public Law 2007, chapter 384 makes changes to the laws governing the practice of certified public accountants by allowing certified public accountants and firms licensed in other jurisdictions to provide professional services in the State without a permit, provided that the accountants qualifications are deemed to be substantially equivalent to qualifications required by the State, as determined by the Department of Professional and Financial Regulation, Board of Accountancy. The law also subjects the out-of-state licensee to the Board of Accountancy's rules and jurisdiction.

LD 752 **An Act To Streamline Licensure for Sign Language Interpreters** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to streamline the licensure procedure for sign language interpreters. Specifically, this bill would amend the laws regarding educational requirements for license renewals for sign language interpreters and would address conflicts between those statutory requirements and the practice by schools of hiring unlicensed interpreters to work with students.

LD 768 **An Act To Ensure That Pine Tree Development Zone Benefits Are Not Extended to Businesses That Compete with Existing Maine Businesses** **PUBLIC 263**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	OTP-AM	S-154

This bill provides that a qualified Pine Tree Development Zone business must demonstrate that its development within a Pine Tree Development Zone will not result in a substantial detriment to any other business in the State. A business aggrieved by a decision of the Commissioner of Economic and Community Development that there will not be a substantial detriment to any other business in the State may appeal that decision to Superior Court.

Committee Amendment "A" (S-154)

This amendment deletes the statutory cross-reference to employment tax increment financing and inserts similar statutory language in Pine Tree Development Zone requirements for certification of a qualified business. The amendment requires that prior to certification of a qualified Pine Tree Development Zone business the Commissioner of Economic and Community Development with assistance from the State Economist must determine that the proposed business activity will not result in a substantial detriment to existing businesses in the State. This amendment deletes the section of the bill that provided an express right of appeal to the Superior Court from decisions made by the commissioner regarding certification of qualified businesses.

Enacted Law Summary

Public Law 2007, chapter 263 amends the Pine Tree Development Zone statutory requirements for certification of a qualified business. The law requires that prior to certification of a qualified Pine Tree Development Zone business the Commissioner of Economic and Community Development, with assistance from the State Economist, must determine that the proposed business activity will not result in a substantial detriment to existing businesses in the State.

LD 790 **An Act To Strengthen Rural Community Investment** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM	S-52

This bill requires Maine Rural Partners to:

1. Complete pilot projects underway in the Town of Strong and Washington County to build innovative strategic plans and to create community investment mechanisms;

2. Prepare an analysis of the potential for attracting and leveraging investment in rural Maine communities; and

3. Make recommendations to the Legislature and Governor regarding methods of encouraging such investment.

This bill also makes ongoing General Fund appropriations of $150,000 per year beginning in fiscal year 2007-08 to be used to support Maine Rural Partners in carrying out its mission of strengthening rural community capacity and exploring innovative community investment mechanisms.

This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

Committee Amendment "A" (S-52)

This amendment incorporates a fiscal note.

LD 794 **An Act To Provide Representation by a Mechanic or Installer on the Manufactured Housing Board** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HASTINGS	ONTP	

This bill expands the membership of the Manufactured Housing Board from 9 to 10 members in order to provide for the appointment of a licensed installer or mechanic to the board. The bill also changes the quorum from 5 to 6 to reflect the additional member on the board.

LD 803 **An Act To Stimulate the Economy in the St. John Valley** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to promote economic growth in the St. John Valley. Specifically, the bill would authorize Aroostook County to send out to the voters a bond issue for economic development. The bond amount is to be determined by Aroostook County Commissioners.

LD 820 **An Act To Amend the Funeral Service Licensing Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PENDLETON	ONTP	

This bill allows individuals who own closed hearses or other appropriate vehicles to transport human remains in sealed containers from a licensed funeral establishment to a location in or outside the State without being required to become licensed by the State Board of Funeral Service.

LD 831 **An Act Regarding Ticket Refunds** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS BARTLETT	ONTP	

This bill requires that a ticket for an event at a venue that has at least a 1,000-person capacity have a clearly legible telephone number printed on it for a purchaser to call at no cost to obtain refund information.

LD 833 **An Act To Support the Maine Patent Program** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER HOBBINS	OTP-AM	H-225

The bill makes a one-time General Fund appropriation of $250,000 in fiscal year 2007-08 for the University of Maine School of Law's Maine Patent Program.
This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

Committee Amendment "A" (H-225)

This amendment replaces the appropriations and allocations section.

LD 851 **An Act To Facilitate the Upgrading and Preservation of Existing Building Structures** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill directs the Commissioner of Public Safety to adopt a uniform fire and life safety code based on standards established by the International Code Council. It repeals the provision of law that requires fire and safety codes to be enforced instead of the Model Building Code when there exists a conflict between the codes. It also requires the commissioner to adopt rules for the modification of existing building structures that allow for the preservation of artistic and architectural integrity of historical building structures and for varying degrees of safety requirements depending on the type of construction and the level of risk that may arise from variations in building type and intensity of use.

LD 855 **An Act To Require the Maine State Housing Authority To Perform a Comprehensive Resource and Needs Assessment for Housing for Special Needs Populations That Are Not Homeless** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

This bill requires the Maine State Housing Authority to periodically perform a comprehensive resource and needs assessment for housing for special needs populations that are not homeless.

LD 918 **Resolve, Directing the Commissioner of Economic and Community Development To Convene a Working Group To Explore Regionalization** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW STRIMLING	ONTP MAJ OTP-AM MIN	

This bill directs the Commissioner of Economic and Community Development to convene a working group to explore efficiencies and benefits to be gained through regionalization. The working group is directed to examine

regionalization measures to make advocacy for business more coordinated and cost-effective, to reduce duplication and to support the efforts of the business community.

Committee Amendment "A" (H-226)

This amendment is the minority report of the committee. It requires the Executive Department, State Planning Office, instead of the Commissioner of Economic and Community Development, to convene the working group. It also requires the report to be submitted to the Joint Standing Committee on Business, Research and Economic Development instead of to the Joint Standing Committee on State and Local Government.

LD 927 **An Act To Amend the Lodging Place Licensing Requirements to Support Small Businesses** **PUBLIC 428**

Sponsor(s)	Committee Report	Amendments Adopted
ANNIS	OTP-AM MAJ ONTP MIN	H-277 S-172 MARTIN

This bill provides that a private home that is designated or eligible to be designated as a historic building is not considered a lodging place if it does not gross more than $100,000 annually and does not let more than 7 rooms or does not have more than 15 unrelated guests at one time.

Committee Amendment "A" (H-277)

This amendment is the majority report of the committee. It amends the private home exemption from licensing for lodging places by increasing the number of rooms that may be let from 3 to 5. It deletes the provisions in the bill that propose to allow for a private home that is designated or eligible to be designated as a historic building to be exempted from the licensing provision if it does not gross more than $100,000 annually and does not let more than 7 rooms or does not have more than 15 unrelated guests at one time.

Senate Amendment "A" (S-172)

This amendment specifies that private homes that are not considered lodging places and are not subject to licensing must post in a visible location in each rented room a card informing the public that the lodging place is not regulated by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, and must provide guests upon check-in with a notice containing the same information.

Enacted Law Summary

Public Law 2007, chapter 428 amends the private home exemption from licensing requirements for lodging places by increasing the number of rooms that may be let from 3 to 5. The law requires private homes that are exempted from the licensing requirements to post in a visible location in each rented room a card informing the public that the lodging place is not regulated by the Department of Health and Human Services, Maine Center for Disease Control and Prevention, and must provide guests upon check-in with a notice containing the same information.

LD 944 **An Act To Reduce Regulatory Costs for Maine Businesses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH D	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to reduce regulatory costs for businesses in the State by establishing a council on private sector regulatory costs composed of private sector business leaders. The council would:

1. Have the power to compel staffing from any state agency;

2. Have the authority to compel a state agency to cooperate with the council in developing a new regulatory regime for State Government;

3. Develop a new approach to regulation of private sector businesses based on broad principles rather than specific rules and regulations; and

4. Report its findings and recommendations for the implementation of principle-based regulation to the Legislature by December 1, 2007.

LD 1004 **An Act To Repeal the Laws That Establish a Deposit for Bottles and Cans** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
BOWMAN		

This bill repeals the laws that place a deposit and refund value on beverage containers.

LD 1026 **An Act To Reduce Inspections and Operating Costs for Elevators** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill directs the Department of Professional and Financial Regulation, Office of Licensing and Regulation, Board of Elevator and Tramway Safety to adopt rules to change the inspection schedule for category 5 periodic tests on elevators from 5 to 10 years. It also directs the Public Utilities Commission to adopt rules to establish flat-rate basic service charges for elevator telephones that do not exceed $5 per month.

LD 1037 **An Act To Exempt Maintenance Workers from Licensure for General Electrical Maintenance** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD COURTNEY	ONTP	

This bill exempts a maintenance worker employed by a corporation from licensing requirements when engaged in the repair or replacement of light fixtures, light switches, lighting ballasts and electrical outlets not exceeding 120 volts in any building or on property that is owned or operated by the corporation, provided the maintenance worker is a member of the corporation's regular maintenance staff.

LD 1038 **An Act To License Home Building and Improvement Contractors** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK		

This bill creates the Maine Home Contractor Licensing Act. The bill contains the following provisions: requirements for licensure of general contractors and persons who perform framing, roofing, siding, insulating, window work or chimney work, if the work concerns residential dwellings; certain specific exemptions from licensure; required qualifications for general and specialty licenses; requirements for criminal and financial disclosures; creation and authority of the Maine Home Contractor Licensing Board; fees for licensing; adoption of a model building code; and a mechanism for phasing in a registration program, followed by a licensing program, upon adoption of the model building code by 56 of a list of 83 specified municipalities.

This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 1057 **An Act Concerning the Economic and Business Climate** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill would implement the recommendations of the Environmental and Energy Technology Council of Maine.

LD 1064 **An Act To Increase Funding To Support Research and Development in the University of Maine System** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH TURNER	OTP-AM	H-529

This bill requires the Governor or Governor-elect to include in the budget submitted to the Legislature beginning in fiscal year 2008-09 a funding level recommendation for research and development for the University of Maine System through the Maine Economic Improvement Fund that equals at least 1% of the previous year's General Fund revenue and to increase the amount of the previous General Fund revenue each fiscal year by two tenths of 1% so that the funding level recommendation for fiscal year 2018-19 and beyond will equal at least 3% of the General Fund revenues for the previous fiscal year. If the Governor or Governor-elect recommends less than these amounts, then the Governor must submit a report explaining the funding difference to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs matters and the joint standing committee of the Legislature having jurisdiction over research and development matters.

Committee Amendment "A" (H-529)

This amendment adds an appropriations and allocations section to the bill.

LD 1076 An Act To Encourage Expansion and Development of Maine Tourism **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MIRAMANT	ONTP	

This bill makes ongoing appropriations of $3,400,000 for fiscal year 2007-08 and $3,485,000 for fiscal year 2008-09 to the Department of Economic and Community Development, Office of Tourism for additional funding for advertising to promote tourism in the State, for contracting with the University of Maine System and Maine Community College System and others to provide education and training for managers, owners and staff of tourism-related businesses and organizations and for funding of the University of Maine System, Center for Tourism Research. This bill also:

1. Requires the Governor with the assistance of the Commissioner of Economic and Community Development and the Maine Tourism Commission to report biennially on tourism in the State;

2. Changes the name of the Tourism Marketing Promotion Fund to the Tourism Marketing and Development Fund and increases the fund's revenue from 5% to 8% of a portion of the sales and use tax and directs the fund to fund and annually transfer the yearly increase in its revenue to the Maine Tourism Development Fund created by this Act; and

3. Creates the Maine Tourism Development Fund to provide grants to various for-profit and nonprofit organizations and municipalities for tourism-related projects.

LD 1077 An Act To Create a Seasonal Vendor Sales Tax Revolving Loan Fund **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a seasonal vendor loan fund in the Department of Economic and Community Development to provide loans to small seasonal retail vendors to assist them in maintaining business operations and remitting sales taxes to the State during periods that are not the peak season for the vendor. Loans would be repaid during the vendors' peak season with reasonable interest.

LD 1106 An Act To Recapitalize the Municipal Investment Trust Fund **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	OTP-AM	S-95

This bill requires the State Controller to transfer $5,000,000 from the undedicated revenue of the General Fund to the Maine Municipal Bond Bank to capitalize the Municipal Investment Trust Fund no later than June 30, 2008.

Committee Amendment "A" (S-95)

This amendment incorporates a fiscal note.

LD 1115 **An Act Concerning Licensure as a Master Well Driller or a Master Pump Installer** **PUBLIC 207 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM	S-127

This bill provides for an exception to the current licensure laws for a master well driller and a master pump installer.

Committee Amendment "A" (S-127)

Unlike the bill, which established an exception to the current licensure laws for a master well driller and a master pump installer, this amendment instead authorizes the Maine Water Well Commission to grant a waiver to those licensure laws to individuals with clearly defined levels of experience in situations in which the commission finds the presence of exigent circumstances.

Enacted Law Summary

Public Law 2007, chapter 207 authorizes the Maine Water Well Commission to grant a waiver to the master well driller and master pump installer licensure laws to individuals with clearly defined levels of experience in situations in which the commission finds the presence of exigent circumstances.

LD 1128 **An Act To Require Electronic Monitoring of Secondary Sales Transactions** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N PERRY J		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to provide law enforcement with increased capability to solve property and financial crimes throughout the State and the New England region by amending the laws governing the licensing of pawnbrokers. This bill would require pawnbrokers to maintain electronic records of their transactions through the use of downloadable databases. This information would be made electronically accessible to law enforcement officers throughout New England by transmitting the data to the New England State Police Information Network, NESPIN, whose geographical region includes Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 1129 **Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review of Oral Health Care Issues** **RESOLVE 85**

Sponsor(s)	Committee Report	Amendments Adopted
PENDLETON RAYE	OTP-AM MAJ ONTP MIN	H-362

This bill expands the requirements for receiving a license to practice dentistry in this State to allow graduation from a foreign university considered satisfactory to the Board of Dental Examiners and removes the requirement that applicants for licensure by endorsement that are licensed to practice in another state meet the State's professional education requirements.

Committee Amendment "A" (H-362)

This amendment replaces the bill with a resolve. It directs the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the following oral health care issues: the proposal for expansion of the scope of practice of dental hygienists to create a mid-level dental hygienist license category, as well as the proposal to permit dental hygienists to practice independently without the supervision of a licensed dentist in order to increase access to preventive dental care across the State; the proposal to expand licensing requirements to permit graduates of a foreign university considered satisfactory to the Board of Dental Examiners to practice dentistry in this State, including a review of other states' models for evaluation of foreign-trained dentists; and the proposal that the regulatory structure for denturists and dental hygienists include placing denturists and dental hygienists under the jurisdiction of a new board within the Department of Professional and Financial Regulation. This amendment also requires the Commissioner of Professional and Financial Regulation to submit a report to the Joint Standing Committee on Business, Research and Economic Development and authorizes the committee to introduce legislation on the subject matter of the report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 85 directs the Commissioner of Professional and Financial Regulation to conduct an independent assessment pursuant to the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the following oral health care issues: the proposal for expansion of the scope of practice of dental hygienists to create a mid-level dental hygienist license category, as well as the proposal to permit dental hygienists to practice independently without the supervision of a licensed dentist in order to increase access to preventive dental care across the State; the proposal to expand licensing requirements to permit graduates of a foreign university considered satisfactory to the Board of Dental Examiners to practice dentistry in this State, including a review of other states' models for evaluation of foreign-trained dentists; and the proposal that the regulatory structure for denturists and dental hygienists include placing denturists and dental hygienists under the jurisdiction of a new board within the Department of Professional and Financial Regulation. This resolve requires the Commissioner of Professional and Financial Regulation to submit a report to the Joint Standing Committee on Business, Research and Economic Development and authorizes the committee to introduce legislation on the subject matter of the report to the Second Regular Session of the 123rd Legislature.

LD 1139 An Act Regarding Returnable Containers **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	ONTP	

This bill requires the letters and numbers of the refund value and the word "Maine" or "ME" placed on refundable beverage containers to be at least 1/4 inch in height, in a font style that is easily read and of a color that is in sharp contrast to the background on which the refund value and state designation are embossed, stamped, labeled or attached.

LD 1161 An Act To Make Certain Changes to the Board of Licensure in Medicine **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

This bill requires the Board of Licensure in Medicine to inform licensees of their right to be represented by counsel during an informal conference with the board involving a complaint against the licensee. This bill allows a licensee to confer with counsel during the conference. This bill also provides licensees with the ability to refuse to participate in an informal conference with the board if an adjudicatory hearing is preferred. It also requires that any consent agreement that involves the licensee's participation in an alcohol or drug treatment program, or the licensee's treatment by a licensed therapist, must provide the licensee with the right to select the alcohol or drug treatment program or licensed therapist.

LD 1163 An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Economic Development in Maine **PUBLIC 434**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	OTP-AM	S-278
		S-369 ROTUNDO

This bill implements the recommendations of the Office of Program Evaluation and Government Accountability's report to the Government Oversight Committee on economic development programs in Maine.

Committee Amendment "A" (S-278)

This amendment replaces the bill and implements the recommendations of the Office of Program Evaluation and Government Accountability's report to the Government Oversight Committee to increase the State's evaluation and performance measures for economic development programs in Maine. The amendment also adds an appropriations and allocations section to the bill.

Senate Amendment "A" (S-369)

This amendment requires the Joint Standing Committee on Business, Research and Economic Development to perform its duties pertaining to business compliance with reporting requirements within authorized interim committee meetings. The amendment also reduces the General Fund appropriation.

Enacted Law Summary

Public Law 2007, chapter 434 implements the recommendations of the Office of Program Evaluation and Government Accountability's report to the Government Oversight Committee to increase the State's evaluation and performance measures for economic development programs in Maine.

LD 1171 An Act To Modernize the Laws Pertaining to the Sport of Skiing and Use of Ski Areas **PUBLIC 287**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	OTP-AM	S-171

This bill amends the definitions of "skier" and "ski area" and expands skiers' and tramway passengers' responsibilities to include forms of skiing and other uses of ski facilities that have arisen since the last time these statutory provisions were amended.

Committee Amendment "A" (S-171)

This amendment strikes out the Maine Revised Statutes, Title 32, section 15217, subsection 4-A proposed in the bill and replaces it with language clarifying that a person engaged in a ski competition accepts all inherent risks of skiing and all risks of course, venue and area conditions, including freestyle terrain configuration and condition while engaged in those activities.

Enacted Law Summary

Public Law 2007, chapter 287 amends the laws pertaining to the sport of skiing by broadening the definition for the inherent risks associated with the sport of skiing to include skiing on freestyle terrain and clarifies that a ski competitor accepts all inherent risks of skiing and all risks of course, venue and area conditions, including freestyle terrain configuration and condition while engaged in those activities.

LD 1172 An Act To Regulate Fire Alarm Contractors — ONTP

Sponsor(s)	Committee Report	Amendments Adopted
NASS R	ONTP	

This bill requires that fire alarm system contractors in the State be licensed by the Commissioner of Public Safety.

LD 1188 An Act Regarding Local Plumbing Inspectors — PUBLIC 358

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	OTP	

This bill repeals and replaces current law and clarifies that local plumbing inspectors are prohibited from issuing permits and inspecting any internal plumbing job or subsurface wastewater disposal system work if the local plumbing inspector or the inspector's employee, employer, agent or representative has worked or plans to work on the same job, including performing a site evaluation, providing labor or providing any products or services to that site.

Enacted Law Summary

Public Law 2007, chapter 358 repeals and replaces current law and clarifies that local plumbing inspectors are prohibited from issuing permits and inspecting any internal plumbing job or subsurface wastewater disposal system work if the local plumbing inspector or the inspector's employee, employer, agent or representative has worked or plans to work on the same job, including performing a site evaluation, providing labor or providing any products or services to that site.

LD 1194 **An Act Concerning the Practice of a Deceased or Incapacitated Dentist** **PUBLIC 210 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP-AM	S-118

This bill permits the legal guardian or personal representative of a deceased or incapacitated dentist to contract with another dentist to continue the operations of the practice of the deceased or incapacitated dentist for a period of up to 24 months after the death or incapacitation of the dentist or until the practice is sold, whichever occurs first.

Committee Amendment "A" (S-118)

This amendment adds an emergency preamble and an emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 210 permits the legal guardian or personal representative of a deceased or incapacitated dentist to contract with another dentist to continue the operations of the practice of the deceased or incapacitated dentist for a period of up to 24 months after the death or incapacitation of the dentist, or until the practice is sold, whichever occurs first.

Public Law 2007, chapter 210 was enacted as an emergency measure effective June 4, 2007.

LD 1210 **An Act Concerning the Diagnosis, Service and Repair of Motor Vehicles** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON		

This bill requires an automobile manufacturer to provide the owner or lessee and repair facilities with the information necessary to diagnose, service or repair, certify, activate or install equipment in a motor vehicle it has manufactured.

This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 1215 **An Act To Attract New Capital for Innovative Businesses through Equity Investment in Maine** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P		

This bill is a concept draft pursuant to Joint Rule 208.

The bill establishes a Fund of Funds whose governing board is authorized to issue shares in one or more venture capital funds focused on business sectors with strong prospects for expansion in Maine. At least 50% of the aggregate money raised through the fund must be invested in Maine.

The board may guarantee a rate of return sufficient to attract necessary capital for diversified investments in the sectors targeted by each fund. Should any fund fall short of its guarantee in the third to tenth year of its

existence, investors may be awarded refundable state tax credits to pay 50% of the loss. Aggregate credits may not exceed $20,000,000 per year.

If the Maine State Retirement System chooses to invest in any of the funds, the State will appropriate 50% of any losses the Maine State Retirement System may incur during the third to tenth years of share ownership.

Each year that any fund returns a profit in excess of the return owed to shareholders, 50% of the excess must be deposited into a separate guarantee account to be held and conservatively invested by the governing board. Shares issued more than 10 years after the effective date of this bill will no longer be entitled to state tax credits. Recourse will be limited to payments from the guarantee account upon such terms and conditions as the governing board may determine.

This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 1244 An Act To Reduce Foreclosures **PUBLIC 326**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP-AM	S-239

This bill gives the Maine State Housing Authority the power to make a loan or enter into a contract with a financial institution to make a loan on behalf of the Maine State Housing Authority to pay off an existing loan on a single-family residence to assist a homeowner who is in default of the existing loan and in danger of losing the residence through foreclosure.

Committee Amendment "A" (S-239)

This amendment clarifies that the Maine State Housing Authority has the authority to make a loan, or contract with a financial institution to make a loan on behalf of the Maine State Housing Authority, to pay amounts past due on an existing loan on an owner-occupied single-family residence to assist a homeowner who is in default of the existing loan or in danger of losing the residence through foreclosure. The amendment requires that, prior to receiving such a loan, a homeowner must receive counseling with a 3rd-party, nonprofit organization approved by the United States Department of Housing and Urban Development, a housing financing agency of this State or the regulatory agency that has jurisdiction over the creditor.

Enacted Law Summary

Public Law 2007, chapter 326 provides that the Maine State Housing Authority has the authority to make a loan, or contract with a financial institution to make a loan on behalf of the Maine State Housing Authority, to pay amounts past due on an existing loan on an owner-occupied single-family residence to assist a homeowner who is in default of the existing loan or in danger of losing the residence through foreclosure. The law requires that prior to receiving such a loan, a homeowner must receive counseling with a 3rd-party, nonprofit organization approved by the United States Department of Housing and Urban Development, a housing financing agency of this State or the regulatory agency that has jurisdiction over the creditor.

LD 1246 Resolve, To Improve Oral Health for Children **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	ONTP	

This resolve directs the Board of Dental Examiners to establish a program to allow dental hygienists certified by the board to provide dental care outside of a dental office to low-income persons and MaineCare recipients.

LD 1267 Resolve, To Estimate the Annual Value of Uncollected Bottle Deposits, Fraud and Total Costs under Maine's Bottle Bill **RESOLVE 40**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N	OTP-AM MAJ ONTP MIN	H-195

This resolve directs the Department of Agriculture, Food and Rural Resources to estimate the amount of uncollected bottle deposits that reverts each year to the State. The department shall report its findings and recommendations to the Joint Standing Committee on Agriculture, Conservation and Forestry by October 30, 2007. The committee has authority to submit legislation to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-195)

This amendment is the majority report of the committee. This amendment replaces the resolve and directs the Department of Agriculture, Food and Rural Resources, in conjunction with other state agencies and 3rd-party administrators of beverage container commingling agreements that have knowledge of unclaimed beverage deposits, to estimate the unclaimed beverage container deposits that revert each year to the State and to beverage distributors. It also directs the department to estimate the total number of beverage containers that are illegally redeemed in the State each year and the total annual costs to Maine's beverage distributors to fulfill their obligations under Maine's beverage container deposit law. It also directs the department to report its findings and any recommendations to the Joint Standing Committee on Business, Research and Economic Development no later than January 15, 2008 and authorizes the committee to submit legislation concerning this report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 40 directs the Department of Agriculture, Food and Rural Resources, in conjunction with other state agencies and 3rd-party administrators of beverage container commingling agreements that have knowledge of unclaimed beverage deposits, to estimate the unclaimed beverage container deposits that revert each year to the State and to beverage distributors. The resolve directs the department to estimate the total number of beverage containers that are illegally redeemed in the State each year and the total annual costs to Maine's beverage distributors to fulfill their obligations under Maine's beverage container deposit law. The resolve directs the department to report its findings and any recommendations to the Joint Standing Committee on Business, Research and Economic Development no later than January 15, 2008 and authorizes the committee to submit legislation concerning this report to the Second Regular Session of the 123rd Legislature.

LD 1278 An Act To Require Licensing for Certain Mechanical Trades **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	ONTP	

This bill requires licensure of persons that perform sheet metal work, refrigeration and air conditioning system installation and repair, pipefitting and fire protection sprinkler system installation and repair.

The bill grandfathers persons that have completed apprentice programs or have been compensated for a minimum of 2,000 hours in the business of performing sheet metal work, refrigeration and air conditioning system installation and repair, pipefitting or fire protection sprinkler system installation and repair.

LD 1282 An Act To Allow Manicurists and Pedicurists To Do Nails for the Elderly **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	ONTP	

This bill would require the Board of Barbering and Cosmetology to adopt rules to establish minimum training standards for manicurists and pedicurists that would allow them to work on the nails for the elderly and qualify for insurance reimbursement.

LD 1352 An Act To Amend the Laws Governing the Maine State Housing Authority **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	

This bill changes the number of commissioners of the Maine State Housing Authority appointed by the Governor from 5 to 7, and specifies that the Governor appoints a chair from among the 7 gubernatorial appointments.

LD 1364 An Act To Preserve and Grow Maine Small Businesses **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP-AM	S-101

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to ensure that current resources available to Maine small businesses and entrepreneurs are maintained and that additional capacity is provided to meet the increased demand resulting from the anticipated growth in new and expanded small businesses.

Committee Amendment "A" (S-101)

This amendment replaces the bill and provides funds to support the Maine Small Business Development Centers to close the structural funding gap in fiscal year 2007-08 and fiscal year 2008-09.

LD 1403 An Act To Provide Parity in the Laws Regarding Licensing of Electricians **PUBLIC 398**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE	OTP	

This bill creates parity between an applicant for licensure as a journeyman electrician or a journeyman-in-training electrician who is a graduate of an electrical program of a Maine community college and an applicant for licensure who is a graduate of an electrical program of an accredited community college that is not located in Maine.

Enacted Law Summary

Public Law 2007, chapter 398 establishes parity between an applicant for licensure as a journeyman electrician or a journeyman-in-training electrician who is a graduate of an electrical program of a Maine community college and an applicant for licensure who is a graduate of an electrical program of an accredited community college that is not located in Maine.

LD 1404 **Resolve, Directing the Establishment of a Building Contractor's License and Education Requirements for Code Enforcement Officers (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEDDELL	ONTP	

This resolve directs the Department of Professional and Financial Regulation to propose and develop licensing requirements for building contractors. This resolve also requires the Executive Department, State Planning Office to develop revised training and certification and continuing education requirements for code enforcement officers. The resolve requires that the proposals be submitted to the Joint Standing Committee on Business, Research and Economic Development no later than December 1, 2007.

LD 1466 **An Act To Address Issues Related to Chiropractic Licensure** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	ONTP	

This bill creates a screening panel for complaints against chiropractors similar to the screening panel for medical malpractice claims under current law. The screening panel created by this bill reviews complaints against chiropractors and has the power to dismiss the complaint, enter into a consent agreement with the licensee who is the subject of the complaint or refer the complaint to the Board of Chiropractic Licensure for further action.

LD 1469 **Resolve, To Enhance Accountability in Tax Increment Financing** **RESOLVE 70**

Sponsor(s)	Committee Report	Amendments Adopted
BERRY	OTP-AM	H-299

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes that any new tax increment financing project not under way by January 1, 2008 would be subject to higher standards for approval by the Department of Economic and Community Development, including but not limited to, an annual reapproval process based on preestablished performance benchmarks.

Committee Amendment "A" (H-299)

This amendment replaces the bill with a resolve that directs the Department of Economic and Community Development to review the State's tax increment financing accountability and reporting policies and to consult with the Office of Program Evaluation and Government Accountability and the Department of Administrative and Financial Services, Maine Revenue Services to develop recommendations for improving these policies. The Department of Economic and Community Development is directed to submit its report to the Joint Standing

Committee on Business, Research and Economic Development and the Joint Standing Committee on Taxation by January 15, 2008. This amendment also authorizes the Joint Standing Committee on Business, Research and Economic Development to submit legislation to the Second Regular Session of the 123rd Legislature relating to this report.

Enacted Law Summary

Resolve 2007, chapter 70 directs the Department of Economic and Community Development to review the State's tax increment financing accountability and reporting policies and to consult with the Office of Program Evaluation and Government Accountability and the Department of Administrative and Financial Services, Maine Revenue Services to develop recommendations for improving these policies. The Department of Economic and Community Development is directed to submit its report to the Joint Standing Committee on Business, Research and Economic Development and the Joint Standing Committee on Taxation by January 15, 2008. This resolve authorizes the Joint Standing Committee on Business, Research and Economic Development to submit legislation to the Second Regular Session of the 123rd Legislature relating to this report.

LD 1470 **An Act To Clarify the Laws Regarding Physicians** **PUBLIC 380**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N MARRACHE	OTP-AM	H-449

This bill requires professional competence committees and physicians to report unprofessional conduct to the relevant regulatory board. Further, the bill amends the law concerning the Board of Licensure in Medicine by including disruptive behavior in the description of unprofessional conduct as grounds for discipline and by rule creates a license category limited to administrative medicine.

Committee Amendment "A" (H-449)

This amendment clarifies that the standard of professional behavior for licensees licensed by the Board of Medicine includes not engaging in disruptive behavior, which is defined as aberrant behavior that interferes with or is likely to interfere with the delivery of care.

Enacted Law Summary

Public Law 2007, chapter 380 requires professional competence committees and physicians to report unprofessional conduct to the relevant regulatory board. The law also adds the term 'disruptive behavior' within the description of unprofessional conduct as grounds for discipline and by rule creates a license category limited to administrative medicine.

LD 1471 **An Act To Ensure That Publicly Funded Programs Do Not Jeopardize Existing Industry** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY BENOIT	ONTP	

This bill prohibits a program of a nonprofit organization, governmental agency or political subdivision or educational institution that receives state funds from providing goods or services in competition with a private business.

LD 1472 **An Act To Provide for the Regulation of Denturists by the Board of Complementary Health Care Providers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	ONTP	

Under current law, denturists are regulated by the Board of Dental Examiners. This bill places denturists under the jurisdiction of the Board of Complementary Health Care Providers.

LD 1516 **An Act To Permit Certain Health Care Practices** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP MAJ OTP-AM MIN	

This bill authorizes a person to practice as an unlicensed health care practitioner in this State.

LD 1519 **An Act To Amend the Membership and Reporting Requirements for the Citizen Trade Policy Commission** **PUBLIC 266**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	OTP-AM	S-155

This bill changes the frequency with which the Citizen Trade Policy Commission must conduct an assessment of the impact international trade agreements have on Maine's state laws, municipal laws, working conditions and business environment from annually to every 2 years. It also establishes what constitutes a quorum and provides funding for a full-time staff position.

Committee Amendment "A" (S-155)

This amendment changes the membership of the Citizen Trade Policy Commission by replacing the Commissioner of Economic and Community Development as an ex officio, nonvoting member with the president of the Maine International Trade Center. This amendment also removes the appropriations and allocations section of the bill.

Enacted Law Summary

Public Law 2007, chapter 266 changes the frequency with which the Citizen Trade Policy Commission must conduct an assessment of the impact international trade agreements have on Maine's state laws, municipal laws, working conditions and business environment from annually to every 2 years and establishes quorum requirements for the Commission. The law also changes the membership of the Citizen Trade Policy Commission by replacing the Commissioner of Economic and Community Development as an ex officio, nonvoting member with the president of the Maine International Trade Center.

LD 1575 **An Act To Authorize the Maine Board of Pharmacy To Establish a Pharmacist Health Program** **PUBLIC 288 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A	OTP-AM	H-335

This bill authorizes the Maine Board of Pharmacy to establish a program promoting the health and recovery of pharmacists and pharmacy technicians who are diagnosed with substance use disorders and other mental illnesses.

Committee Amendment "A" (H-335)

This amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2007, chapter 288 authorizes the Maine Board of Pharmacy to establish a program that promotes the health and recovery of pharmacists and pharmacy technicians who are diagnosed with substance use disorders and other mental illnesses.

LD 1598 **An Act To Grant Supervisory Privileges to Supervising Nurse Practitioners** **PUBLIC 316**

Sponsor(s)	Committee Report	Amendments Adopted
PINKHAM	OTP-AM	H-386

This bill authorizes qualified independent registered nurse practitioners to provide the supervision necessary for a certified nurse practitioner to qualify to practice as an advanced practice registered nurse.

Committee Amendment "A" (H-386)

This amendment changes the bill by replacing the term "qualified independent nurse practitioner" with the term "supervising nurse practitioner" to more accurately describe the position.

It retains the bill's provisions for the position requiring 24 months of supervised practice and the approval of the State Board of Nursing. It adds to the requirements 5 years of practice in the same specialty and working in a clinical health care field for a minimum of 10 years.

Enacted Law Summary

Public Law, chapter 316 authorizes supervising nurse practitioners to provide the supervision necessary for certified nurse practitioners to qualify to practice as an advanced practice registered nurse. The law adds a definition for the term "supervising nurse practitioner" to accurately describe the position.

LD 1600 **An Act To Allocate the Number of Redemption Centers Based on Population** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR	OTP-AM MAJ ONTP MIN	H-272

The bill amends the licensing of local redemption centers by requiring the Department of Professional and Financial Regulation to consider the proximity of a proposed redemption center to existing redemption centers. The bill also limits the number of redemption centers that may be licensed in a municipality based on the population of the municipality. The population limits do not apply to existing redemption centers, certain licensed food establishments and reverse vending machines located in a redemption center and may be waived if the applicant shows a compelling need for another redemption center.

The bill also provides a procedure for an applicant denied a license to appeal that denial.

Committee Amendment "A" (H-272)

This amendment removes the provision of the bill that adds additional rulemaking language, as the Department of Agriculture, Food and Resources already has rulemaking authority regarding the licensing and renewal of redemption centers. It also makes changes to the bill's requirements for the location and number of redemption centers in municipalities based on population. It also clarifies that eating establishments licensed by the Department of Health and Human Services are also exempt from the population size location requirements for redemption centers.

LD 1620 **An Act To Provide for the 2007 and 2008 Allocations of the State Ceiling on Private Activity Bonds** **P & S 18 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP-AM	S-145

This bill establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2007 and 2008. Under federal law, a maximum of $256,235,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2007, and at least $256,235,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2008. This bill allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Committee Amendment "A" (S-145)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2007, chapter 18 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2007 and 2008. Under federal law, a maximum of $256,235,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2007, and at least $256,235,000 in tax-exempt bonds benefiting private individuals or entities may be issued in the State in 2008. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

LD 1622 **An Act To Expand Exemptions from Licensing Laws for Professional Engineers** **PUBLIC 379**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP-AM	S-240

The bill exempts certain persons engaged in certain minor construction from the requirements of the Maine Revised Statutes, Title 32, chapter 19.

Committee Amendment "A" (S-240)

This amendment makes a technical change to the bill by replacing the term "single-family" with "single" to clarify that the exemption is for single bathrooms.

Enacted Law Summary

Public Law 2007, chapter 379 exempts certain persons engaged in certain minor construction from the licensing requirements for professional engineers that are provided in the Maine Revised Statutes, Title 32, chapter 19.

LD 1623 **An Act To Create the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting** **PUBLIC 369**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP-AM	S-227

Part A and Part B of this bill reflect the creation of the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting.

Part C of this bill repeals the Maine Revised Statutes, Title 32, chapters 23-A and 77, which govern the regulation of speech-language pathology, audiology and hearing aid dealing and fitting, and combine the chapters into one authorizing statute. The bill eliminates the need for a Licensed Audiologist to hold a separate license as a Hearing Aid Dealer and Fitter, as well as eliminates the requirement of a business license. This bill reflects the current practice standards in the delivery of audiology and hearing aid services, while providing an appropriate level of public protection.

Committee Amendment "A" (S-227)

This amendment clarifies the scope of practice for audiologists and maintains current audiology practice standards. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2007, chapter 369 creates the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting. This law also repeals the Maine Revised Statutes, Title 32, chapters 23-A and 77, which govern the regulation of speech-language pathology, audiology and hearing aid dealing and fitting, and combine the chapters into one authorizing statute. The law eliminates the need for a Licensed Audiologist to hold a separate license as a Hearing Aid Dealer and Fitter, as well as eliminates the requirement of a business license. The law clarifies the scope of practice for audiologists and maintains current audiology practice standards. It also reflects the current practice standards in the delivery of audiology and hearing aid services, while providing an appropriate level of public protection.

LD 1626 **Resolve, Directing the Department of Professional and Financial Regulation, State Board of Nursing To Amend the Rules for the Medication Course for Certified Nursing Assistants** **RESOLVE 76**

Sponsor(s)	Committee Report	Amendments Adopted
NASS R	OTP-AM	S-146

This bill requires that a clinical training program for certified nursing assistants have a trainer-to-student ratio of not less than 1 to 5.

Committee Amendment "A" (S-146)

This amendment replaces the bill with a resolve that directs the Department of Professional and Financial Regulation, State Board of Nursing to amend its rules for the board's standardized medication course for certified nursing assistants to increase the clinical instructor-to-student ratio from 1:1 when the student is administering medications in the clinical setting to a ratio of 1:3. The amendment also requires the board to notify the Joint Standing Committee on Business, Research and Economic Development of the rule change by September 1, 2008.

Enacted Law Summary

Resolve 2007, chapter 76 directs the Department of Professional and Financial Regulation, State Board of Nursing to amend its rules for the board's standardized medication course for certified nursing assistants to increase the clinical instructor-to-student ratio from 1:1 when the student is administering medications in the clinical setting to a ratio of 1:3. The law requires the board to notify the Joint Standing Committee on Business, Research and Economic Development of the rule change by September 1, 2008.

LD 1637 **An Act To Adopt the Uniform Emergency Volunteer Health Practitioners Act** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill seeks to adopt the Uniform Emergency Volunteer Health Practitioners Act to provide a procedure for recognizing licenses granted by other states to health care practitioners who volunteer to provide assistance in this State during an emergency. The bill proposes to create a registration system that health care practitioners licensed in other states may use either before or during an emergency. Upon registration, a health care practitioner would be permitted to contribute that practitioner's professional skills to emergency relief efforts.

LD 1657 **An Act To Support and Enhance Maine's Beverage Container Recycling Laws and Household Hazardous Waste Collection** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK	ONTP	

This bill raises the deposit and refund on beverage containers from 5¢ to 10¢ and provides that the deposit and refund must be adjusted for inflation every 10 years beginning January 1, 2018. It doubles the handling fee paid to redemption centers beginning March 1, 2008. It expands the law to include aseptic containers. It provides that the unclaimed beverage container deposits must be deposited in a dedicated account in the State Planning Office for grants for household hazardous waste collection. It requires the State Planning Office to report on the volume of nonrefillable beverage containers that is disposed of as municipal solid waste in the State each year.

LD 1681 **An Act To Preserve and Grow Maine Jobs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	ONTP	

This bill requires a business that is closing and relocating to another part of the State or consolidating and closing its facilities or leaving a facility vacant, and that has received an economic development incentive from the State and had a minimum of 100 employed workers during the 3-year period immediately preceding the time of the business closure to either reimburse the State for the full amount of economic development incentives the State has distributed to the business or work in good faith with the Governor and the Commissioner of Economic and Community Development to find a new owner for the business or locate a new business to take its place in the same area of the State.

LD 1690 **Resolve, Directing the Department of Professional and Financial Regulation To Study the Necessity and Feasibility of Regulating Certain Mechanical Trades** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	

This resolve directs the Department of Professional and Financial Regulation to conduct a study of the necessity and feasibility of regulating certain mechanical trades within existing regulatory programs of the department. The resolve allows for the appropriate legislative oversight committee to submit proposed legislation in the Second Regular Session of the 123rd Legislature.

LD 1696 **An Act To Amend Maine's Bottle Laws** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP-AM A ONTP B OTP-AM C	

This bill amends the bottle redemption laws in the following ways:

1. It reduces the minimum allowable deposit for wine and spirit containers from 15¢ to 5¢;

2. It increases the collection and handling fee for beverage containers by 2¢;

3. It prohibits the commingling of beverage containers of like or dissimilar product groups, materials or size of 2 or more initiators of deposit except for 12-ounce aluminum containers;

4. It lists size categories in which beverage containers must be sorted and requires distributors to provide gauged bags to dealers and local redemption centers;

5. It redirects funds from abandoned deposits from the General Fund to the Department of Education;

6. It increases the penalty for a violation of the beverage container laws for a distributor from a fine of no more than $100 to a fine of no more than $1,000; and

7. It allows a private right of action for a local redemption center to enforce the bottle redemption laws against a distributor.

Committee Amendment "A" (S-325)

This amendment replaces the bill and is the majority report of the committee. It reduces the minimum refund value for wine and spirits containers of greater than 50 milliliters to not less than 5¢ beginning April 1, 2008. It also increases the handling fee for beverage containers to at least 3 3/4¢ for containers picked up on or after March 1, 2008.

Committee Amendment "B" (S-326)

This amendment replaces the bill and is the minority report of the committee. It reduces the minimum refund value for wine and spirits containers of greater than 50 milliliters to not less than 5¢ beginning April 1, 2008. It also increases the handling fee for beverage containers to at least 4¢ for containers picked up on or after March 1, 2008.

Senate Amendment "A" (S-331)

This amendment amends Committee Amendment "A" to increase by 1/4¢ the increase in the handling fee for beverage containers. This amendment also increases by 1/4¢ the offset from the handling fee available to initiators of deposit who are part of a qualified commingling agreement.

LD 1701 **Resolve, To Review the Disciplinary Process of the Board of Licensure in Medicine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	ONTP	

This resolve directs the Director of the Maine Quality Forum to convene a stakeholder group to review the disciplinary process of the Board of Licensure in Medicine and to make a report on any recommended improvements in the due process protections for both licensees and complainants and in the transparency of the disciplinary process.

LD 1702 **An Act To Allow Stores under 10,000 Square Feet To Be Open on Certain Holidays** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COTTA	ONTP	

This bill allows stores having under 10,000 square feet of interior customer selling space to be open on Easter Day, Thanksgiving Day and Christmas Day. The current maximum is 5,000 square feet.

LD 1730 **An Act To Protect Citizens from Identity Theft through Restriction of the Disclosure of Confidential Information** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	ONTP	

This bill prohibits a business operating in this State that has received a person's social security number in order to complete an application for credit from using the number as a form of customer identification and requires the business to restrict access to the social security number to the business's credit department.

LD 1759 An Act To Preserve the Recycling Value of Beverage Containers **PUBLIC 299**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N	OTP-AM	H-387

This bill makes a series of changes to Maine's so-called "bottle bill."

1. The bill clarifies that the definition of "reverse vending machine" does not include devices such as hand scanners.

2. The bill provides the Department of Agriculture, Food and Rural Resources with the authority to remove any product from sale if that product has not been properly registered pursuant to the Maine Revised Statutes, Title 32, section 1865, subsection 3.

3. The bill allows the distributor to refuse to accept any beverage container that has been processed in a way that reduces the recycling value of the beverage container below current prices.

4. The bill clarifies that the distributor is obligated to pick up beverage containers from dealers to whom that distributor has sold those beverages and from licensed redemption centers designated to serve those dealers in the same quantity as was sold to the dealer.

5. The bill requires any person who tenders more than 1,000 beverage containers for redemption at any dealer or redemption center to provide a name and address and sign a declaration indicating that the containers were collected in Maine. The bill requires that the information be forwarded to the department and kept on file by the dealer or redemption center for a minimum of one year. A person tendering more than 1,000 beverage containers collected at a fixed location when the proceeds are given to not-for-profit groups is, after declaration of a name and address of the collection point, exempt from this requirement.

6. The bill relieves a redemption center of the obligation to pay the cash value for returnable beverage containers at the time they are presented for refund if the redemption center has established a deposit account on behalf of a customer and credits that account within 2 business days of the date of return.

Committee Amendment "A" (H-387)

This amendment removes provisions in the bill proposing that distributors be required to pick up similar quantities of beverage containers as were sold to dealers or their redemption centers and provisions proposing to require that persons redeeming more than 1,000 empty containers sign a declaration indicating that those containers were collected in Maine.

The amendment clarifies provisions in the bill allowing distributors to refuse to accept beverage containers processed in a way that has reduced the container's value below current market recycling value. Distributors are still required, under existing law, to accept beverage containers that are empty, unbroken and reasonably clean. The Department of Agriculture, Food and Rural Resources is directed to adopt routine technical rules establishing the method for determining the current market recycling value of beverage containers. Those rules may authorize the use of a 3rd-party vendor to make that determination and must prescribe how payment for those 3rd-party vendor costs will be allocated among the parties involved.

The amendment also clarifies that the Department of Agriculture, Food and Rural Resources may revoke a dealer or redemption center license if the dealer or redemption center is adjudged to have committed a violation

of the laws pertaining to the acceptance of empty beverage containers and the payment of refund values and handling fees.

Enacted Law Summary

Public Law 2007, chapter 299 makes a series of changes to Maine's "bottle bill" laws.

1. It clarifies that the definition of "reverse vending machine" does not include devices such as hand scanners.

2. It provides the Department of Agriculture, Food and Rural Resources with the authority to remove any product from sale if that product has not been properly registered pursuant to the Maine Revised Statutes, Title 32, section 1865, subsection 3.

3. It allows distributors to refuse to accept beverage containers processed in a way that has reduced the container's value below current market recycling value. The law still requires distributors to accept beverage containers that are empty, unbroken and reasonably clean. The Department of Agriculture, Food and Rural Resources is directed to adopt routine technical rules establishing the method for determining the current market recycling value of beverage containers. Those rules may authorize the use of a 3rd-party vendor to make that determination and must prescribe how payment for those 3rd-party vendor costs will be allocated among the parties involved.

4. It provides that the Department of Agriculture, Food and Rural Resources may revoke a dealer or redemption center license if the dealer or redemption center is adjudged to have committed a violation of the laws pertaining to the acceptance of empty beverage containers and the payment of refund values and handling fees.

LD 1773 **An Act To Encourage Availability of Genuinely Affordable Housing in High-cost Markets** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK	ONTP	

This bill creates the definition of "housing affordability index," which is the ratio of a price of a home that is affordable for a household with a labor market's median income to the median home price for the labor market, calculated by the Maine State Housing Authority. This bill requires a developer of a subdivision of more than 5 housing units in a labor market that has an affordability index of less than 0.88 to dedicate at least 10% or one of the units as affordable units. This bill requires the Attorney General to enforce the provisions of this bill, with a person in violation committing a civil violation for which a fine of twice the profit the person made by not making the units affordable if the person sells the units or allowing the court to order the property to conform to the provisions of this bill if the units are rental units still in the possession of the person.

LD 1787 **An Act To Amend the Licensing of Landscape Architects** **PUBLIC 390**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N	OTP-AM MAJ ONTP MIN	H-451

This bill amends the licensing requirements and qualifications for landscape architects. This bill limits the scope of the practice of licensed landscape architecture to services provided for the purposes of landscape preservation, development and enhancement to properties that are open to and accessible by the public and affect public safety, such as site vehicular access and circulation, multi-vehicle parking areas and site grading that affects existing drainage capacity projects.

The changes made by this bill take effect January 1, 2009.

Committee Amendment "A" (H-451)

This amendment removes provisions in the bill that proposed to change the form of licensure for landscape architects from a title act to a practice act. The amendment clarifies the scope of practice for landscape architects and retains the current form of licensure as a title act. It also removes the delayed effective date that was provided in the bill.

Enacted Law Summary

Public Law 2007, chapter 390 clarifies the scope of practice for landscape architects and retains the current form of licensure as a title act.

LD 1791 **An Act To Amend the Oil and Solid Fuel Board and Propane and Natural Gas Board Licensing Laws** **PUBLIC 392 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BENOIT	OTP-AM	S-244

This bill creates an exemption from licensing requirements in the laws governing the Oil and Solid Fuel Board and the Propane and Natural Gas Board for individuals who perform combustion testing on oil burning equipment and propane and natural gas appliances. Each licensing board is required to engage in emergency rulemaking regarding combustion testing that an unlicensed individual may perform without a license. Each board's emergency rules are to be adopted under the provisions of the Maine Administrative Procedure Act within 90 days of the effective date of this Act.

Committee Amendment "A" (S-244)

This amendment retains the bill as an emergency, but replaces the content of the bill. The amendment authorizes the Oil and Solid Fuel Board and the Propane and Natural Gas Board to issue limited energy auditor technician licenses to qualified persons for the purposes of conducting combustion safety and efficiency testing of oil-fired or gas-fired space heating equipment or water heating equipment. These limited licenses do not authorize the license holder to make adjustments to oil-fired or gas-fired space heating equipment or water heating equipment. The amendment also directs those boards to adopt emergency routine technical rules to implement these new licensing provisions within 90 days after the effective date of this Act.

Enacted Law Summary

Public Law 2007, chapter 392 authorizes the Oil and Solid Fuel Board and the Propane and Natural Gas Board to issue limited energy auditor technician licenses to qualified persons for the purposes of conducting combustion safety and efficiency testing of oil-fired or gas-fired space heating equipment or water heating equipment. These limited licenses do not authorize the license holder to make adjustments to oil-fired or gas-fired space heating equipment or water heating equipment. The law also directs those boards to adopt emergency routine technical rules to implement these new licensing provisions within 90 days after the effective date of this Act.

Public Law 2007, chapter 392 was enacted as an emergency measure effective June 21, 2007.

LD 1794 **Resolve, To Provide Regional Economic Development Assistance To Ensure Prosperity in Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	ONTP	

This resolve directs the Department of Economic and Community Development to establish a position in the department dedicated to providing community development assistance, including regional economic development assistance, to municipalities in all areas of the State. The focus of this position must be on providing assistance to a municipality, upon the application of that municipality to the department, in preserving the character, integrity and viability of that municipality, with a special emphasis on preserving downtown areas.

LD 1802 **An Act To Ensure Public Benefit from Investments in Taxpayer Financed Research** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	ONTP	

This bill establishes policies for the use of taxpayer-funded research in the private sector to maximize the return on investment for the public's benefit and to create a uniform policy for the transfer of taxpayer-funded research into the private sector. It also requires the Maine Technology Institute Director, in consultation with the Department of Economic and Community Development, Office of Innovation and an attorney with the University of Maine School of Law's intellectual property program and with participation from consumer advocacy groups, the University of Maine System and the business community, to perform a study to develop and gather information necessary to establish reasonable pricing policies for all taxpayer-funded research and make recommendations for changes in state laws and rules to ensure that commercialization and the development of intellectual property from taxpayer-funded research is widely available to the State and its citizens at a reasonable price.

LD 1827 **Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Practice of Licensed Midwifery** **RESOLVE 115**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N SCHNEIDER	OTP-AM	H-450

This bill establishes a license for certified professional midwives and creates the Board of Licensed Midwives within the Department of Professional and Financial Regulation.

Committee Amendment "A" (H-450)

This amendment replaces the bill with a resolve that directs the Commissioner of Professional and Financial Regulation to conduct an independent assessment of the proposal to license certified professional midwives and to submit a report to the Joint Standing Committee on Business, Research and Economic Development by February 15, 2008. The amendment also authorizes the committee to submit legislation on the subject matter of the report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 115 directs the Commissioner of Professional and Financial Regulation to conduct an independent assessment of the proposal to license certified professional midwives and to submit a report to the Joint Standing Committee on Business, Research and Economic Development by February 15, 2008. The resolve also authorizes the committee to submit legislation on the subject matter of the report to the Second Regular Session of the 123rd Legislature.

LD 1842 An Act To Update Professional and Occupational Licensing Laws PUBLIC 402

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP-AM	S-275

This bill updates and streamlines the State's professional and occupational licensing laws within the jurisdiction of the Department of Professional and Financial Regulation, Office of Licensing and Registration by:

1. Redesignating certain registration programs as licensing programs;

2. Enhancing the accountability of licensees by requiring that they promptly make corrections to the information in their application and licensing files;

3. Removing unnecessary disclosure and notification requirements;

4. Clarifying the authority of licensing programs to protect the public through license denial or revocation;

5. Clarifying terms of service for board members;

6. Streamlining provisions related to board meetings and board governance;

7. Removing the requirements for unnecessary reporting by boards and commissions;

8. Clarifying the gubernatorial appointment process;

9. Clarifying penalties for noncompliance with the licensing laws;

10. Making licensees responsible for meeting statutory application deadlines; and

11. Clarifying the examination process for many professions and occupations.

Committee Amendment "A" (S-275)

This amendment removes sections of the bill that propose to clarify licensure and scope of practice language for psychologists and psychological examiners and also removes language that clarifies that the scope of practice for psychologists and psychological examiners may not be construed to permit the practice of medicine. The amendment also includes a minor conforming language change to the section regarding dietician license renewals.

Enacted Law Summary

Public Law 2007, chapter 402 updates and streamlines the State's professional and occupational licensing laws within the jurisdiction of the Department of Professional and Financial Regulation, Office of Licensing and Registration by:

1. Redesignating certain registration programs as licensing programs;

2. Enhancing the accountability of licensees by requiring that they promptly make corrections to the information in their application and licensing files;

3. Removing unnecessary disclosure and notification requirements;

4. Clarifying the authority of licensing programs to protect the public through license denial or revocation;

5. Clarifying terms of service for board members;

6. Streamlining provisions related to board meetings and board governance;

7. Removing the requirements for unnecessary reporting by boards and commissions;

8. Clarifying the gubernatorial appointment process;

9. Clarifying penalties for noncompliance with the licensing laws;

10. Making licensees responsible for meeting statutory application deadlines; and

11. Clarifying the examination process for many professions and occupations.

LD 1863 **An Act To Allow Pressure Boiler Inspections by National Board-certified Inspectors** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	ONTP	

This bill amends the laws dealing with the Board of Boilers and Pressure Vessels. It changes the term "authorized inspector" to "commissioned inspector" to reflect the terms used by the National Board of Boilers and Pressure Vessel Inspectors. It defines "authorized inspection agency." It allows owners and operators of boilers and pressure vessels to contract for inspections independently for a fee with any authorized inspection agency.

LD 1872 **An Act To Preserve Maine's Quality Places** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS EDMONDS	ONTP	

Part A of this bill directs the Maine Municipal Bond Bank to issue revenue bonds in the amount of $190,000,000 to preserve and protect the State's quality places, including revitalizing towns and cities, augmenting land and farm conservation, protecting traditional uses and access to Maine forests, farms and lakes and promoting outdoor recreation and high-value tourism. The effect of Part A is contingent on voter approval of the issuance of the revenue bonds.

Part B of this bill establishes the Communities for Maine's Future program in the Department of Economic and Community Development to provide grants and loans from the sale of any bonds authorized pursuant to Part A to municipalities and groups of municipalities for community infrastructure projects.
Part C of this bill establishes the Public Access for Traditional Uses Fund within the Land for Maine's Future program.

Part D imposes an additional tax of 3% on the value of lodging and directs that the revenue from this additional tax be deposited in the Quality Places Reserve Fund.

Part E establishes the Quality Places Reserve Fund and specifies that an amount equal to 95% of the revenue in

the fund be applied solely to the payment of interest and principal on the revenue bonds issued pursuant to Part A. An amount equal to 5% must be transferred to the Office of Tourism.

Part F allocates $5,000,000 from the Quality Places Reserve Fund to the Department of Economic and Community Development, Office of Tourism to promote outdoor recreation and high-value tourism through branding and marketing.

Part G specifies that Parts B, C, D, E and F are contingent on voter approval of the issuance of the revenue bonds contained in Part A.

LD 1896 **An Act To Promote Safety and Career Paths in the Electrical Trade** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	

The bill encourages individuals seeking to enter the electrical installation field to enroll in a state-registered apprenticeship program or a community college program of electrical study. On or after January 1, 2008, applicants for a helper license are required to demonstrate progress toward completion of a formal course of study in order to renew the license after the first renewal cycle. The bill does not affect current licensees of the board who are validly licensed as helpers before January 1, 2008.

LD 1926 **An Act To Expand the Pine Tree Development Zone Benefits to Small and Midsize Maine Manufacturers** **PUBLIC 468**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N		

Under this bill, Pine Tree Development Zone benefits are made available to more small and midsize Maine manufacturing companies by lowering the new net employee minimum to 4 and the investment minimum to $225,000.

Enacted Law Summary

Public Law 2007, chapter 468 amends the recently enacted statutory exceptions to the Pine Tree Development Zone law (see Public Law 2007, chapter 240), which allows the Commissioner of the Department of Economic and Community Development to certify a business that does not otherwise qualify as a qualified Pine Tree Development Zone business pursuant to Title 30-A MRSA section 5250-I, subsection 17 or that does not locate in a Pine Tree Development Zone as qualified to receive Pine Tree Development Zone benefits if the business does the following: (A) is a for-profit business that has been engaged in the business of manufacturing in the State for at least 3 years; (B) makes a written commitment to expand its business at one of its current locations in the State by adding at the location of expansion a minimum of 20 net new, full-time employees for whom a retirement program subject to the federal Employee Retirement Income Security Act of 1974, 29 United States Code, Sections 1001 to 1461, as amended, and group health coverage are provided and whose income derived from employment at the business's location of expansion, calculated on a calendar-year basis, is greater than the most recent annual per capita personal income in the county in which the employee is employed; and (C) makes a written commitment to invest a minimum of $2,000,000 in its expansion at one of its current locations.
Public Law 2007, chapter 468 amends the statutory exceptions to the Pine Tree Development Zone law by lowering the number of net, new full-time employees from 20 to 4 and reducing the minimim expansion investment level from $2 million to $225,000 in order to provide Pine Tree Development Zone benefits to small and midsize Maine manufacturing businesses.

SUBJECT INDEX

Bonds

Enacted

LD 1620	An Act To Provide for the 2007 and 2008 Allocations of the State Ceiling on Private Activity Bonds	P & S 18 EMERGENCY

Business Regulation

Enacted

LD 671	An Act To Amend the Laws Dealing with the Posting of Gas Prices	PUBLIC 86
LD 677	Resolve, Directing the Development of a Building Code and Building Rehabilitation Code Implementation Plan	RESOLVE 46
LD 768	An Act To Ensure That Pine Tree Development Zone Benefits Are Not Extended to Businesses That Compete with Existing Maine Businesses	PUBLIC 263
LD 927	An Act To Amend the Lodging Place Licensing Requirements to Support Small Businesses	PUBLIC 428
LD 1171	An Act To Modernize the Laws Pertaining to the Sport of Skiing and Use of Ski Areas	PUBLIC 287
LD 1267	Resolve, To Estimate the Annual Value of Uncollected Bottle Deposits, Fraud and Total Costs under Maine's Bottle Bill	RESOLVE 40
LD 1759	An Act To Preserve the Recycling Value of Beverage Containers	PUBLIC 299

Not Enacted

LD 30	Resolve, To Decrease Landfill Costs and Protect the Environment through a Beverage Container Reuse Program	ONTP
LD 270	Resolve, Establishing the Task Force To Eliminate Outdated or Unnecessary Laws and Rules To Stimulate Job Creation	CARRIED OVER
LD 385	An Act To Require Stable Gasoline Pricing	ONTP
LD 452	An Act To Encourage the Reuse of Plastic Containers (by request)	ONTP
LD 480	Resolve, To Reduce Paperwork Retention Required by the Maine State Housing Authority	ONTP
LD 748	An Act To Expand the Recycling of Beverage Containers (by request)	ONTP

LD 749	An Act To Dedicate Unclaimed Beverage Deposits to Beverage Container Recycling Development (by request)	ONTP
LD 831	An Act Regarding Ticket Refunds	ONTP
LD 851	An Act To Facilitate the Upgrading and Preservation of Existing Building Structures	ONTP
LD 944	An Act To Reduce Regulatory Costs for Maine Businesses	ONTP
LD 1004	An Act To Repeal the Laws That Establish a Deposit for Bottles and Cans	INDEF PP
LD 1057	An Act Concerning the Economic and Business Climate	ONTP
LD 1139	An Act Regarding Returnable Containers	ONTP
LD 1210	An Act Concerning the Diagnosis, Service and Repair of Motor Vehicles	CARRIED OVER
LD 1404	Resolve, Directing the Establishment of a Building Contractor's License and Education Requirements for Code Enforcement Officers (by request)	ONTP
LD 1471	An Act To Ensure That Publicly Funded Programs Do Not Jeopardize Existing Industry	ONTP
LD 1600	An Act To Allocate the Number of Redemption Centers Based on Population	DIED BETWEEN HOUSES
LD 1657	An Act To Support and Enhance Maine's Beverage Container Recycling Laws and Household Hazardous Waste Collection	ONTP
LD 1696	An Act To Amend Maine's Bottle Laws	DIED BETWEEN HOUSES
LD 1702	An Act To Allow Stores under 10,000 Square Feet To Be Open on Certain Holidays	ONTP

Consumer Protection

Enacted

LD 289	Resolve, Directing the Commissioner of Labor To Convene a Task Force To Evaluate and Recommend Revisions to the Definition of Service Dog	RESOLVE 96
LD 686	An Act To Ensure Truth in Music Advertising	PUBLIC 171

Not Enacted

LD 121	An Act To Strengthen the Home Construction Contract Laws	ONTP
LD 183	An Act To Protect Consumers in the Home Appraisal Process	ONTP
LD 281	An Act Regarding Notification of Intent To Sell a Mobile Home Park	ONTP
LD 1128	An Act To Require Electronic Monitoring of Secondary Sales Transactions	CARRIED OVER
LD 1730	An Act To Protect Citizens from Identity Theft through Restriction of the Disclosure of Confidential Information	ONTP

Economic Development- Agencies

Enacted

LD 253	An Act To Implement the Recommendations of the Joint Select Committee on Research, Economic Development and the Innovation Economy	PUBLIC 420
LD 525	Resolve, To Stimulate Tourism Development Projects	RESOLVE 14
LD 656	Resolve, To Focus State Agency Efforts in Economic Development on Entrepreneurial Sustainability and Growth	RESOLVE 38
LD 1163	An Act To Implement the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Economic Development in Maine	PUBLIC 434
LD 1469	Resolve, To Enhance Accountability in Tax Increment Financing	RESOLVE 70
LD 1519	An Act To Amend the Membership and Reporting Requirements for the Citizen Trade Policy Commission	PUBLIC 266

Not Enacted

LD 463	An Act To Create the Marine Research Matching Fund	ACCEPTED ONTP REPORT
LD 750	An Act To Support Efforts To Attract and Retain Young People in the State's Workforce	DIED ON ADJOURNMENT
LD 918	Resolve, Directing the Commissioner of Economic and Community Development To Convene a Working Group To Explore Regionalization	ACCEPTED ONTP REPORT
LD 1076	An Act To Encourage Expansion and Development of Maine Tourism	ONTP
LD 1077	An Act To Create a Seasonal Vendor Sales Tax Revolving Loan Fund	ONTP

LD 1794	Resolve, To Provide Regional Economic Development Assistance To Ensure Prosperity in Maine	ONTP
LD 1802	An Act To Ensure Public Benefit from Investments in Taxpayer Financed Research	ONTP

Economic Development-Programs

Enacted

LD 449	Resolve, To Support Creative Economy Businesses	RESOLVE 97
LD 1926	An Act To Expand the Pine Tree Development Zone Benefits to Small and Midsize Maine Manufacturers	PUBLIC 468

Not Enacted

LD 451	An Act To Support the Creative Economy Effort	ONTP
LD 719	An Act To Encourage Manufacturing by Expanding Pine Tree Development Zones	INDEF PP
LD 790	An Act To Strengthen Rural Community Investment	CARRIED OVER
LD 803	An Act To Stimulate the Economy in the St. John Valley	ONTP
LD 833	An Act To Support the Maine Patent Program	CARRIED OVER
LD 1064	An Act To Increase Funding To Support Research and Development in the University of Maine System	DIED ON ADJOURNMENT
LD 1106	An Act To Recapitalize the Municipal Investment Trust Fund	DIED ON ADJOURNMENT
LD 1215	An Act To Attract New Capital for Innovative Businesses through Equity Investment in Maine	CARRIED OVER
LD 1364	An Act To Preserve and Grow Maine Small Businesses	DIED ON ADJOURNMENT
LD 1681	An Act To Preserve and Grow Maine Jobs	ONTP
LD 1872	An Act To Preserve Maine's Quality Places	ONTP

Housing

Enacted

LD 441	An Act To Restructure the Board of Commissioners of the Maine State Housing Authority To Closely Match Local	PUBLIC 101 EMERGENCY
LD 662	Resolve, To Assist Veterans in Need of Shelter	RESOLVE 90
LD 1244	An Act To Reduce Foreclosures	PUBLIC 326

Not Enacted

LD 428	An Act To Conserve Energy in Maine Households	ONTP
LD 575	An Act To Expand Jurisdictions of Municipal Housing Authorities	ONTP
LD 855	An Act To Require the Maine State Housing Authority To Perform a Comprehensive Resource and Needs Assessment for Housing for Special Needs Populations That Are Not Homeless	ONTP
LD 1352	An Act To Amend the Laws Governing the Maine State Housing Authority	ONTP
LD 1773	An Act To Encourage Availability of Genuinely Affordable Housing in High-cost Markets	ONTP

Occupational and Professional Regulation

Enacted

LD 177	An Act To Clarify the Requirements for Temporary Licensure of Psychologists	PUBLIC 10
LD 565	An Act To Remove the Sunset on the Exemption of Internet Services from Auctioneer Licensure Requirements	PUBLIC 61 EMERGENCY
LD 751	An Act To Modernize Maine's Accountancy Laws	PUBLIC 384
LD 1115	An Act Concerning Licensure as a Master Well Driller or a Master Pump Installer	PUBLIC 207 EMERGENCY
LD 1129	Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review of Oral Health Care Issues	RESOLVE 85
LD 1188	An Act Regarding Local Plumbing Inspectors	PUBLIC 358
LD 1194	An Act Concerning the Practice of a Deceased or Incapacitated Dentist	PUBLIC 210 EMERGENCY
LD 1403	An Act To Provide Parity in the Laws Regarding Licensing of Electricians	PUBLIC 398
LD 1470	An Act To Clarify the Laws Regarding Physicians	PUBLIC 380

LD 1575	An Act To Authorize the Maine Board of Pharmacy To Establish a Pharmacist Health Program	PUBLIC 288 EMERGENCY
LD 1598	An Act To Grant Supervisory Privileges to Supervising Nurse Practitioners	PUBLIC 316
LD 1622	An Act To Expand Exemptions from Licensing Laws for Professional Engineers	PUBLIC 379
LD 1623	An Act To Create the Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting	PUBLIC 369
LD 1626	Resolve, Directing the Department of Professional and Financial Regulation, State Board of Nursing To Amend the Rules for the Medication Course for Certified Nursing Assistants	RESOLVE 76
LD 1787	An Act To Amend the Licensing of Landscape Architects	PUBLIC 390
LD 1791	An Act To Amend the Oil and Solid Fuel Board and Propane and Natural Gas Board Licensing Laws	PUBLIC 392 EMERGENCY
LD 1827	Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Practice of Licensed Midwifery	RESOLVE 115
LD 1842	An Act To Update Professional and Occupational Licensing Laws	PUBLIC 402

Not Enacted

LD 479	An Act Regarding Licensure Testing by the Oil and Solid Fuel Board	ONTP
LD 550	An Act To Allow the Independent Practice of Dental Hygiene	ONTP
LD 553	An Act To Allow for Corporate Ownership of Dental Practices	ONTP
LD 607	An Act To Improve Electrical Safety	ONTP
LD 630	Resolve, Directing the Commissioner of Professional and Financial Regulation To Strengthen Safety Inspection Requirements Governing Industrial Elevators	ONTP
LD 752	An Act To Streamline Licensure for Sign Language Interpreters	ONTP
LD 794	An Act To Provide Representation by a Mechanic or Installer on the Manufactured Housing Board	ONTP
LD 820	An Act To Amend the Funeral Service Licensing Laws	ONTP
LD 1026	An Act To Reduce Inspections and Operating Costs for Elevators	ONTP

LD 1037	An Act To Exempt Maintenance Workers from Licensure for General Electrical Maintenance	ONTP
LD 1038	An Act To License Home Building and Improvement Contractors	CARRIED OVER
LD 1161	An Act To Make Certain Changes to the Board of Licensure in Medicine	ONTP
LD 1172	An Act To Regulate Fire Alarm Contractors	ONTP
LD 1246	Resolve, To Improve Oral Health for Children	ONTP
LD 1278	An Act To Require Licensing for Certain Mechanical Trades	ONTP
LD 1282	An Act To Allow Manicurists and Pedicurists To Do Nails for the Elderly	ONTP
LD 1466	An Act To Address Issues Related to Chiropractic Licensure	ONTP
LD 1472	An Act To Provide for the Regulation of Denturists by the Board of Complementary Health Care Providers	ONTP
LD 1516	An Act To Permit Certain Health Care Practices	ACCEPTED ONTP REPORT
LD 1637	An Act To Adopt the Uniform Emergency Volunteer Health Practitioners Act	ONTP
LD 1690	Resolve, Directing the Department of Professional and Financial Regulation To Study the Necessity and Feasibility of Regulating Certain Mechanical Trades	ONTP
LD 1701	Resolve, To Review the Disciplinary Process of the Board of Licensure in Medicine	ONTP
LD 1863	An Act To Allow Pressure Boiler Inspections by National Board-certified Inspectors	ONTP
LD 1896	An Act To Promote Safety and Career Paths in the Electrical Trade	ONTP

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

July 2007

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LD 3 **An Act To Strengthen "Permissible Inference" in the Law Concerning Dissemination of Sexually Explicit Material** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
SYKES	OTP-AM	H-20

This bill changes the number of copies of sexually explicit material depicting minors from ten to two copies in order to give rise to a permissible inference under the Maine Rules of Evidence of intent to distribute. Possession of sexually explicit materials is a Class D crime, while dissemination of sexually explicit materials is a Class C crime.

Committee Amendment "A" (H-20)

This amendment replaces the bill. The amendment removes the emergency clause and preamble and specifies that, for purposes of dissemination of sexually explicit materials, possession of two or more copies of the same book, magazine, newspaper, print, negative, slide, motion picture, videotape, computer data file or other mechanically, electronically or chemically reproduced visual image or material gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person who possesses those items has the intent to disseminate them.

LD 3 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 32 **An Act To Create a Regional Jail System (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEDDELL	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to require county governments to create regional jails and to share the costs of building and maintaining those regional jails. Existing county jails would be used to hold persons prior to conviction.

LD 45 **An Act To Place Lifetime Restraining Orders on Violent Sex Offenders and Predatory Sex Offenders** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACOBSEN COURTNEY	ONTP	

This bill establishes the authority of the court to issue a standing criminal restraining order that applies to persons convicted of certain sex offenses. The standing criminal restraining order takes effect when the defendant is released from confinement and continues until modified or revoked by the court for good cause shown. The order may include, but is not limited to, enjoining the defendant from residing within 10 miles of the victim's residence or within 10 miles of where the offense occurred. Violation of the order is a Class D crime. The standing criminal restraining order is available to the court for gross sexual assault crimes as well as any sexual assaults in which the actor is at least 18 years of age and the victim is under 12.

LD 46 **An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age** **ACCEPTED REPORT A (ONTP)**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA DIAMOND	ONTP A OTP-AM B OTP-AM C	

This bill changes the sentence for gross sexual assault against a victim who is under 12 years of age to a period of imprisonment of 25 years, none of which may be suspended. If the defendant had previously been convicted and sentenced for committing gross sexual assault, rape or gross sexual misconduct against a person who is under 12 years of age, the court must impose a sentence of life imprisonment, none of which may be suspended.

Committee Amendment "A" (H-542)

This amendment is one of 2 minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment makes technical changes to conform to drafting standards. This amendment was not adopted.

Committee Amendment "B" (H-543)

This amendment is one of 2 minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment strikes the provision in the bill that changes the sentence for gross sexual assault against a victim who is under 12 years of age to a period of imprisonment of 25 years. Instead, the amendment specifies that if the State pleads and proves that a gross sexual assault was committed against a person who had not yet attained 12 years of age and that the defendant had previously been convicted and sentenced for committing gross sexual assault, formerly denominated as gross sexual misconduct, or rape, or conduct substantially similar to one of these crimes in another jurisdiction against a person who had not yet attained 12 years of age, the court shall impose a term of imprisonment for any term of years that is not less than 25. This amendment was not adopted.

LD 66 **An Act To Prohibit the Transfer of Salvia Divinorum to Minors and To Prohibit Possession of Salvia Divinorum by Minors** **PUBLIC 120**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW COURTNEY	OTP-AM A OTP-AM B ONTP C	H-117

This bill adds salvia divinorum to the list of Schedule Z drugs, which currently includes marijuana; all prescription drugs that are not scheduled as W, X or Y; all nonprescription drugs that are not scheduled as W, X or Y and designated by the Board of Commissioners of the Profession of Pharmacy; butyl nitrite or isobutyl nitrite; and methamphetamine precursor drugs. LD 66 would make possession of salvia divinorum a Class E crime. Trafficking of salvia divinorum would be a Class D crime, and possession of more than a pound of salvia divinorum would give rise to a permissible inference that the person is unlawfully trafficking the drug.

Committee Amendment "A" (H-117)

This amendment replaces the bill and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment prohibits the transfer of salvia divinorum to or the possession of the

same by persons who are under 18 years of age. The penalties for the prohibited conduct described in the amendment are modeled on the penalties in the Maine Revised Statutes, Title 22, chapter 262-A, subchapter 2, which deals with the prohibition of sales of tobacco to and possession of tobacco by minors.

Committee Amendment "B" (H-118)

This amendment is one of 2 minority reports of the Joint Standing Committee on Criminal Justice and Public Safety. The majority report is also "ought to pass as amended" and the second minority report is "ought not to pass." This amendment clarifies the definition of "salvia divinorum." This amendment was not adopted.

Enacted Law Summary

Public Law 2007, chapter 120 prohibits the transfer of salvia divinorum to or the possession of the same by persons who are under 18 years of age. The penalties for the prohibited conduct described in the amendment are modeled on the penalties in the Maine Revised Statutes, Title 22, chapter 262-A, subchapter 2, which deals with the prohibition of sales of tobacco to and possession of tobacco by minors.

LD 67 **An Act To Reduce the Cost of the Operation of County Jails** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
CROCKETT MCCORMICK	ONTP MAJ OTP-AM MIN	

This bill provides that for a Class A, Class B, Class C or Class D crime the court must specify a county jail as the place of imprisonment if the term of imprisonment is less than 6 months and must commit the person to the Department of Corrections if the term of imprisonment is 6 months or more. In the case of a split sentence, it provides that for a Class D crime, the court must specify a county jail as the place of imprisonment for a sentence of less than 6 months and must commit the person to the Department of Corrections for a sentence of 6 months or more. Also in the case of a split sentence, for a Class A, Class B or Class C crime the court must specify a county jail as the place of imprisonment for any portion of the sentence that is less than 6 months and commit the person to the Department of Corrections for any portion of the sentence that is 6 months or more.

Committee Amendment "A" (H-546)

This amendment is the minority report. This amendment adds an appropriations and allocations section. This amendment was not adopted.

LD 68 **An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
HARLOW	OTP-AM	H-123

This bill provides that when there is reasonable cause to believe that a law enforcement officer has been murdered, the Governor shall, upon application in writing by the Attorney General or the district attorney in the county where the alleged crime was committed, offer a reward of $25,000 for evidence that leads directly to a conviction for that murder. Upon proof that the terms of the reward offer have been complied with, the Governor shall direct the Treasurer to make payment of the reward.

Committee Amendment "A" (H-123)

This amendment replaces the bill. The amendment retains the $25,000 reward for information that leads

directly to a conviction for the murder of a law enforcement officer when there is reasonable cause to believe that the law enforcement officer has been murdered, but in the amendment the officer must have been murdered while in the performance of the officer's official duties. In such a case, the Governor shall, upon application in writing by the Attorney General or the district attorney for the county in which the alleged crime was committed, offer a reward of $25,000 for evidence that leads directly to the conviction of the murderer under the Maine Revised Statutes, Title 17-A, sections 201 or 202. Upon satisfactory proof that the terms of the reward offer have been complied with, the Governor shall draw a warrant upon the Treasurer of State for the payment of the reward. The amendment also moves this process from Title 17-A, the Maine Criminal Code, to Title 2, which deals with the powers and duties of the Governor.

LD 68 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 69 **An Act To Impose Zero Tolerance for Methamphetamine Production** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	ONTP	

This bill requires a court to impose a sentencing alternative of 25 years to life imprisonment for a person convicted of trafficking in methamphetamine when it was proved the defendant manufactured methamphetamine.

See LD 424, "An Act to Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence," which was carried over.

LD 70 **An Act Concerning Reduced Ignition Propensity Cigarettes** **PUBLIC 253**

Sponsor(s)	Committee Report	Amendments Adopted
RINES	OTP-AM	H-338

This bill provides that, beginning January 1, 2008, only cigarettes that meet the standards of fire-safe cigarettes as established by the State Fire Marshal may be offered for sale in this State.

Committee Amendment "A" (H-338)

This amendment replaces the bill. Whereas the bill prohibited the sale of cigarettes that do not meet the fire-safe standards established by the State Fire Marshal, the amendment requires that all cigarettes sold in the State be certified as meeting reduced ignition propensity standards by January 1, 2008 and creates standards for testing in the Maine Revised Statutes, Title 22. The amendment includes provisions to allow for the sale of existing inventory.
The amendment also authorizes the State Fire Marshal, the State Tax Assessor and the Attorney General to enforce the standards and creates the Fire Prevention and Public Safety Fund from fines collected for noncompliance.

Enacted Law Summary

Public Law 2007, chapter 253 requires that all cigarettes sold in the State be certified as meeting reduced ignition propensity standards by January 1, 2008 and creates standards for testing in the Maine Revised Statutes, Title 22. The law includes provisions to allow for the sale of existing inventory. The law also authorizes the State Fire Marshal, the State Tax Assessor and the Attorney General to enforce the standards and establishes the Fire Prevention and Public Safety Fund from fines collected for noncompliance.

LD 71 **An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Insanity in Juvenile Cases** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
SYKES	OTP-AM	H-248

This bill details the procedure by which a juvenile is ordered committed after being found not criminally responsible by reason of mental disease or defect. The Juvenile Court shall order the juvenile committed to the custody of the Department of Health and Human Services to be placed in an appropriate facility, and 6 months prior to the juvenile's 18th birthday a report must be issued by the State Forensic Service reviewing the appropriateness of continued institutionalization or release. A committed juvenile will still attend appropriate schools and job skills training. The treatment for a committed juvenile includes rehabilitation, mental health counseling and medication management and family counseling. An annual review must be conducted for a committed juvenile, and the court may order the juvenile to remain committed or released upon conditions if the court finds that the juvenile is no longer a threat to the juvenile or to others.

Committee Amendment "A" (H-248)

This amendment replaces the bill and does the following.

1. It clarifies definitions of the juvenile defense of not criminally responsible by reason of insanity by making language consistent with the defense as it applies to adult criminal matters.

2. It creates procedures similar to those that exist for adults found not criminally responsible by reason of insanity for the review by the juvenile court of a juvenile's placement, transfer, release and discharge from the custody of the Department of Health and Human Services.

3. It specifies that subsequent hearings for juveniles found not criminally responsible by reason of insanity may not be open to the public.

4. It provides a mechanism for notice to the victim when a juvenile is released from secure treatment.

5. It allocates the procedures governing findings and hearings related to juveniles found not criminally responsible by reason of insanity to the sequence of sections in the Maine Juvenile Code governing adjudicatory hearings, findings and adjudication, thereby clarifying that a finding of not criminally responsible by reason of insanity precludes adjudication of a juvenile crime.

6. It provides procedures by which a juvenile may enter an answer of not criminally responsible by reason of insanity alone or coupled with a denial of the charges.

7. It provides authority to the juvenile court to order a diagnostic evaluation of a juvenile who enters an answer of not criminally responsible by reason of insanity alone or coupled with a denial of the charges.

8. It provides that copies of treatment plans, reports and petitions must be distributed to all parties, including the juvenile and the juvenile's parents, guardian or legal custodian if the juvenile has any.

LD 71 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 91 **An Act To Provide Regulation of the Department of Corrections Telephone System by the Public Utilities Commission** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

This bill requires the Department of Corrections (DOC) to manage a coordinated and efficient telephone system, subject to oversight and regulation by the Public Utilities Commission (PUC). The bill authorizes the department to use state equipment and services of the Department of Administrative and Financial Services or to contract for equipment and services.

LD 91 also requires the PUC to oversee and regulate the DOC telephone system, including phone use by the DOC's employees and in all locations managed and operated by the DOC. The bill requires the PUC to give annual reports, with recommendations for improvement, to the joint standing committees of the Legislature having jurisdiction over criminal justice and corrections matters and utilities matters. The PUC may adopt routine technical rules to implement these changes.

LD 96 **An Act To Require a Test for Operating under the Influence for a Driver Involved in an Accident That Caused Bodily Injury** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SCHATZ	ONTP MAJ	
DAMON	OTP-AM MIN	

Current law requires that the operator of a motor vehicle involved in an accident that results in or is likely to result in death to submit to a test to determine blood alcohol level or drug concentration. The investigating law enforcement officer is required to cause the test to be administered but has the discretion to determine the form of the test. This bill requires that if there is probable cause to believe that "bodily injury" has occurred or will occur as a result of an accident, the vehicle operator involved in the accident must submit to a chemical test to determine blood alcohol level or drug concentration.

The bill also amends the law regarding an operator's right to hearing on an administrative license suspension by the Secretary of State by adding the operator involved in an accident where there is bodily injury as proposed by the bill.

For purposes of this bill, "bodily injury" has the same meaning as found in the Maine Criminal Code: "bodily injury" means physical pain, physical illness or any impairment of physical condition.

Committee Amendment "A" (H-27)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment requires law enforcement officers to order mandatory chemical testing to be administered to determine the blood-alcohol level or drug concentration of an operator of a motor vehicle involved in an accident involving apparent serious bodily injury, just as current law requires for motor vehicle accidents involving death. This amendment was not adopted.

LD 122 **An Act To Amend the Authority of a Motor Vehicle Investigator** **PUBLIC 12**

Sponsor(s)	Committee Report	Amendments Adopted
HANLEY S DIAMOND	OTP-AM	

Currently, motor vehicle inspectors of the Office of the Secretary of State have statutory authority to enforce only motor vehicle violations under Title 29-A. This bill provides that motor vehicle inspectors have statutory authority to enforce all provisions of Title 29-A, Title 17-A and all the other laws of the State, like a sheriff's powers in a county.

Enacted Law Summary

Public Law 2007, chapter 12 provides that motor vehicle inspectors have statutory authority to enforce all provisions of Title 29-A, Title 17-A and all the other laws of the State, like a sheriff's powers in a county.

LD 146 **An Act To Enhance Self-defense** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	ONTP	

Section 1 of the bill amends Title 12 by repealing the prohibition on having a loaded firearm or crossbow in a motor vehicle for a person other than a holder of a concealed weapons permit.

Sections 2 and 3 of the bill repeal the provision of law that suspends the license of a private investigator for 5 years if that private investigator is convicted of possession of a firearm in an establishment licensed for the on-premises consumption of liquor.

Section 4 of the bill amends the sentencing laws by increasing by 10 years the maximum allowable sentence of a person convicted of aggravated assault, elevated aggravated assault and elevated aggravated assault on a pregnant person if a firearm, slungshot, knuckles, bowie knife, dirk or stiletto was used in the offense.

Sections 5 and 6 of the bill repeal the prohibition on concealing a dangerous weapon except by a person who has a concealed weapons permit.

Section 7 of the bill repeals all exceptions to the law prohibiting the carrying of a concealed dangerous weapon.

Sections 8 and 9 of the bill repeal the requirement that a holder of a concealed weapons permit possess the permit in person while carrying a concealed weapon.

LD 147 **An Act To Require as a Condition of Probation for Sex Offenders the Approval of a Residence by a Probation Officer** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CROCKETT	ONTP	

This bill imposes a mandatory condition of probation for a person convicted of a sex offense who is required to be registered on the sex offender registry that the person reside only in a residence approved by the probation officer.

LD 148 **Resolve, Directing the Department of Public Safety and the Attorney General To Review Other States' Concealed Weapon Reciprocity Agreements and Actively Seek Reciprocity Where Appropriate** **RESOLVE 84**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA HASTINGS	OTP-AM	H-478

Current law allows the Chief of the State Police to enter into reciprocity agreements with 2 other states regarding the recognition of permits to carry a concealed firearm. Reciprocity may be granted with another state if the other state that issued the permit to carry has substantially equivalent or stricter requirements for the issuance of a permit and the other state observes the same rules of reciprocity.

This bill allows a person from another state to carry a concealed firearm in Maine if that person has a permit to carry a concealed firearm issued by a state that grants reciprocity to concealed firearm permits issued by Maine or if that person's state requires no permit to carry a concealed firearm.

Committee Amendment "A" (H-478)

This amendment replaces the bill and creates a resolve that directs the Commissioner of Public Safety to work in cooperation with the Attorney General to conduct a comprehensive review of other states' concealed weapon laws for the purpose of identifying and seeking other states with whom this State may enter into concealed weapon reciprocity agreements. The Commissioner of Public Safety shall report findings and progress to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 1, 2008. Upon receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may submit necessary implementing legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 84 directs the Commissioner of Public Safety to work in cooperation with the Attorney General to conduct a comprehensive review of other states' concealed weapon laws for the purpose of identifying and seeking other states with whom this State may enter into concealed weapon reciprocity agreements. The Commissioner of Public Safety shall report findings and progress to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 1, 2008. Upon receipt of the report, the Joint Standing Committee on Criminal Justice and Public Safety may submit necessary implementing legislation to the Second Regular Session of the 123rd Legislature.

LD 149 **An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
CROCKETT	OTP-AM	H-508

This bill amends the sentencing laws regarding terms of imprisonment by specifying that if the State pleads and proves that a Class B or C crime was committed with the intent to facilitate a sexual assault, and the person is convicted of both the offense that facilitated the sexual assault and the sexual assault, the sentencing class for the crime that facilitated the sexual assault is one class higher than it would otherwise be. The bill also specifies that if the State pleads and proves that a Class A, B or C crime was committed with the intent to facilitate a sexual assault,

and the person is convicted of both the offense that facilitated the sexual assault and the sexual assault, the court shall sentence the person to serve the terms of imprisonment consecutively.

Committee Amendment "A" (H-508)

This amendment replaces the bill and clarifies the intent by moving the new sentencing provisions proposed in the bill to the more appropriate sections of the Maine Revised Statutes, Title 17-A, sections 1252 and 1256. The amendment makes the ability to impose consecutive sentences discretionary instead of mandatory. The amendment also makes technical language changes to conform to the Maine Criminal Code.

LD 149 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 182 **An Act To Amend the Laws Governing Cases Involving the Plea or Finding of Not Criminally Responsible by Reason of Insanity** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP MAJ OTP-AM MIN	

This bill requires a person who pleaded or was found not criminally responsible by reason of insanity for a crime involving violence be committed for at least 2 years to "an appropriate institution for the mentally ill or the mentally retarded" for care and treatment. The bill also requires a person who pleads not criminally responsible by reason of insanity for a charge of murder of Class A crime to be tried before a jury.

Committee Amendment "A" (S-53)

This amendment replaces the bill and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment requires a commitment to an appropriate institution for the mentally ill or the mentally retarded of at least 2 years for a defendant who pleads or is found not criminally responsible by reason of insanity for a crime of murder, attempted murder or manslaughter. This amendment was not adopted.

LD 191 **An Act To Prevent Certain Sex Offenders from Having Contact with Persons less than 14 Years of Age** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CROCKETT COURTNEY	ONTP	

This bill creates a new Class D crime of prohibited contact with a minor. A person is guilty of prohibited contact with a minor if that person is convicted of an offense under the Maine Revised Statutes, Title 17-A, chapter 11 or chapter 12 against another person who has not in fact attained 12 years of age and that person intentionally or knowingly has any direct or indirect unsupervised contact with another person who has not in fact attained 14 years of age. It is an affirmative defense to prosecution that the parent, foster parent, guardian or other similar person responsible for the person who had not in fact attained 14 years of age granted the defendant permission to initiate any unsupervised contact.

See LD 1491, "An Act to Prohibit Unauthorized Contact of Persons Convicted of Sex Offenses against Persons under 14 Years of Age with Persons under 14 Years of Age."

LD 192 **Resolve, Directing the Department of Public Safety To Make a Map Available on the Sex Offender Registry** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SILSBY DIAMOND	ONTP	

This resolve directs the Department of Public Safety, Bureau of State Police, State Bureau of Identification to make available on the publicly accessible sex offender registry online search service a map that displays where sex offenders reside in order for a member of the public to determine the proximity of a sex offender's residence to the member of the public's residence.

LD 193 **An Act To Restrict Access to Certain Websites by Sex Offenders** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER DIAMOND	ONTP	

This bill makes ongoing General Fund appropriations of $100,000 per year for the Department of Public Safety, Maine State Police Crime Laboratory, Computer Crimes Unit. The bill also creates a new crime that prohibits a person who is required to register under the Sex Offender Registration and Notification Act from accessing websites that are likely to be frequented by minors.

LD 195 **An Act To Promote the Safety of Children** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON DIAMOND	ONTP	

This bill requires that a local law enforcement agency notify a licensed child care facility within a municipality that a sex offender who is conditionally released or discharged may be domiciled, reside, work or go to college or school in that municipality.

LD 219 **An Act To Use Forfeited Bail Money for the Victims of an Offender** **PUBLIC 31**

Sponsor(s)	Committee Report	Amendments Adopted
HANLEY S MCCORMICK	OTP-AM	H-19

Each prosecutorial district has an Extradition Account in an amount not to exceed $20,000 that is used solely for the purpose of paying the expenses of extraditing persons charged with or convicted of a crime in this State and who are fugitives from justice. The Extradition Account in each prosecutorial district is funded by bail forfeited to and recovered by the State pursuant to the Maine Rules of Criminal Procedure, Rule 46. Whenever bail is forfeited and recovered by the State, the district attorney shall determine whether it or a portion of it is deposited in the Extradition Account for that district attorney's prosecutorial district. Any bail forfeited and recovered and not deposited in the Extradition Account must be deposited in the General Fund. Any unexpended balance in the Extradition Account of a prosecutorial district established by this section may not lapse but must be carried forward

into the next year.

This bill requires that district attorneys determine if, in the case where there are proceeds from a forfeited bail of an offender, that offender owes outstanding restitution. If the offender is in default of a restitution obligation, the forfeited bail must be used to satisfy the restitution obligation. Any remaining forfeited bail must be placed in the Extradition Account.

Committee Amendment "A" (H-19)

This amendment clarifies that proceeds from forfeited bail of an offender who is in default of a restitution obligation may be used to satisfy the obligation only in the proceeding brought under that default proceeding. When an offender who has been sentenced to pay restitution fails to pay the restitution, the offender may be required to appear in court pursuant to the Maine Revised Statutes, Title 17-A, section 1329. As part of that proceeding, the court may issue a bench warrant and require the offender to post bail. If the offender fails to appear in the restitution proceeding, the court may forfeit the bail. Under current law, forfeited bail may be transferred only to the District Attorney's Extradition Account under Title 15, section 224-A and is not available to satisfy the restitution order. The amendment requires that proceeds of a bail forfeiture in the restitution default proceeding instead be used first to satisfy the restitution order, with any remaining forfeited bail transferred to the Extradition Account.

Enacted Law Summary

Public Law 2007, chapter 31 requires that district attorneys determine if, in the case where there are proceeds from a forfeited bail of an offender, that offender owes outstanding restitution. Proceeds from forfeited bail of an offender who is in default of a restitution obligation may be used to satisfy the obligation only in the proceeding brought under that default proceeding. When an offender who has been sentenced to pay restitution fails to pay the restitution, the offender may be required to appear in court pursuant to the Maine Revised Statutes, Title 17-A, section 1329. As part of that proceeding, the court may issue a bench warrant and require the offender to post bail. If the offender fails to appear in the restitution proceeding, the court may forfeit the bail. Under current law, forfeited bail may be transferred only to the District Attorney's Extradition Account under Title 15, section 224-A and is not available to satisfy the restitution order. Public Law 2007, chapter 31 requires that proceeds of a bail forfeiture in the restitution default proceeding instead be used first to satisfy the restitution order, with any remaining forfeited bail transferred to the Extradition Account.

LD 220 **An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY SHERMAN	OTP-AM	H-93

The bill clarifies and expands criminal laws relating to sexual assault in which the victim of the crime is a student at a private or public elementary, secondary or special education school, facility or institution and the perpetrator of the crime either is, or will be, a teacher, employee or other official where the victim is enrolled or is a law enforcement officer where the student resides or is enrolled.

Committee Amendment "A" (H-93)

This amendment replaces the bill. The amendment clarifies that for purposes of sexual assault in which the victim of the crime is a student at a private or public elementary, secondary or special education school, facility or institution, the law recognizes that a teacher or other school employee's instructional, supervisory or disciplinary authority over the student does not disappear during school vacations and summer recess. The teacher or other school employee may not raise as a defense to prosecution that the conduct occurred during a school vacation or summer recess if the teacher or other school employee maintained that status immediately prior to the vacation or recess. The amendment also specifies that the same standards be applied to law enforcement officers who are

employees of or are assigned to perform duties at a private or public elementary, secondary or special education school, facility or institution.

LD 220 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 238 **An Act To Require Maine To Submit DNA Samples of Sex Offenders to the National DNA Registry** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

This bill requires that persons convicted of the following Class D crimes, which require registration under the Sex Offender Registration and Notification Act of 1999 (SORNA) be added to the list of those offenses requiring that a DNA sample be taken under Maine's DNA Data Base and Data Bank Act:

1. 17-A, §284, sub-§1, A, (possession of sexually explicit material);

2. 17-A, §302, sub-§1, A, sub-(1)-(3) and §302, sub-§1, B, sub-(1), (criminal restraint);

3. 17-A, §511, sub-§1, D, (violation of privacy);

4. 17-A, §556, sub-§1, A, (incest); and

5. 17-A §855, sub-§1, A, (patronizing prostitution of a minor).

The bill also directs that any sample taken from a person convicted of an offense for which the person has to register under the SORNA must be sent to CODIS. CODIS is the FBI's national DNA identification index system that allows for storage and exchange of DNA records submitted by state and local forensic DNA labs.

LD 239 **An Act To Provide a Felony Penalty for Assault on a Firefighter** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
DUCHESNE	OTP-AM ONTP	H-21

A person who intentionally, knowingly or recklessly causes bodily injury to a law enforcement officer while that officer is in performance of official duties (Title 17-A §752-A) or to a medical care provider while the provider is providing emergency medical care (Title 17-A §752-C), the person is guilty of a Class C crime of assault. This bill creates a Class C assault for intentionally, knowingly or recklessly causing bodily injury to a firefighter if the assault occurs while the firefighter is performing official duties.

Committee Amendment "A" (H-21)

This amendment is the majority report of the Criminal Justice and Public Safety Committee. The amendment specifies that the Class C assault on a firefighter applies only in situations where the firefighter is performing official duties at the scene of a fire or other emergency.

LD 239 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 246 **An Act To Protect the Solemnity and Dignity of a Funeral or Memorial Service in Maine** **PUBLIC 144 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
HASTINGS	OTP-AM MAJ ONTP MIN	S-54

This bill makes it a Class E crime for a person to pass out leaflets or handbills, display a sign or engage in oral protest, education or counseling within 1,000 feet of a facility or cemetery being used for a funeral, memorial or burial service with knowledge of the funeral, memorial or burial service during the 120 minutes immediately preceding the scheduled starting time of the funeral, memorial or burial service, during the funeral, memorial or burial service or during the 60 minutes immediately following the funeral, memorial or burial service.

Committee Amendment "A" (S-54)

This amendment replaces the bill and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment adds an emergency clause and preamble, and instead of creating a new crime, it expands upon the current crime of disorderly conduct. The amendment replaces the whole statutory section on disorderly conduct to correct faulty section structure. Substantively, however, the amendment uses current law to identify funeral attendees as a special class when making a disorderly conduct analysis. The amendment specifies that in a private or public place on or near property where a funeral, burial or memorial service is being held, a person is guilty of disorderly conduct if the person knowingly accosts, insults, taunts or challenges any person in mourning and in attendance at the funeral, burial or memorial service with unwanted, obtrusive communications by way of offensive, derisive or annoying words, or by gestures or other physical conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in mourning and in attendance at a funeral, burial or memorial service.

Enacted Law Summary

Public Law 2007, chapter 144 expands upon the current crime of disorderly conduct. Public Law 2007, chapter 144 replaces the whole statutory section on disorderly conduct to correct faulty section structure. Substantively, Public Law 2007, chapter 144 uses current law to identify funeral attendees as a special class when making a disorderly conduct analysis. The law specifies that in a private or public place on or near property where a funeral, burial or memorial service is being held, a person is guilty of disorderly conduct if the person knowingly accosts, insults, taunts or challenges any person in mourning and in attendance at the funeral, burial or memorial service with unwanted, obtrusive communications by way of offensive, derisive or annoying words, or by gestures or other physical conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in mourning and in attendance at a funeral, burial or memorial service.

Public Law 2007, chapter 144 was enacted as an emergency measure effective May 18, 2007.

LD 280 **An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP-AM	S-98

This bill creates a new Class B crime of operating a motor vehicle while under the influence 6 or more times. This new crime is not limited by the 10-year look back period and is subject to penalties including a fine of not less than $3,000, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than $3,500; a period of incarceration of not less than one year, except that if the person failed to submit to a

test at the request of a law enforcement officer, a period of incarceration of not less than one year and 3 months; and a court-ordered suspension of a driver's license for life.

Committee Amendment "A" (S-98)

This amendment specifies that the new Class B crime of operating a motor vehicle while under the influence 6 or more times is limited by a 15-year look back period, which is 5 years more than the current look back period for operating under the influence offenses but less than the lifetime look back proposed in the bill.

LD 280 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 294 **An Act Concerning Posting the Registry of Convicted Sex Offenders** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT	ONTP	

This bill requires municipal law enforcement agencies to post at their departments the most current sex offender registry of registrants who are domiciled, reside, are employed or attend college or school within the posting law enforcement agency's jurisdiction. The bill also requires municipalities that do not have law enforcement agencies to post at the municipal office the most current sex offender registry of registrants who are domiciled, reside, are employed or attend college or school within the municipality.

LD 295 **An Act To Increase the Fines for Littering** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP MAJ OTP MIN	

This bill increases the fines for littering as follows.

1. For disposal of 15 lbs. or less or 27 cubic feet or less, the fine is increased from not less than $100 and not more than $500 to not less than $200 and not more than $600.

2. For disposal of the same amount above (1) after having previously violated the same provision, the fine is increased from not less than $200 and not more than $500 to not less than $300 and not more than $600.

3. For disposal of more than 15 lbs. or more than 27 cubic feet, the fine is increased from not less than $200 and not more than $500 to not less than $300 and not more than $600.

4. For disposal of the same amount above (3) after having previously violated the same provision, the fine is increased from not less than $500 and not more than $1,000 to not less than $600 and not more than $1,500.

LD 316 **An Act To Reduce Bomb Threats at Public Institutions and Businesses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DOW	ONTP	

This bill makes a person with specific knowledge of the perpetrator of an act of a false public alarm an accomplice to that crime, if that person does not notify a law enforcement officer or member of a fire fighting agency or other person likely to notify such an official within 24 hours of obtaining knowledge of the crime.

This bill also prohibits a person under 18 years of age who is convicted of or adjudicated as having committed a false public alarm from possessing a driver's license or instruction permit or attending a driver education program until the July 1st subsequent to the person's 18th birthday and directs the Department of Education to require every elementary and secondary school to post notice of these provisions.

LD 322 **Resolve, To Ensure More Comprehensive Investigation and Prosecution of Computer Crimes** **RESOLVE 5 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP-AM	S-10

This resolve directs the Joint Standing Committee on Criminal Justice and Public Safety to review and assess the current resources appropriated to the computer crimes unit of the Department of Public Safety. The committee shall determine what impact the new Computer Crimes Forensic Analyst positions and equipment, pursuant to Public Law 2005, chapter 676, have had on the backlog of computer crimes cases and whether additional positions and resources are necessary to aggressively address the proliferation of computer crimes, especially those against children. If necessary, upon completing the review, the committee may introduce legislation to implement its recommendations.

Committee Amendment "A" (S-10)

This amendment clarifies that the review and assessment of the computer crimes unit of the Department of Public Safety be completed by the Joint Standing Committee on Criminal Justice and Public Safety during the First Regular Session of the 123rd Legislature. The committee will not meet during the interim to do this work.

Enacted Law Summary

Resolve 2007, chapter 5 directs the Joint Standing Committee on Criminal Justice and Public Safety to review and assess the current resources appropriated to the computer crimes unit of the Department of Public Safety. The committee shall determine what impact the new Computer Crimes Forensic Analyst positions and equipment, pursuant to Public Law 2005, chapter 676, have had on the backlog of computer crimes cases and whether additional positions and resources are necessary to aggressively address the proliferation of computer crimes, especially those against children. If necessary, upon completing the review, the committee may introduce legislation to implement its recommendations.

Resolve 2007, chapter 5 was enacted as an emergency measure effective April 3, 2007.

LD 329 **An Act To Provide Equity in County Jail Maximum Sentences** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER MCCORMICK		

This bill changes the maximum county jail sentences from 9 months to less than 6 months. It also changes the maximum imprisonment in a county jail for crimes other than murder from 9 months to less than 6 months. This bill was not referred to the Criminal Justice and Public Safety Committee, and it was indefinitely postponed.

LD 351 **An Act To Allow Municipalities To Designate Safe Zones To Protect Children from Sex Offenders** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON W	ONTP	

This bill requires municipalities to designate safe zones to protect minors from sexual offenses and from drug-related offenses. The bill requires courts to treat the commission of a sexual offense within a designated safe children zone, including a municipally created safe zone, as an aggravating sentencing factor.

See LD 1491, "An Act to Prohibit the Unauthorized Contact of Persons Convicted of Sex Offenses against Persons under 14 Years of Age with Persons under 14 Years of Age."

LD 361 **An Act To Create a Waiting Period for Firearms** **DIED IN CONCURRENCE**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN	ONTP MAJ OTP-AM MIN	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to create a 10-day waiting period for the purchase of a rifle or a shotgun by a person under 21 years of age.

Committee Amendment "A" (H-122)

This amendment replaces the bill and is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment combines the unlawful transfer of a firearm to a minor provision with the unlawful transfer of a handgun to a minor provision and redefines "firearm" to include handguns for purposes of the new section. The result requires written parental consent for a person who has not attained 18 years of age to purchase or receive a firearm or handgun. The same exceptions for a temporary transfer of a handgun to a minor that exist in current law apply to the transfer of a firearm, including a handgun, to a minor under the amendment.

The amendment also directs the Department of Public Safety, in cooperation with the Department of Health and Human Services, to conduct a study to determine the ownership status of firearms used in firearms-related suicides in Maine. The Commissioner of Public Safety shall report the study's findings to the Joint Standing Committee on Criminal Justice and Public Safety by January 15, 2008. Upon receiving the report, the Joint Standing Committee

on Criminal Justice and Public Safety may submit legislation to the Second Regular Session of the 123rd Legislature.

This amendment was not adopted.

LD 362 **An Act To Effect the Seizure and Disposal of Contraband Fireworks** **PUBLIC 81**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	OTP	

This bill is an emergency bill that establishes a process for the disposal of fireworks seized by or surrendered to law enforcement authorities. The only situations in which fireworks are not contraband are when they are exempted from sanction, for instance, in the case of maritime flares, or the person possessing, using or transporting them is already permitted to do so under the Maine Revised Statutes, Title 8, chapter 9-A.

Enacted Law Summary

Public Law 2007, chapter 81 establishes a process for the disposal of fireworks seized by or surrendered to law enforcement authorities. The only situations in which fireworks are not contraband are when they are exempted from sanction, for instance, in the case of maritime flares, or the person possessing, using or transporting them is already permitted to do so under the Maine Revised Statutes, Title 8, chapter 9-A.

Public Law 2007, chapter 81 was enacted as an emergency measure effective May 7, 2007.

LD 363 **An Act To Improve Juvenile Justice** **PUBLIC 196**

Sponsor(s)	Committee Report	Amendments Adopted
SYKES	OTP-AM	H-186

This bill amends the Maine Juvenile Code as follows.

Section 1 provides clarification of when conditions of release imposed by a juvenile community corrections officer (jcco) terminate. A conditional release ordered by the court or jcco will stay in place, if the juvenile is not prosecuted, until an informal adjustment is begun and/or the DA determines that no petition will be filed on a given case.

Section 2 clarifies that the public may not be excluded from a proceeding involving a juvenile petition alleging a second or subsequent crime that would be a Class D or higher class crime if Class D offense were preceded by not only another Class D offense unrelated to the current offense but also if it was preceded by another offense that would constitute a Class A, B or C offense or murder if committed by an adult.

Section 4 provides explicit statutory authority for the juvenile court to invoke contempt powers to enforce dispositional orders and hold accountable juveniles who fail to comply with such orders.

Sections 3 and 5 authorize the court to suspend for up to 6 months the license, permit or right to operate a motor vehicle of a juvenile adjudicated of illegal possession or consumption of liquor by a minor.

Committee Amendment "A" (H-186)

This amendment does the following.

1. It adds a new section that amends the Maine Revised Statutes, Title 15, section 3301, subsection 6 by adding the "attorney for the State" to those a juvenile community corrections officer must notify if the officer decides not to request the attorney for the State to file a petition. The change also amends that section to add a requirement that the attorney for the State make a final determination as to whether to file a juvenile petition within 30 days of being notified of the juvenile community corrections officer's decision not to request that a petition be filed.

2. It amends Title 15, section 3307, subsection 2 by opening to the public a juvenile proceeding in which a petition has been filed for a juvenile crime that would constitute a Class D crime if the juvenile involved were an adult only when the juvenile has previously been adjudicated of committing a juvenile crime that would constitute a Class D or higher class crime.

3. It replaces that section of the bill that enacts Title 15, section 3314, subsection 7 to clarify the juvenile court's inherent contempt power as a court of record to enforce either a disposition ordered following an adjudication for a juvenile crime or to enforce any order requiring the appearance of a juvenile before the court. The amendment specifies that after notice and hearing and in accordance with the Maine Rules of Civil Procedure, Rule 66 the court may exercise its inherent contempt power by way of a plenary contempt proceeding involving punitive sanctions, accompanied or unaccompanied by remedial sanctions, to enforce the disposition ordered following an adjudication for a juvenile crime or to enforce any order requiring the appearance of a juvenile before the court. Any confinement imposed as a punitive or remedial sanction upon a person who has not attained 18 years of age may not exceed 30 days and must be served in a facility approved or operated by the Department of Corrections exclusively for juveniles. To enforce the disposition ordered following an adjudication for a juvenile crime upon a person who has not attained 18 years of age, the court shall, at the time of the disposition, provide written notice to the juvenile of the court's authority to enforce the dispositional order through an exercise of its inherent contempt power and that a contempt order could include an order of confinement for up to 30 days as a punitive sanction and for up to 30 days as a remedial sanction. Nothing in this subsection affects the court's ability to exercise its contempt powers for persons who have attained 18 years of age.

4. It specifies that a person who has turned 18 years of age and is subject to the court's contempt powers that include a sanction of confinement under Title 15, section 3314, subsection 7 may be sentenced to serve that term of confinement in an adult section of a jail or other secure detention facility intended or primarily used for the detention of adults.

5. It strikes those sections of the bill that allow the court to suspend licenses or permits to operate for up to 6 months for juveniles adjudicated of illegal possession or consumption of liquor.

6. It adds a new section that adds a cross-reference to Title 15, section 3314, subsection 7.

7. It adds 2 new sections that add to the purposes of the Long Creek Youth Development Center and the Mountain View Youth Development Center the confinement of juveniles ordered confined pursuant to Title 15, section 3314, subsection 7 of the Juvenile Code.

Enacted Law Summary

Public Law 2007, chapter 196 provides clarification of when conditions of release imposed by a juvenile community corrections officer (jcco) terminate. A conditional release ordered by the court or jcco will stay in place, if the juvenile is not prosecuted, until an informal adjustment is begun or the DA determines that no petition will be filed on a given case. It also adds a new section that amends the Maine Revised Statutes, Title 15, section 3301, subsection 6 by adding the "attorney for the State" to those a jcco must notify if the officer decides not to request the attorney for the State to file a petition. The change also amends that section to add a requirement that the attorney for the State make a final determination as to whether to file a juvenile petition within 30 days of being notified of the jcco's decision not to request that a petition be filed.

Public Law 2007, chapter 196 amends Title 15, section 3307, subsection 2 by opening to the public a juvenile proceeding in which a petition has been filed for a juvenile crime that would constitute a Class D crime if the juvenile involved were an adult only when the juvenile has previously been adjudicated of committing a juvenile crime that would constitute a Class D or higher class crime.

Public Law 2007, chapter 196 replaces that section of the bill that enacts Title 15, section 3314, subsection 7 to clarify the juvenile court's inherent contempt power as a court of record to enforce either a disposition ordered following an adjudication for a juvenile crime or to enforce any order requiring the appearance of a juvenile before the court. Chapter 196 specifies that after notice and hearing and in accordance with the Maine Rules of Civil Procedure, Rule 66 the court may exercise its inherent contempt power by way of a plenary contempt proceeding involving punitive sanctions, accompanied or unaccompanied by remedial sanctions, to enforce the disposition ordered following an adjudication for a juvenile crime or to enforce any order requiring the appearance of a juvenile before the court. Any confinement imposed as a punitive or remedial sanction upon a person who has not attained 18 years of age may not exceed 30 days and must be served in a facility approved or operated by the Department of Corrections exclusively for juveniles. To enforce the disposition ordered following an adjudication for a juvenile crime upon a person who has not attained 18 years of age, the court shall, at the time of the disposition, provide written notice to the juvenile of the court's authority to enforce the dispositional order through an exercise of its inherent contempt power and that a contempt order could include an order of confinement for up to 30 days as a punitive sanction and for up to 30 days as a remedial sanction. Nothing in this subsection affects the court's ability to exercise its contempt powers for persons who have attained 18 years of age.

Public Law 2007, chapter 196 specifies that a person who has turned 18 years of age and is subject to the court's contempt powers that include a sanction of confinement under Title 15, section 3314, subsection 7 may be sentenced to serve that term of confinement in an adult section of a jail or other secure detention facility intended or primarily used for the detention of adults.

LD 372 **An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM	S-251

In order to improve the ability to prosecute certain gross sexual assaults, this bill amends the crime of gross sexual assault by adding the element of furnishing drugs or intoxicants to a victim in order to substantially impair the victim's power to appraise or control the victim's sexual acts. Currently, a prosecutor must meet a higher standard by proving that the actor employed or administered the drugs or intoxicants to the victim. The bill also specifies that an actor cannot raise as a defense to gross sexual assault that the victim voluntarily consumed or allowed the administration of the drugs or intoxicants if the victim was 14 or 15 years of age.

Committee Amendment "A" (S-251)

This amendment clarifies that the definition of "furnish" is the same as that currently in the Maine Criminal Code.

LD 372 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 378 **An Act To Ensure That County Jails Maintain the Same Formulary for Mental Health Medications as the Maine State Prison** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	ONTP	

This bill requires the Commissioner of Corrections to notify the county commissioners of the medications for mental illness and mental conditions included on the medication formulary of the Department of Corrections and requires the county jails to have matching formularies beginning January 1, 2008.

LD 387 **An Act To Improve the Driver Education and Evaluation Programs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WALCOTT MARTIN	ONTP	

This bill amends the laws regarding the Driver Education and Evaluation Programs (DEEP). Currently, a person may bypass DEEP and go directly into treatment. This bill removes the option of seeking just treatment, so individuals who lose their licenses for operating under the influence of alcohol or other drugs would be required to attend the educational component of the DEEP, if evidence of a substance abuse problem exists, and to attend treatment, if indicated by the evaluation.

LD 408 **An Act To Make the Prison Industry Program More Effective** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to make more effective the prison industry program, where inmates learn and apply skilled trades while creating useful products for the public.

See Joint Study Order to Establish the Committee to Study the Prison Industries Program (H.P. 1334).

LD 418 **An Act To Require the Collection of DNA from Persons Who Committed Felonies Prior to 1996 Who Then Reoffend by Committing Offenses for Which They Would Not Otherwise Have To Submit to a DNA Test** **PUBLIC 294**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	OTP-AM MAJ ONTP MIN	H-368

Current law requires persons convicted of certain crimes after January 1, 1996 to submit a biological sample for DNA testing and inclusion in Maine's DNA databank maintained by the Chief of the State Police or in the Federal Bureau of Investigation's national DNA identification index system, which allows for storage and exchange of DNA

records submitted by state and local forensic DNA laboratories and is derived from the Combined DNA Index System.

This bill requires all persons who have been convicted in Maine at any time of murder, a Class A, B or C crime, commonly known as felonies and specified other crimes to submit a sample for DNA testing and storage. The requirement is delayed until July 1, 2008 to allow the Chief of the State Police to develop a plan to obtain and store the DNA of all those persons who are subject to this sampling requirement who still reside in Maine. The chief is required to submit that plan to the Joint Standing Committee on Criminal Justice and Public Safety, which is required to submit a bill to the Second Regular Session of the 123rd Legislature to implement the plan.

Committee Amendment "A" (H-368)

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and replaces the bill. The amendment requires a person who commits an offense that does not currently require the person to submit a DNA sample to submit a DNA sample if that person was convicted of an offense prior to January 1, 1996 that is an offense that would require submitting a DNA sample if committed on or after that date. A person who fails to submit a DNA sample after receiving notice from the Department of Public Safety, State Bureau of Identification commits a Class E crime.

Enacted Law Summary

Public Law 2007, chapter 294 requires a person who commits an offense that does not currently require the person to submit a DNA sample to submit a DNA sample if that person was convicted of an offense prior to January 1, 1996 that is an offense that would require submitting a DNA sample if committed on or after that date. A person who fails to submit a DNA sample after receiving notice from the Department of Public Safety, State Bureau of Identification commits a Class E crime.

LD 423 An Act To Ensure the Safety of the Public and of Victims of Sexual Assault — CARRIED OVER

Sponsor(s)	Committee Report	Amendments Adopted
JACOBSEN		

This bill is an emergency bill that requires the court to issue a standing criminal restraining order that applies to persons convicted of sex offenses under the Maine Revised Statutes, Title 17-A, chapters 11 and 12. The standing criminal restraining order takes effect when the defendant is released from confinement or at the time of sentencing if no confinement is ordered and continues until modified or revoked by the court for good cause shown. The order must include, but is not limited to, enjoining the defendant from residing within 10 miles of the victim's residence, within 10 miles of where the offense occurred and within 1,000 feet of a school, day care or playground if there are fewer than 30,000 residents in that community. Violation of the order is a Class D crime.

LD 423 was carried over by joint order, H.P. 1369.

LD 424 An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence — CARRIED OVER

Sponsor(s)	Committee Report	Amendments Adopted
CLEARY	OTP-AM	H-124

This bill includes in the offense of "aggravated trafficking of scheduled drugs," (17-A §1105-A), trafficking in the presence of a child under 18 years. Current law aggravates the offense for trafficking with a person under 18. This

bill also includes in the offense of "aggravated trafficking of scheduled drugs" the offense of trafficking at a residence at which a child of under 18 years of age resides and the basis for the offense is the manufacture or attempt to manufacture methamphetamine, 3, 4 - methylenedioxymethamphetamine (MDMA), 3, 4 - methylenedioxy amphetamine (MDA), lysergic acid diethylamide (LSD) or fentanyl. Instead of a minimum mandatory sentence of 4 years for an aggravated trafficking offense that the current law provides, a person convicted under this new provision of manufacturing at a residence with children would be subject to a minimum 10 years of imprisonment.

Committee Amendment "A" (H-124)

This amendment establishes as an aggravating factor in the offense of "trafficking or attempting to traffick in a scheduled drug" manufacturing or an attempt to manufacture methamphetamine, 3, 4 - methylenedioxymethamphetamine, 3, 4 - methylenedioxy amphetamine, lysergic acid diethylamide or fentanyl. This makes this offense a Class A crime, which is subject to the current minimum mandatory sentencing alternative of 4 years imprisonment for certain Class A drug offenses. Making the manufacturing of these drugs a Class A crime replaces the provision in the bill that would have made trafficking or attempting to traffick in a schedule W drug at a residence at which a child less than 18 years of age resides and the basis of the offense is manufacturing or an attempt to manufacture a Class A crime subject to a mandatory minimum sentence of 10 years imprisonment.

LD 424 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 446 **An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes that the Joint Standing Committee on Criminal Justice do the following:

1. Review compliance and enforcement of sex offender registration laws and identify resources and methods to ensure that all persons required to register do register, verify and update their information as directed;

2. Using other states models for tiered risk assessment and other examples of sex offender classification to learn from, create and adopt a system of classification based on risk to be applied to each person required to register under the Sex Offender Registration and Notification Act of 1999 in order to classify sex offenders based on their risk of reoffending and the degree of likelihood that they pose a danger to the community;

3. Create and adopt processes to apply the risk assessment and evaluate its use so that due process concerns are met and each risk assessment analysis provides useful information to those in the criminal justice system and others who receive that information;

4. Educate and support law enforcement so that they can use the sex offender risk assessment information to best inform the public and better ensure public safety; and

5. Review the current list of registerable sex offenses and determine if changes to the current Maine sex offender registry and to the Maine sex offender registry website should be made.

LD 446 was carried over by joint order, H.P. 1369.

LD 514 **An Act To Protect Community Safety by Amending Maine's Bail Code** **PUBLIC 374**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP-AM	S-198

This bill adds to the factors that a judicial officer must consider before allowing the pretrial release of a defendant on personal recognizance or an unsecured appearance bond the determination that the defendant's release will not compromise the safety of the community.

Committee Amendment "A" (S-198)

The amendment makes the following substantive changes to the Maine Bail Code.

1. It amends the definition of "bail" in the preconviction context for crimes bailable as of right to include the imposition of conditions, in accordance with the Maine Revised Statutes, Title 15, section 1026, designed to ensure the safety of others in the community. The bill attempted to accomplish this change but did not capture all necessary provisions.

2. It conforms the language and structure of the parallel definitions of preconviction and post-conviction bail.

3. It adds a definition for the phrase "ensure the safety of others in the community."

4. It amends the standards for release for a crime bailable as of right preconviction in Title 15, section 1026 to require a judicial officer to consider, in addition to the appearance of the defendant at the time and place required and the integrity of the judicial process, both the defendant's potential for engaging in new criminal conduct and the defendant's potential danger to a specific person or to persons in the community generally. The addition of these 2 considerations in Title 15, section 1026 does not change the underlying fact that a judicial officer is without authority to deny bail relative to a crime bailable as of right preconviction except following a revocation of preconviction bail pursuant to Title 15, section 1094. More specifically, in the context of consideration by a judicial officer as to the defendant's potential dangerousness, Title 15, section 1026 does not allow for "preventative detention." Instead, section 1026 allows a judicial officer to impose one or more bail conditions determined by the officer to be reasonably necessary to ensure community safety.

5. It precludes, in the context of a crime bailable as of right, a judicial officer from imposing a financial condition that, either alone or in combination with other conditions of bail, is in excess of that reasonably necessary to ensure that the defendant will refrain from any new criminal conduct or to ensure the safety of others in the community.

6. It adds to the factors to be considered in the release decision for a crime bailable as of right preconviction "any evidence that the defendant poses a danger to the safety of others in the community."

7. It removes the reference to "history of dangerousness" in Title 15, sections 1027 and 1051 relating to crimes bailable only as a matter of discretion preconviction and post-conviction bail since that factor is now expressly listed in Title 15, section 1026.

8. It adds "ensuring the safety of others in the community" to Title 15, section 1097 relating to setting bail following a revocation of preconviction bail.

Enacted Law Summary

Public Law 2007, chapter 374 adds to the factors that a judicial officer must consider before allowing the pretrial release of a defendant on personal recognizance or an unsecured appearance bond the determination that the

defendant's release will not compromise the safety of the community. Specifically, Public Law 2007, chapter 374 makes the following substantive changes to the Maine Bail Code.

1. It amends the definition of "bail" in the preconviction context for crimes bailable as of right to include the imposition of conditions, in accordance with the Maine Revised Statutes, Title 15, section 1026, designed to ensure the safety of others in the community.

2. It conforms the language and structure of the parallel definitions of preconviction and post-conviction bail.

3. It adds a definition for the phrase "ensure the safety of others in the community."

4. It amends the standards for release for a crime bailable as of right preconviction in Title 15, section 1026 to require a judicial officer to consider, in addition to the appearance of the defendant at the time and place required and the integrity of the judicial process, both the defendant's potential for engaging in new criminal conduct and the defendant's potential danger to a specific person or to persons in the community generally. The addition of these 2 considerations in Title 15, section 1026 does not change the underlying fact that a judicial officer is without authority to deny bail relative to a crime bailable as of right preconviction except following a revocation of preconviction bail pursuant to Title 15, section 1094. More specifically, in the context of consideration by a judicial officer as to the defendant's potential dangerousness, Title 15, section 1026 does not allow for "preventative detention." Instead, section 1026 allows a judicial officer to impose one or more bail conditions determined by the officer to be reasonably necessary to ensure community safety.

5. It precludes, in the context of a crime bailable as of right, a judicial officer from imposing a financial condition that, either alone or in combination with other conditions of bail, is in excess of that reasonably necessary to ensure that the defendant will refrain from any new criminal conduct or to ensure the safety of others in the community.

6. It adds to the factors to be considered in the release decision for a crime bailable as of right preconviction "any evidence that the defendant poses a danger to the safety of others in the community."

7. It removes the reference to "history of dangerousness" in Title 15, sections 1027 and 1051 relating to crimes bailable only as a matter of discretion preconviction and post-conviction bail since that factor is now expressly listed in Title 15, section 1026.

8. It adds "ensuring the safety of others in the community" to Title 15, section 1097 relating to setting bail following a revocation of preconviction bail.

LD 517 **Resolve, To Promote Public Safety by Establishing a Multiple-OUI Registry** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BABBIDGE	ONTP	

This resolve requires the Secretary of State to create and maintain an online registry accessible to the public that lists the names, dates of birth and municipalities of residence and includes photographs of people convicted of a second or subsequent OUI and requires the information to remain on the registry for the period of time that their licenses are suspended for that offense.

LD 518 **An Act To Protect Children in Public Schools by Notifying All School Personnel of Sex Offenders Residing, Working or Attending School in the School District** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	ONTP	

This bill expands notification requirements to schools and families regarding persons convicted of sex offenses. The bill requires that a law enforcement agency notify the superintendent of a school in a school district where a registered offender is residing, working or attending school. Upon receipt of that information, notwithstanding any confidentiality laws, the superintendent shall provide that information to all teachers and other school personnel. The bill also requires that a superintendent provide notice of any adjudication for a juvenile crime that if committed by an adult would be gross sexual assault to all parents and guardians of students enrolled in the same school as the adjudicated juvenile.

LD 521 **An Act To Amend the Laws Relating to Juveniles** **PUBLIC 96**

Sponsor(s)	Committee Report	Amendments Adopted
HANLEY S MCCORMICK	OTP-AM	H-73

This bill amends the laws relating to juveniles as follows.

1. Sections 1 and 4 substitute the term "confinement" for "detention" in several provisions that were inadvertently overlooked in legislation passed in the last legislative session, which clarified that the term "detention" should be used only when a juvenile is being held pending court proceedings.

2. Section 2 provides that when a juvenile detainee or juvenile held in nonsecure custody is being transported or is held in a court holding area, there must be the same sight and sound separation from adults as when the juvenile is in a county jail. This ensures compliance with the Office of Juvenile Justice and Delinquency Prevention Act.

3. Section 3 repeals the provision establishing community resolution teams as a means of informal adjustment of juvenile offenses. The repeal of this would not preclude alternative strategies to be used by law enforcement at the local level.

4. Section 5 clarifies the provision referring to the dispositional alternative of up to 30 days' confinement in a juvenile facility. The repealed language refers to the dispositional alternative of long term indeterminate commitment, which is different than short term confinement.

5. Section 6 corrects the cross-references to adult probation revocation provisions in light of the changes made to those provisions in the last legislative session.

6. Section 7 addresses the issue of a juvenile who receives a suspended order of commitment to a juvenile facility and commits a probation violation shortly before the end of the commitment period by requiring that a court revoking probation ensure that the juvenile receives a commitment of at least one year.

7. Section 8 expands the crime of criminal restraint by parent to cover a parent who removes a child under 18 years of age from state custody.

Committee Amendment "A" (H-73)

This amendment strikes section 7 from the bill, which raised constitutional issues, as it would have required that a juvenile who receives a suspended order of commitment to a juvenile facility and commits a probation violation shortly before the end of the commitment period be required to receive a commitment of at least one year. The amendment also amends section 8 of the bill by redrafting the crime of criminal restraint by a parent to add a new Class D form of the crime that addresses criminal restraint by a noncustodial parent of a child either 16 or 17 years of age whose lawful custodian is the Department of Corrections or the Department of Health and Human Services. The amendment also makes additional technical drafting changes to the Maine Revised Statutes, Title 17-A, section 303.

Enacted Law Summary

Public Law 2007, chapter 96 makes the following changes to the juvenile laws.

The term "confinement" is substituted for "detention" in several provisions that were inadvertently overlooked in legislation passed in the last legislative session, which clarified that the term "detention" should be used only when a juvenile is being held pending court proceedings.

The law provides that when a juvenile detainee or juvenile held in nonsecure custody is being transported or is held in a court holding area, there must be the same sight and sound separation from adults as when the juvenile is in a county jail. This ensures compliance with the Office of Juvenile Justice and Delinquency Prevention Act.

Public Law 2007, chapter 96 repeals the provision establishing community resolution teams as a means of informal adjustment of juvenile offenses. The repeal of this would not preclude alternative strategies to be used by law enforcement at the local level.

It also clarifies the provision referring to the dispositional alternative of up to 30 days' confinement in a juvenile facility. The repealed language refers to the dispositional alternative of long term indeterminate commitment, which is different than short term confinement.

Public Law 2007, chapter 96 corrects the cross-references to adult probation revocation provisions in light of the changes made to those provisions in the last legislative session.

It expands the crime of criminal restraint by parent to add a new Class D form of the crime that addresses criminal restraint by a noncustodial parent of a child either 16 or 17 years of age whose lawful custodian is the Department of Corrections or the Department of Health and Human Services.

LD 577 **An Act Concerning the Transport of Inmates in the Custody of the Sheriff** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLUMMER	ONTP	

This bill clarifies that a county sheriff's custody and charge of prisoners includes the authority to transport a prisoner to and from a court if that prisoner's presence is required in the court.

LD 604 **An Act To Clarify the Confirmation Process of the Director of the Maine Emergency Management Agency** **PUBLIC 3 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING		

This bill corrects an omission in the law concerning the appointment of the Director of the Maine Emergency Management Agency by adding that the director must be confirmed by the Legislature. This bill was not referred to the Criminal Justice and Public Safety Committee.

Enacted Law Summary

Public Law 2007, chapter 3 corrects an omission in the law concerning the appointment of the Director of the Maine Emergency Management Agency by adding that the director must be confirmed by the Legislature.

Public Law 2007, chapter 3 was an emergency measure effective February 14, 2007.

LD 606 **An Act To Protect Licensed Pawnbrokers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

This bill prohibits a law enforcement officer from seizing suspected stolen property from a pawnbroker without a warrant. A law enforcement officer who suspects that a pawnbroker is in possession of stolen property must show the pawnbroker the police report describing the stolen property, ask the pawnbroker to place the property on hold, return with a warrant that describes the property and upon seizure of the property give the pawnbroker a copy of the warrant and a receipt for the property along with a statement that the property will be held for determination by the court as to ownership.

LD 613 **An Act To Protect Children from Sexual Predators** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CANAVAN BRYANT B	ONTP	

This bill requires that a judicial officer must determine before ordering a pretrial release of a defendant for a crime bailable as of right preconviction whether the release will compromise the public safety. Therefore, a person with a conviction for a sexual offense would not be released if the judicial officer determined the person would compromise public safety if released.

See LD 514, "An Act to Protect Community Safety by Amending Maine's Bail Code, " now Public Law 2007, chapter 374, which incorporates completely the public safety aspect into the determination of preconviction bail.

LD 631 **An Act To Strengthen OUI Laws As They Pertain to Drugs** **PUBLIC 63**

Sponsor(s)	Committee Report	Amendments Adopted
CLEARY SHERMAN	OTP	

This bill adds makes the results of urine-drug level and blood-drug level hospital tests admissible as evidence along with blood-alcohol level test results.

Enacted Law Summary

Public Law 2007, chapter 63 makes the results of urine-drug level and blood-drug level hospital tests admissible as evidence along with blood-alcohol level test results.

LD 632 **An Act To Reduce Maine's Property Tax Burden by Funding County Jails (by request)** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
GILES	ONTP MAJ OTP-AM MIN	

This bill establishes a statutory requirement for the Department of Corrections to pay 50% of all operating costs for county jails statewide.

Committee Amendment "A" (H-541)

This amendment is the minority report of the committee and incorporates a fiscal note. This amendment was not adopted.

LD 649 **Resolve, To Ensure Pet Safety during Emergencies** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M	ONTP	

This resolve directs the Maine Emergency Management Agency, in cooperation with the Department of Agriculture, to develop a plan to rescue and provide shelter for service animals and pets during a state of emergency. No later than December 5, 2007, the Maine Emergency Management Agency shall submit a report that includes its plan, including suggested legislation, for presentation to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Agriculture, Conservation and Forestry. The Maine Emergency Management Agency may submit legislation related to its plan for introduction to the Second Regular Session of the 123rd Legislature at the time of submission of its report.

See LD 676, "An Act to Implement the Recommendations of the Task Force to Study Maine's Homeland Security Needs," which addresses the consideration of pet safety in emergencies.

LD 673 **An Act To Address the Issue of Drive-offs from Service Stations** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	ONTP	

This bill creates a new civil violation (traffic infraction) in the motor vehicle statutes (Title 29-A) for which a person is subject to a fine of not less than $50 and not more than $500. A person commits the new violation if the person places motor fuel in a vehicle at a retail fuel outlet and leaves without paying for the fuel.

LD 676 **An Act To Implement the Recommendations of the Task Force To Study Maine's Homeland Security Needs** **PUBLIC 462 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ ONTP MIN	S-106 S-352 ROTUNDO

This emergency bill is the recommendation of the Task Force to Study Maine's Homeland Security Needs. The bill proposes to do the following.

1. It specifies that the crisis response plan that each school unit administration must develop and approve annually includes an all-hazards emergency plan component that must be approved by local emergency response officials or other local public safety officials. The bill directs the school board to review and update the plan regularly and implement training and drills for staff, students and parents. The Commissioner of Education may withhold state subsidy from those schools that fail to meet these requirements.

2. It requires the Homeland Security Advisory Council, beginning January 15, 2008 and annually thereafter, to report to the joint standing committee of the legislature having jurisdiction over criminal justice and public safety matters regarding homeland security training and communications exercises and other homeland security initiatives and issues.

3. It specifies that local health officers must be qualified by education, training or experience in the field of public health or a combination as determined by standards set through the adoption of major substantive rules by the Department of Health and Human Services, Maine Center for Disease Control and Prevention by January 1, 2008. A person employed as a local health officer before January 1, 2008 who is not qualified by education, training or experience must meet qualification standards no later than June 1, 2008. On or after June 1, 2008, a person may not be appointed and employed as a local health officer unless that person is qualified pursuant to department standards.

4. It specifies that the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency shall adopt major substantive rules regarding the process for the expenditure of funds from the Disaster Relief Fund.

5. It amends the disaster emergency plan requirements for municipal, county and regional emergency management agencies by requiring each plan to include provisions to ensure the sheltering of pets, continuous medical care of persons transferred in an emergency and methods to identify and provide transportation to those who will need transportation in an emergency situation. The bill directs the Maine Emergency Management Agency to work with communities on these issues and to report to the Joint Standing Committee on Criminal Justice and Public Safety by July 1, 2007 with recommendations for additional changes. The Joint Standing Committee on Criminal Justice and Public Safety, upon receiving the reports, may submit implementing legislation to the Second Regular Session of the 123rd Legislature.

6. It specifies that persons who have been certified by the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness as being deaf or hard-of-hearing and have an income of less than 135% of the federal poverty level must receive a wireless communications device or 2-way pager and the monthly service for that device or pager without charge. A company required to provide the service without charge is entitled to recover monthly service charge amounts from the Communications Equipment Fund. The Bureau of Rehabilitation Services shall adopt rules to establish the process for certifying eligibility with the Division of Deafness and for the process to be used by wireless and paging companies in recovering monthly service charge amounts from the Communications Equipment Fund.

7. It creates an annual fee structure for payment by municipal and private dam owners to support dam inspection, maintenance and repair.

8. It requires the Director of the Maine Center for Disease Control and Prevention, within the Department of Health and Human Services in conjunction with the Public Health Work Group and other stakeholders and interested parties, to further study and set standards by major substantive rulemaking for local health officer qualifications and redefine the local health officer's role, including updating related statutes to clarify that role. The director shall report these proposed standards, recommendations and any necessary legislation to the Homeland Security Advisory Council and the Joint Standing Committee on Health and Human Services by June 1, 2007. Qualification standards must be set by rule by January 1, 2008.

9. It requires the Public Health Work Group to report any recommendations to the Homeland Security Advisory Council and to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Criminal Justice and Public Safety regarding the following initiatives:

A. Development of a strong local health officer system that is able to function independently of the Maine Center for Disease Control and Prevention, if necessary, during an emergency and that supports the county- based emergency management agency and homeland security counterparts;

B. Development of training of, support of and links between local health officers to ensure that each of the 16 county emergency management agencies has a competent local health liaison, including clarification of the role of local health officers in emergency preparedness and response and recovery;

C. Implementation of pilot projects at the county or multicounty level to establish official health agencies, to serve as the official public health liaisons during emergencies and to provide an official boundary of local government jurisdiction in the public health arena;

D. Certification of all local law enforcement officers to act as deputy county sheriffs during emergencies and authorization to counties to assume jurisdiction and permit official delegation of public health functions from municipal to county levels; and

E. Adoption and implementation of the National Public Health Performance Standards established by the United States Department of Health and Human Services, Centers for Disease Control and Prevention and the standards of the National Association of County and City Health Officials for ensuring the competency of individuals and agencies.

10. It directs the Director of the Maine Emergency Management Agency, in cooperation with the Maine Developmental Disabilities Council and the Public Utilities Commission, to develop and implement a plan, including funding, to provide a statewide disability indicator system to allow individuals with disabilities and special health needs to provide a code identifying special assistance needed in an emergency. The director shall report regarding the implementation of the plan and shall identify any necessary implementing legislation to the Joint Standing Committee on Criminal Justice and Public Safety by July 1, 2007.

11. It directs the Director of the Maine Emergency Management Agency, in cooperation with the Chief Information Officer and the Statewide Radio Network Board, to seek and coordinate information from fire chiefs across the State identifying those facilities in each chief's community that pose radio communications challenges and, after a standardized risk assessment, are identified as having high potential for high vulnerability in an emergency event. The director shall report findings and recommendations, including any necessary legislation, to the Joint Standing Committee on Criminal Justice and Public Safety by September 1, 2007.

12. It directs the Director of the Maine Emergency Management Agency, in cooperation with the Department of Professional and Financial Regulation and the Department of Environmental Protection, to research the public safety factors involved in determining whether fuel tanks should be attached to buildings in order to withstand high winds and flooding and whether all fuel tanks should have emergency shut-off valves. The director shall report findings and recommendations, including any necessary legislation, to the Homeland Security Advisory Council by September 1, 2007.

13. It includes an appropriations and allocations section to implement initiatives to provide funding for 6 rain gauges to be installed on rivers in York and Cumberland counties, to establish 2 positions to support the Dam Safety Program and to establish 2 positions to support Maine's Fusion Center, which is designed to facilitate communication among local, state and federal law enforcement agencies regarding intelligence information and analysis.

Committee Amendment "A" (S-106)

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety and does the following.

1. It strikes section 1 of the bill regarding comprehensive emergency management plans, as the issue is addressed in LD 222, "An Act To Ensure the Integrity of School Crisis Response Plans."

2. It specifies that local health officers must be qualified by education, training or experience in the field of public health or a combination as determined by standards set through the adoption of major substantive rules by the Department of Health and Human Services, Maine Center for Disease Control and Prevention by June 1, 2008. A person employed as a local health officer before June 1, 2008 who is not qualified by education, training or experience must meet qualification standards no later than June 1, 2009.

3. Instead of creating statutory mandates for the adoption of policies in each of these areas, it directs the Maine Emergency Management Agency to continue to work with communities to develop plans for ensuring sheltering of pets, to ensure continuous medical care of persons transferred in emergencies and to ensure identification of persons who need transportation in an emergency and to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008 with recommendations including legislative changes, if necessary.

4. It strikes provisions specifying that persons who have been certified by the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness as being deaf or hard-of-hearing and have an income of less than 135% of the federal poverty level must receive a wireless communications device or 2-way pager and the monthly service for that device or pager without charge. This issue is referred for review to the Joint Standing Committee on Utilities and Energy.

5. It strikes provisions creating an annual fee structure for payment by municipal and private dam owners to support dam inspection, maintenance and repair.

6. It amends provisions dealing with rulemaking and establishing standards for local health officers by allowing the Director of the Maine Center for Disease Control and Prevention more time to establish and adopt major substantive rules.

7. It changes the time by which the Director of the Maine Emergency Management Agency, in cooperation with the Maine Developmental Disabilities Council and the Public Utilities Commission, must develop and implement a plan, including funding, to provide a statewide disability indicator system to allow individuals with disabilities and special health needs to provide a means for identifying special assistance needed in an emergency. The director shall report regarding the implementation of the plan and shall identify any necessary implementing legislation to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008.

8. It changes the time by which the Director of the Maine Emergency Management Agency, in cooperation with the Chief Information Officer and the Statewide Radio Network Board, must seek and coordinate information from fire chiefs across the State identifying those facilities in each chief's community that pose radio communications challenges and, after a standardized risk assessment, are identified as having high potential for high vulnerability in an emergency event. The director shall report findings and recommendations, including any necessary legislation, to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008.

9. It changes the time by which the Director of the Maine Emergency Management Agency, in cooperation with the Department of Professional and Financial Regulation and the Department of Environmental Protection, must research the public safety factors involved in determining whether fuel tanks should be attached to buildings in order to withstand high winds and flooding and whether all fuel tanks should have emergency shut-off valves. The director shall report findings and recommendations, including any necessary legislation, to the Homeland Security Advisory Council by January 1, 2008.

10. It includes an appropriations and allocations section to implement an initiative to provide funding for 6 stream gauges to be installed on rivers in York and Cumberland counties and strikes appropriations and allocations that established 2 positions to support the Dam Safety Program and 2 positions to support Maine's Fusion Center, some of which are in LD 499, "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, 2008 and June 30, 2009."

11. It amends Public Law 2005, chapter 634, section 21 by specifying that the Department of Education shall ask a school district whether it plans to use its school as a public community shelter after site approval and before concept approval.

Senate Amendment "A" (S-352)

This amendment removes the appropriations and allocations section.

Enacted Law Summary

Public Law 2007, chapter 462 implements the recommendations of the Task Force to Study Maine's Homeland Security Needs. Specifically, it specifies that local health officers must be qualified by education, training or experience in the field of public health or a combination as determined by standards set through the adoption of major substantive rules by the Department of Health and Human Services, Maine Center for Disease Control and Prevention by June 1, 2008. A person employed as a local health officer before June 1, 2008 who is not qualified by education, training or experience must meet qualification standards no later than June 1, 2009.

Public Law 2007, chapter 462 amends provisions dealing with rulemaking and establishing standards for local health officers by allowing the Director of the Maine Center for Disease Control and Prevention more time to establish and adopt major substantive rules.

Public Law 2007, chapter 462 directs the Maine Emergency Management Agency to continue to work with communities to develop plans for ensuring sheltering of pets, to ensure continuous medical care of persons transferred in emergencies and to ensure identification of persons who need transportation in an emergency and to report to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008 with

recommendations including legislative changes, if necessary.

Public Law 2007, chapter 462 directs the Director of the Maine Emergency Management Agency, in cooperation with the Maine Developmental Disabilities Council and the Public Utilities Commission to develop and implement a plan, including funding, to provide a statewide disability indicator system to allow individuals with disabilities and special health needs to provide a means for identifying special assistance needed in an emergency. The director shall report regarding the implementation of the plan and shall identify any necessary implementing legislation to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008.

Public Law 2007, chapter 462 directs the Director of the Maine Emergency Management Agency, in cooperation with the Chief Information Officer and the Statewide Radio Network Board, to seek and coordinate information from fire chiefs across the State identifying those facilities in each chief's community that pose radio communications challenges and, after a standardized risk assessment, are identified as having high potential for high vulnerability in an emergency event. The director shall report findings and recommendations, including any necessary legislation, to the Joint Standing Committee on Criminal Justice and Public Safety by January 1, 2008.

Public Law 2007, chapter 462 directs the Director of the Maine Emergency Management Agency, in cooperation with the Department of Professional and Financial Regulation and the Department of Environmental Protection, to research the public safety factors involved in determining whether fuel tanks should be attached to buildings in order to withstand high winds and flooding and whether all fuel tanks should have emergency shut-off valves. The director shall report findings and recommendations, including any necessary legislation, to the Homeland Security Advisory Council by January 1, 2008.

Public Law 2007, chapter 462 also amends Public Law 2005, chapter 634, section 21 by specifying that the Department of Education shall ask a school district whether it plans to use its school as a public community shelter after site approval and before concept approval.

Public Law 2007, chapter 462 was enacted as an emergency measure effective June 29, 2007.

LD 696 **An Act To Require Credentials for Amateur Radio Emergency Communications Volunteers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY DIAMOND	ONTP	

This bill includes registered emergency communications volunteers among those individuals that the Maine Emergency Management Agency may employ to assist with emergency management activities. This bill creates a definition for emergency communications volunteer that requires volunteers to meet certain requirements before they may receive a valid identification card from the agency. This bill also directs the Director of the Maine Emergency Management Agency to adopt rules to implement a state radio amateur civil emergency services plan in accordance with Federal Communications Commission and Federal Emergency Management Agency guidelines. It also requires the director to adopt rules governing registration requirement levels for emergency communications volunteers.

LD 697 **An Act To Amend the Laws Relating to Department of Corrections Facilities** **PUBLIC 102**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY DIAMOND	OTP-AM	H-125

This bill amends the laws relating to the Department of Corrections facilities as follows.

Sections 1 and 2 of bill add to the Maine Criminal Code provisions defining gross sexual assault and unlawful sexual contact to include sexual conduct with any of the following when the actor has supervisory or disciplinary authority of one of the following: a sex offender on supervised release, a prisoner on supervised community confinement or a juvenile on community reintegration status.

Section 3 allows prisoners who work more than 8 hours in a day to have the excess hours credited toward another day for purposes of receiving "earned good time" if permitted by the Commissioner of Corrections or the sheriff of the county jail.

Sections 4 and 5 provide that the Commissioner of Corrections may access records, including the records of detained persons, as part of the inspection process for county and municipal detention facilities.

Section 6 allows Department of Corrections investigative officers to issue administrative subpoenas if authorized to do so by the Commissioner of Corrections and the Attorney General.

Section 7 makes clear that "gate money" given to a prisoner by the Department of Corrections upon release is not subject to victim restitution, facility disciplinary restitution or facility monetary sanctions.

Sections 8 and 9 make clear that prisoners who are admitted to a Department of Health and Human Services psychiatric hospital from a Department of Corrections facility may not receive a privilege at the hospital while still in legal custody of the Department of Corrections facility.

Committee Amendment "A" (H-125)

This amendment makes several changes to the bill. It clarifies that the records that the Commissioner of Corrections may access for inspections include records of committed as well as detained persons. It amends 2 provisions that were inadvertently left out of the bill that add to the Maine Criminal Code provisions defining gross sexual assault and unlawful sexual contact to include sexual conduct with a sex offender on supervised release, a prisoner on supervised community confinement or a juvenile on community reintegration status when the actor has supervisory or disciplinary authority over that person. Finally, the amendment clarifies that it is the Commissioner of Corrections who determines whether a person may receive a privilege under the Maine Revised Statutes, Title 34-A, section 3069.

Enacted Law Summary

Public Law 2007, chapter 102 amends the laws relating to the Department of Corrections as follows.

It adds to the Maine Criminal Code provisions defining gross sexual assault and unlawful sexual contact to include sexual conduct with any of the following when the actor has supervisory or disciplinary authority of one of the following: a sex offender on supervised release, a prisoner on supervised community confinement or a juvenile on community reintegration status.

It allows prisoners who work more than 8 hours in a day to have the excess hours credited toward another day for purposes of receiving "earned good time" if permitted by the Commissioner of Corrections or the sheriff of the county jail.

It provides that the Commissioner of Corrections may access records, including the records of detained and committed persons, as part of the inspection process for county and municipal detention facilities.

It allows Department of Corrections investigative officers to issue administrative subpoenas if authorized to do so by the Commissioner of Corrections and the Attorney General.

It clarifies that "gate money" given to a prisoner by the Department of Corrections upon release is not subject to victim restitution, facility disciplinary restitution or facility monetary sanctions.

It clarifies that prisoners who are admitted to a Department of Health and Human Services psychiatric hospital from a Department of Corrections facility may not receive a privilege at the hospital while still in legal custody of the Department of Corrections and clarifies that it is the Commissioner of Corrections who determines whether a person may receive a privilege under the Maine Revised Statutes, Title 34-A, section 3069.

LD 720 **An Act To Clarify What Constitutes a Schedule W Drug** **PUBLIC 55**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A	OTP	

This bill clarifies current drug law by specifying that a compound, mixture or preparation that contains a narcotic drug is considered a narcotic drug for purposes of classification as a Schedule W drug and determining the class of crime for possession of that drug, either in its pure form or as a compound, mixture or preparation.

Enacted Law Summary

Public Law 2007, chapter 55 clarifies current drug law by specifying that a compound, mixture or preparation that contains a narcotic drug is considered a narcotic drug for purposes of classification as a Schedule W drug and determining the class of crime for possession of that drug, either in its pure form or as a compound, mixture or preparation.

LD 769 **An Act To Establish the Missing Senior Citizen Alert Program** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL BRANNIGAN	ONTP MAJ OTP-AM MIN	

This bill establishes the Missing Senior Citizen Alert Program, which establishes within the Department of Public Safety a clearinghouse or central repository of information related to missing senior citizens. For purposes of the bill a "missing senior citizen" is defined as a person 60 years of age or older whose temporary or permanent residence is or is believed to be in Maine, whose location is not determined and whose disappearance poses a credible threat to the safety and health of that person as determined by a local law enforcement agency. The Commissioner of the Department of Public Safety shall appoint a director to supervise the clearinghouse and shall establish services appropriate to aid in the location of missing senior citizens. Law enforcement agencies shall submit reports they receive regarding missing senior citizens to the clearinghouse, and family members or legal guardians may submit reports of missing senior citizens to the clearinghouse. The commissioner shall adopt routine technical rules to implement this new program.

Committee Amendment "A" (H-196)

This amendment is the minority report of the Joint Standing Committee on Criminal Justice and Public Safety and replaces the bill. The amendment expands the missing senior citizens alert program created in the bill to include persons with disabilities who have impaired mental conditions. The amendment maintains all the features of the program as created in the bill, except that the clearinghouse director position is eliminated and the list of persons who may submit a missing persons report under the program is expanded to include the missing person's agent under a health care power of attorney and the person's health care provider. The amendment also adds a mandate preamble.

This amendment was not adopted.

House Amendment "A" (H-218)

This amendment removes the mandate preamble from the committee amendment by making the reporting by local law enforcement agencies permissive rather than mandatory.

This amendment was not adopted.

LD 778 **An Act To Enhance the Qualifications for a Concealed Firearms Permit** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	ONTP	

Section 1 of the bill requires all new applicants for concealed firearms permits, and Section 2 requires all renewing concealed firearms permit holders to show documentation that they have completed a firearms safety course that includes relevant state and federal law, basic defensive marksmanship, gun safety, civic responsibility, appropriate conduct while carrying a firearm and the moral and ethical issues surrounding the potential use of firearms as a means of self-defense.

Section 1 of the bill also removes current exemptions to the existing handgun safety course requirement for an applicant or holder of a concealed firearms permit who can personally demonstrate knowledge of the subject matter of the handgun course requirements and a person who received basic firearms training as a member of the Armed Forces of the United States. Applicants and permit holders who qualify for a permit under these 2 exemptions would have to take the new firearms safety course.

Section 3 of the bill directs the Department of Public Safety to adopt rules to establish requirements with specific components for a 6-hour instruction course in firearms safety.

LD 815 **An Act To Amend the Laws Governing the Establishment of Residency for Convicted Sex Offenders after Release from Prison** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NASS R	ONTP	

This bill makes it a Class D crime for a person convicted of a sex offense under the Maine Revised Statutes, Title 17-A, chapter 11 or 12 to intentionally or knowingly establish or maintain a residence or domicile in a municipality that does not have its own police department or other resident law enforcement agency or officer.

This bill also prohibits the Commissioner of Corrections from using any Department of Corrections funds or resources or any other state funds or resources to pay housing costs for a person who has been convicted and sentenced for an offense under Title 17-A, chapter 11 or 12.

See LD 1491, "An Act to Prohibit Unauthorized Contact of Persons Convicted of Sex Offenses against Persons under 14 Years of Age with Persons under 14 Years of Age."

LD 832 **Resolve, Directing the Department of Public Safety To Convene a Working Group To Review the Functioning of College and University Law Enforcement Departments** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW SCHNEIDER	ONTP	

This bill directs the Department of Public Safety to convene a working group to review the functioning of college and university law enforcement departments. Specifically, the working group is directed to examine the roles, responsibilities, jurisdiction and benefits of such law enforcement departments. The department is directed to report the results of the study to the Joint Standing Committee on Criminal Justice and Public Safety by January 30, 2008.

LD 856 **An Act To Reduce Drunk Driving** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY		

This bill allows the Secretary of State to reinstate the license of a person convicted of more than one violation of the operating under the influence laws if the person installs an approved ignition interlock device. An ignition interlock device is a device that connects a breath analyzer to a motor vehicle's ignition system. The analyzer monitors the concentration of alcohol in the breath of any person who attempts to start the motor vehicle by using the ignition system. The device prevents the vehicle from starting unless the person provides a breath sample with a concentration of alcohol that is below a preset level.

This bill was carried over by joint order, H.P. 1369.

LD 864 **An Act To Protect Local Police Departments** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ANNIS	ONTP	

This bill requires each law enforcement officer, upon completion of the officer's basic training requirement, to contract to perform at least one year of employment with the municipality, county, State or other nonfederal employer that first hired the law enforcement officer.

LD 886 **An Act To Clarify Certain Laws Related to Fire Safety** **PUBLIC 82**

Sponsor(s)	Committee Report	Amendments Adopted
RINES BARTLETT	OTP	

Section 1 of the bill clarifies that a person who violates laws applicable to dance facilities commits a Class E crime. The penalty language in this provision is archaic; when incarceration is specified as a sentencing alternative, the offense should be classified as a crime.

Section 2 of the bill requires that incident reports be submitted by municipal fire officials to the State Fire Marshal that are consistent with a national fire incident reporting system. This reporting requirement includes that the municipal fire officials record a report of each response made, whether there was a fire or not.

Section 3 of the bill changes the term "residential-custodial care facilities" to "residential board and care occupancies" for the purposes of clarification and accuracy and to be consistent with other rules adopted by the Office of the Fire Marshal.

Enacted Law Summary

Public Law 2007, chapter 82 clarifies that a person who violates laws applicable to dance facilities commits a Class E crime. The penalty language in this provision is archaic; when incarceration is specified as a sentencing alternative, the offense should be classified as a crime. Public Law 2007, chapter 82 requires that incident reports be submitted by municipal fire officials to the State Fire Marshal that are consistent with a national fire incident reporting system. This reporting requirement includes that the municipal fire officials record a report of each response made, whether there was a fire or not. Public Law 2007, chapter 82 also changes the term "residential-custodial care facilities" to "residential board and care occupancies" for the purposes of clarification and accuracy and to be consistent with other rules adopted by the Office of the Fire Marshal.

LD 907 An Act To Ensure the Safety of Facilities Dispensing Flammable Liquids — PUBLIC 182

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL	OTP-AM	H-213

The bill requires that a permit be obtained from the Department of Public Safety prior to installing, constructing or establishing any flammable liquid dispensing facility. This permitting requirement currently applies to above ground flammable liquid storage facilities. Facilities that currently exist and dispense flammable liquids would also need to apply for a permit under the requirements of the bill.

Committee Amendment "A" (H-213)

This amendment replaces the bill, which required that a person obtain a permit from the Commissioner of Public Safety before installing, constructing or establishing any flammable liquid dispensing facility, and instead applies to a retail motor fuel facility dispensing flammable liquids. These requirements do not apply to the dispensing of propane and natural gas, which is regulated by the Department of Professional and Financial Regulation.

Enacted Law Summary

Public Law 2007, chapter 182 requires that before installing, constructing or establishing a retail motor fuel facility that dispenses flammable liquids, a person obtain a permit from the Commissioner of Public Safety. This permitting requirement does not apply to the dispensing of propane and natural gas, which is regulated by the Department of Professional and Financial Regulation. These requirements are not retroactive, and the Criminal Justice and Public Safety Committee has asked that the Office of the Fire Marshal and the Maine Oil Dealers Association work cooperatively to identify where existing flammable liquid dispensing facilities are located.

LD 908 An Act To Ensure Safety at Motor Vehicle Events — ONTP

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL	ONTP	

This bill makes the laws applicable to motor racing events also applicable to motor vehicle events, which are activities in which a motor vehicle is operated or displayed for the entertainment of an audience.

LD 946 **An Act To Prevent Smoke Detector Tampering** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

This bill amends current law regarding smoke detectors by making tampering with a smoke detector a Class D crime with a fine of not more than $1,500. Current law makes tampering with a smoke detector a civil violation subject to a fine of not more than $500. The court may also waive that fine if the violation is corrected within 10 days of the issuance of the complaint.

LD 949 **An Act To Amend the Laws Concerning Public Fighting** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP	

Under current law, a person who engages in public fighting is guilty of disorderly conduct if such behavior causes annoyance to others. This bill removes the requirement that such behavior must cause annoyance to others and provides instead that a person is guilty of disorderly conduct if, in a public place, that person engages in fighting without being licensed or privileged to do so.

LD 950 **An Act To Amend the Endangering the Welfare of a Child Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	ONTP	

This bill makes endangering the health, safety or welfare of a child who is under 6 years of age by violating a duty of care or protection a Class C crime. This bill makes the law on child endangerment consistent with other Maine criminal statutes by increasing the penalties for crimes against children who are under 6 years of age. (See "assault", Title 17-A, section 207 and "abandonment of a child", Title 17-A, section 553.)

LD 966 **An Act To Make Part 1 of the Maine Criminal Code Gender-neutral** **PUBLIC 173**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-187

This bill is submitted by the Criminal Law Advisory Committee. The bill amends Part 1 (General Principles) of the Maine Criminal Code to make it gender-neutral.

Committee Amendment "A" (H-187)

The amendment strikes sections from the bill that pertain to defenses to maintain the current statutory language, "defendant."

Enacted Law Summary

Public Law 2007, chapter 173 was submitted by the Criminal Law Advisory Committee. It amends Part 1 (General Principles) of the Maine Criminal Code to make it gender-neutral.

LD 992 **Resolve, To Increase Highway Safety by Establishing a Dangerous Driver Hotline** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

This resolve directs the Department of Public Safety to establish, maintain and advertise a toll-free telephone number, of preferably 3 digits, that a person may call to report a dangerous driver.

LD 997 **An Act Imposing Increased Responsibility for Registered Owners of Motor Vehicles** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	ONTP	

This bill establishes a presumption that a person who is a registered owner of a vehicle at the time the vehicle is involved in a violation of the laws requiring a person to stop a vehicle at the request of a law enforcement officer (Title 29-A, section 2414) commits a traffic infraction. This bill mirrors the law for passing a stopped school bus, including the same owner defenses.

LD 1000 **An Act To Increase Firearm Safety on College Campuses** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP MAJ OTP MIN	

This bill authorizes all public colleges and universities to regulate the possession of firearms on their campuses. Current law, Title 25, section 2001 specifies that only the State has authority to regulate firearms, with the exception of municipal discharge ordinances.

LD 1031 **An Act To Amend the Fingerprinting Law** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

This bill changes the law requiring that the Maine State Police take the fingerprints of applicants to a school system by allowing the applicant's municipal law enforcement agency or county sheriff to take the fingerprints and send

them on to the State Bureau of Identification.

LD 1039 **Resolve, Directing the Maine Criminal Justice Academy Board of Trustees To Develop and Implement Law Enforcement Training Regarding the Determination of the Predominant Aggressor in Domestic Violence Situations** **RESOLVE 98**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON STRIMLING	OTP-AM	H-461

Current law requires law enforcement agencies to adopt written policies regarding procedures dealing with the domestic violence, including at a minimum a process to ensure notice to a victim of a defendant's release from jail, a process for the collection of information regarding the defendant's history and a process to relay that information to a bail commissioner before a bail determination is made and a process for the safe retrieval of personal property belonging to the victim or defendant. This bill adds one more element to the written policies for domestic violence by requiring adoption of a written policy that contains a process to evaluate and determine who is the predominant physical aggressor in a domestic violence situation.

Committee Amendment "A" (H-461)

This amendment replaces the bill with a resolve. The resolve directs the Board of Trustees of the Maine Criminal Justice Academy to establish and implement training regarding the determination of predominant aggressors in domestic violence situations for law enforcement officers no later than June 30, 2008. The resolve also directs the board of trustees to report its progress regarding this effort to the Joint Standing Committee on Criminal Justice and Public Safety no later than April 1, 2008.

Enacted Law Summary

Resolve 2007, chapter 98 directs the Board of Trustees of the Maine Criminal Justice Academy to establish and implement training regarding the determination of predominant aggressors in domestic violence situations for law enforcement officers no later than June 30, 2008. The resolve also directs the board of trustees to report its progress regarding this effort to the Joint Standing Committee on Criminal Justice and Public Safety no later than April 1, 2008.

LD 1078 **An Act To Amend the OUI Laws Regarding the Use of Immunoassays** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLEARY	ONTP	

This bill amends the motor vehicle laws concerning the evidentiary rules that govern immunoassay detection tests for drug levels of a driver.

LD 1085 **An Act To Improve the Laws Concerning the Management by Law Enforcement Agencies of Unclaimed, Lost or Stolen Personal Property** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	ONTP	

This bill provides law enforcement agencies greater latitude and discretion in how they manage unclaimed, abandoned, lost or stolen personal property in their respective custodies. The bill decreases the amount of time an owner is allowed to claim abandoned, lost or stolen property and allows a law enforcement agency to advertise its possession of such property on its publicly accessible website rather than in a newspaper. The bill also allows law enforcement agencies to donate such property to charity or dispose of the property as waste as alternatives to holding a sale of the property at a public auction.

LD 1111 **An Act To Protect Children by Requiring Trigger Locks on Handguns** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

This bill prohibits firearm dealers from selling handguns unless the guns are equipped with trigger locks.

LD 1127 **An Act To Decriminalize Certain Actions (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHATZ	ONTP	

Notwithstanding the current crime of trespass, this bill creates a civil trespass, which is a violation when the trespasser poses no threat or danger and gives no resistance to law enforcement officials. In such cases, a fine of $100 or community service work may be imposed. The bill also creates a new crime of civil disobedience, which, notwithstanding the crime of obstructing government administration (Title 17-A, section 751), is when a person for political purposes actively refuses to obey certain laws, demands and commands of a government without resorting to physical violence. This bill makes civil disobedience a Class E crime but limits its potential sentencing alternatives to only a fine of $100 or community service work. A Class E crime may otherwise be punishable by sentencing alternatives including up to 6 months imprisonment, up to $1,000 in fines, deferred disposition and administrative release.

LD 1166 **An Act To Reduce the OUI Limit to .06** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill reduces the blood-alcohol limit that determines operating under the influence from 0.08% to 0.06%.

LD 1183 **An Act To Clarify Public Safety Laws Regarding the Disclosure of Information and the Storage of Evidence, To Reauthorize the United States Secret Service To Enforce Certain State Laws and To Allow Designees To Serve on the Maine Communications System Policy Board** **PUBLIC 209**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	OTP-AM	H-264

This bill does the following.

1. It establishes the state of mind that must accompany the disclosure of confidential information regarding E-9-1-1 calls or recordings in order for such disclosure to be a crime.

2. It makes the law regarding the place at which forensic examination kits are to be stored reflective of and consistent with actual storage practices.

3. It updates references to federal agencies to reflect their placement into the Department of Homeland Security.

4. It renews until July 1, 2009 the authority previously granted to the United States Secret Service of the Department of Homeland Security to enforce laws of the State. The authority previously granted to that agency was repealed on July 1, 2004.

5. It authorizes a designee of the Commissioner of Public Safety, a designee of the Chief of the State Police and a designee of the Chief Information Officer to serve in place of the commissioner, chief or Chief Information Officer, respectively, on the Maine Communications System Policy Board.

Committee Amendment "A" (H-264)

This amendment removes the sunset provision from sections in the bill related to the authority of the United States Secret Service of the Department of Homeland Security to enforce the laws of the State. The amendment also clarifies in the provisions related to evidence storage that the investigating agency shall take possession of forensic examination kits in cases involving gross sexual assault.

Enacted Law Summary

LD 2007, chapter 209 does the following.

1. It establishes the state of mind that must accompany the disclosure of confidential information regarding E-9-1-1 calls or recordings in order for such disclosure to be a crime.

2. It makes the law regarding the place at which forensic examination kits are to be stored reflective of and consistent with actual storage practices and clarifies in the provisions related to evidence storage that the investigating agency shall take possession of forensic examination kits in cases involving gross sexual assault.

3. It updates references to federal agencies to reflect their placement into the Department of Homeland Security.

4. It renews indefinitely the authority previously granted to the United States Secret Service of the Department of Homeland Security to enforce laws of the State. The authority previously granted to that agency was repealed on July 1, 2004.

5. It authorizes a designee of the Commissioner of Public Safety, a designee of the Chief of the State Police and a designee of the Chief Information Officer to serve in place of the commissioner, chief or Chief Information Officer, respectively, on the Maine Communications System Policy Board.

LD 1197 **Resolve, To Prepare for any Statewide or Regional Emergency** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	ONTP MAJ OTP MIN	

This resolve requires the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management to develop a plan to implement statewide and regional preparedness drills for any statewide or regional emergency, including, but not limited to, nuclear attack.

LD 1201 **An Act To Amend the Forfeiture and Property Seizure Laws (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to expand the crimes for which drug-related forfeitures and seizures of assets may be performed.

LD 1206 **An Act To Amend the Motor Vehicle Laws Concerning Work Licenses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	ONTP	

Current law requires that a person seeking a special restricted license for employment purposes needs to file an application that: includes a signed, notarized statement form the applicant or applicant's parent or guardian; is necessary for transportation to and from or in connection with work; and includes verification of employment from employer. This bill transfers the application process and restrictions for a special restricted license based upon employment need from the motor vehicle laws to the discretion of the Secretary of State. The bill directs the Secretary of State to adopt major substantive rules to establish the application process and restrictions for a special restricted license for employment.

LD 1228 **An Act To Create a Certificate of Need Process for the Construction of Correctional Facilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON	ONTP	

This bill requires that a county apply for a certificate of need from the Department of Corrections before the county may construct or expand a correctional facility. The bill lists the criteria that the Department of Corrections must consider before issuing a certificate of need.

LD 1229 **An Act To Prohibit Sex Offenders from Areas around Schools** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN	ONTP	

This bill makes it a Class D crime for a person who is required to register under the Sex Offender Registration and Notification Act of 1999 to be present within 250 yards of a public or private elementary or secondary school or preschool facility.

See LD 1491, "An Act to Prohibit the Unauthorized Contact of Persons Convicted of Sex Offenses against Persons under 14 Years of Age with Persons 14 Years of Age."

LD 1240 An Act To Implement the Recommendations of the Criminal Law Advisory Commission **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-479

This bill is proposed by the Criminal Law Advisory Commission and does the following.

Section 1 of the bill repeals Title 14, section 3141, subsection 2 because experience has demonstrated that mandatory notice at the time of the defendant's initial appearance is ineffective in securing fine payment in full at the time of sentence imposition. Section 2 of the bill adds a requirement in section 3141, subsection 4 that the order issued by the court include a clear directive to the defendant that the defendant has a legal duty to move the court for a modification of time or method of payment of the fine to avoid a default.

Section 3 of the bill enacts the Maine Revised Statutes, Title 15, section 103-A, subsection 1, which directs that in the event a person who is found not criminally responsible by reason of insanity or is the recipient of a negotiated insanity plea as to a Maine crime is subject to an undischarged straight term of imprisonment or an unsuspended portion of a split sentence for a different Maine crime, the person must serve the undischarged term of imprisonment or the unsuspended portion of the split sentence before commencing the commitment to the Commissioner of Health and Human Services ordered by the court pursuant to section 103. Once having fully served the term of imprisonment or unsuspended portion of a split sentence, the person must commence the commitment ordered notwithstanding being on conditional release.

Title 15, section 103-A, sub-section 2 also directs that in the event a person who has entered into the custody of the Commissioner of Health and Human Services pursuant to a commitment order either violates a condition of release and new institutional confinement is ordered or commits a Maine crime for which the person is subsequently convicted and the sentence imposed includes a straight term of imprisonment or a split sentence, the person must be placed in execution of that punishment and custody pursuant to the commitment order is automatically interrupted. In the event execution of that punishment is stayed pending appeal, the commitment will be automatically interrupted once that stay terminates and the person is placed in execution of the punishment. The commitment will be resumed when the new institutional confinement ordered or the straight term of imprisonment or the unsuspended portion of the split sentence imposed has been fully served. Title 15, section 103-A, subsection 3 directs that, while a person is imprisoned in execution of the punishment described in section 103-A, the county jail or state facility in which the person is incarcerated must provide the necessary mental health treatment required under law, including, when appropriate, seeking involuntary psychiatric hospitalization.

Section 4 of the bill conditions the present duty of prosecutors to inform law enforcement officers of the details of certain plea agreements reached before submitting that plea to the court on such notice being practicable. The bill adds Title 17-A, chapter 12 crimes (sexual exploitation of minors) to those triggering notice to law enforcement officers and, with respect to victim notification, it removes an incorrect reference to Title 17-A, section 1173 and replaces it with reference to Title 17-A, section 1172, subsection 1, paragraphs A and B (details of plea agreement shared before presented to court and notification of right to comment once plea agreement is submitted).

Section 5 of the bill adds the Class A crimes of aggravated attempted murder and elevated aggravated assault on a

pregnant person to the juvenile crimes for which the juvenile has the burden of proof with respect to the finding of appropriateness required by the "bind over" statute.

Sections 6 and 7 of the bill amend Title 15, sections 3304 and 3314-B by replacing an outdated reference to Rule 42 of the Maine Rules of Criminal Procedure with a reference to Rule 66 of the Maine Rules of Civil Procedure.

Section 8 of the bill allows a law enforcement officer to make a warrantless arrest of any person who the officer has probable cause to believe has committed or is committing a violation of a requirement of administrative release when requested to do so by the attorney for the State.

Section 9 of the bill amends Title 17-A, section 32 to indicate that it is the State's burden to prove each element of the crime charged beyond a reasonable doubt.

Section 10 of the bill eliminates the current precondition for a conviction for a crime for which recklessness or criminal negligence suffices that the State, in addition to proving beyond a reasonable doubt that the person's belief is unreasonable, prove beyond a reasonable doubt that the person's holding of that belief "when viewed in light of the nature and purpose of the person's conduct and the circumstances known to the person, is grossly deviant from what a reasonable and prudent person would believe in the same situation."

Section 11 of the bill adds for purposes of completeness in Title 17-A, section 351 a reference to a "complaint" in the second sentence. (A prosecution is commenced whenever a criminal complaint is filed, an indictment is returned or an information is filed (following waiver of an indictment) per Title 17-A, section 8, subsection 6, paragraph B.)

Sections 12 and 13 of the bill elevate the crime of theft by extortion to a Class B crime if the value of the property stolen is more than $10,000, which is consistent with other crimes of theft.

Sections 14-23 of the bill add to the 4 basic Class D forms of home repair fraud 2 aggravated forms of each based on the pecuniary loss suffered by the victim as a result of the fraud. If the loss is more than $10,000, the basic crime is elevated to Class B. If the loss is more than $1,000 but not more than $10,000, the basic crime is elevated to Class C. These changes are consistent with current penalties for other forms of theft.

Section 24 of the bill removes the current directive in Title 17-A, section 908, subsection 2 that the trial court rather than the jury determine the materiality question. Since whether a fact relating to the terms of the agreement or contract is material is an element of the crime of home repair fraud, a defendant has the constitutional right to have the jury rather than the trial court determine the question of materiality.

Section 25 of the bill clarifies the requirement that a victim's address be kept confidential. It provides a general rule of confidentiality. It allows victim address information to be disclosed to state, criminal justice, juvenile justice and victim services agencies in limited circumstances and to other persons or agencies upon request of the victim. It allows criminal justice personnel and the court to disclose such information upon victim request as part of a court order restricting contact with the victim, or when the defendant already knows that victim's current address or location. It allows an attorney for the State to withhold such information upon a good faith belief that disclosure may compromise victim safety. It prohibits disclosure of a victim request for notice of the defendant's release except as required to carry out the request. The bill protects the confidentiality of victim information but does not prevent access to the information required for the administration of the criminal justice system, juvenile justice system or provision of victim services.

Sections 26-28 of the bill allow a person convicted of the Class E crime of nonsupport of dependents to be placed on probation under the supervision of the Department of Health and Human Services for a period extending to the time when the youngest dependent attains 18 years of age.

Committee Amendment "A" (H-479)

This amendment strikes from the bill the language that directs that in the event a person who is found not criminally responsible by reason of insanity or is the recipient of a negotiated insanity plea as to a Maine crime is subject to an undischarged straight term of imprisonment or an unsuspended portion of a split sentence for a different Maine crime, the person must serve the undischarged term of imprisonment or the unsuspended portion of the split sentence before commencing the commitment to the Commissioner of Health and Human Services ordered by the court pursuant to the Maine Revised Statutes, Title 15, section 103. Once having fully served the term of imprisonment or unsuspended portion of a split sentence, the person would have had to commence the commitment ordered notwithstanding being on conditional release.

The amendment also strikes from the bill the language that directs that, while a person is imprisoned in execution of the punishment described in Title 15, section 103-A, the county jail or state facility in which the person is incarcerated must provide the necessary mental health treatment required under law, including, when appropriate, seeking involuntary psychiatric hospitalization.

The amendment repeals the last paragraph of Title 15, section 2115 because its substance, with modification, is best addressed in Title 4, section 51 since it relates to the concurrence required by the Law Court.

LD 1240 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 1241 **An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-314

This bill is proposed by the Criminal Law Advisory Commission.

1. Section 1 adds a definition for "another jurisdiction" in subsection 3-B of section 2 of the Maine Criminal Code, so that this term has consistent meaning throughout the code. "Another jurisdiction" means the Federal Government, the United States military, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Passamaquoddy Tribe and the Penobscot Nation when a tribe has acted pursuant to the Maine Revised Statutes, Title 30, section 6209-A, subsection 1, paragraph A or B and Title 30, section 6209-B, subsection 1, paragraph A or B, respectively. "Another jurisdiction" does not include any foreign country. The bill also amends various crimes and sentencing provisions by replacing inconsistent terminology with the new term "another jurisdiction."

2. Without modifying either the number of prior convictions currently required or the currently qualifying Maine convictions, the bill amends various crimes and sentencing provisions so that prior convictions uniformly include both the specifically identified Maine convictions as well as convictions for engaging in substantially similar conduct in another jurisdiction.

3. The bill replaces in numerous Title 17-A, chapter 45 drug provisions "convicted of an offense under this chapter punishable by a term of imprisonment of more than one year" with "one or more prior convictions for a Class A, B or C offense under this chapter" to clarify that the qualifying Maine chapter 45 convictions include Class C crimes. The bill also replaces in numerous chapter 45 provisions "convicted of an offense under any law of the United States, of another state or of a foreign country relating to scheduled drugs, as defined by this chapter, and punishable by a term of imprisonment of more than one year" with "convicted of engaging in substantially similar conduct to that of the Class A, B or C offenses under this chapter or another jurisdiction."

LD 1241 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and

recommitted to the Committee on Criminal Justice and Public Safety.

Committee Amendment "A" (H-314)

This amendment removes and replaces a bill section to reflect a change to the law already made this session.

LD 1241 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 1290 An Act To Enhance Enforcement of Public Health Measures **PUBLIC 359**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER	OTP-AM	H-521

This bill establishes the Class D crime of intentionally, knowingly or recklessly violating a public health measure or prescribed care order during a period of declared extreme public health emergency. In addition, this bill permits a warrantless arrest of a person who an officer has probable cause to believe is committing or has committed a violation of a public health measure or prescribed care order. The bill amends the discharge provision for those committed to a facility for treatment in public health measure situations by adding references to the review process for treatment orders by the department (Title 22, section 813) and by the court in extreme public health emergencies (Title 22, section 820). LD 1290 creates a new provision in Title 30-A, section 1560 (removal for disease) regarding transportation and medical care for a prisoner subject to a public health measure order, which specifies that that a sheriff may transport the prisoner outside the State for medical care if ordered by the court. The Department of Health and Human Services would pay for the costs of transportation and compensation to the officers.

Committee Amendment "A" (H-521)

This amendment deletes sections 1 and 2 of the bill. The amendment authorizes the issuance of an arrest warrant by the Superior Court in the event of a violation of a public health measure or prescribed care order. Transportation of persons detained or committed to county jails or correctional facilities to out-of-state treatment facilities pursuant to court order is authorized. The amendment also requires the Department of Health and Human Services, in consultation with the Department of Public Safety, the Maine Emergency Management Agency, the Office of the Attorney General, the Criminal Law Advisory Commission and the Maine Sheriffs' Association, to evaluate present procedures for placing persons in violation of public health orders into custody, to review the feasibility of establishing an in-state or out-of-state secure residential treatment facility for persons determined to pose imminent significant public health risks, to evaluate methods to improve the execution of arrest warrants for persons determined to be in violation of court public health measures and court and departmental orders for prescribed care and to report its findings and recommendations to the Joint Standing Committee on Criminal Justice no later than January 31, 2008. Upon receipt of the recommendations, the Joint Standing Committee on Criminal Justice and Public Safety may submit implementing legislation if necessary.

Enacted Law Summary

Public Law 2007, chapter 359 authorizes the issuance of an arrest warrant by the Superior Court in the event of a violation of a public health measure or prescribed care order. Transportation of persons detained or committed to county jails or correctional facilities to out-of-state treatment facilities pursuant to court order is authorized. The amendment also requires the Department of Health and Human Services, in consultation with the Department of Public Safety, the Maine Emergency Management Agency, the Office of the Attorney General, the Criminal Law Advisory Commission and the Maine Sheriffs' Association, to evaluate present procedures for placing persons in violation of public health orders into custody, to review the feasibility of establishing an in-state or out-of-state secure residential treatment facility for persons determined to pose imminent significant public health risks, to evaluate methods to improve the execution of arrest warrants for persons determined to be in violation of court public health measures and court and departmental orders for prescribed care and to report its findings and

recommendations to the Joint Standing Committee on Criminal Justice no later than January 31, 2008. Upon receipt of the recommendations, the Joint Standing Committee on Criminal Justice and Public Safety may submit implementing legislation if necessary.

LD 1291 **Resolve, To Create the Commission To Aid Municipalities in Consolidating Public Safety Organizations** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	ONTP	

This resolve establishes the Commission to Aid Municipalities in Consolidating Public Safety Organizations to study ways to implement the consolidation of municipal public safety organizations into regional public safety organizations.

LD 1321 **Resolve, To Require the Office of Program Evaluation and Government Accountability To Provide Audit and Oversight Services Regarding Medical and Dental Services Provided in the County Jails and State Prisons** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

This resolve requires the Office of Program Evaluation and Government Accountability to provide audit and oversight services regarding medical and dental services provided in the county jails and the state prison system and report its findings to the Joint Standing Committee on State and Local Government in the Second Regular Session of the 123rd Legislature.

The committee did not pass this bill, as the Office of Program Evaluation and Government Accountability plans to study the adult criminal justice system's resources pursuant to its Biennial Work Plan.

LD 1323 **Resolve, To Require the Department of Public Safety To Determine the Requirements for Regional Firefighters Concerning Assisting Other Municipalities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

This resolve directs the Department of Public Safety to study, and report to the Legislature with suggested legislation concerning, the issue of firefighters who respond to fires outside their municipality. The report will consider what risks and liabilities are faced by the firefighters and the municipalities and include legislation to protect the parties and encourage the sharing of resources in firefighting in rural areas of the State.

The committee did not pass this bill but has requested that the Office of the Fire Marshal continue to work with fire departments to ensure all departments have written mutual aid agreements that specify liability coverage.

LD 1326 **An Act To Increase Civil Penalties for Violations of Fire Code Laws Applicable to Fire Escape Installment and Maintenance** **PUBLIC 258**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL	OTP	

This bill provides that a person, firm or organization that violates the law pertaining to the installment and maintenance of fire escapes commits a civil violation for which a fine of not more than $500 may be assessed.

Enacted Law Summary

Public Law 2007, chapter 258 provides that a person, firm or organization that violates the law pertaining to the installment and maintenance of fire escapes commits a civil violation for which a fine of not more than $500 may be assessed.

LD 1332 **An Act Regarding Tobacco Products in Jails** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

This bill changes the offense of trafficking of tobacco in adult correctional facilities from a Class E crime to a civil violation.

LD 1351 **An Act To Promote Postsecondary Education Opportunities for Juveniles under the Care of the Department of Corrections** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

This bill makes ongoing appropriations of $5,000 annually to the Long Creek Youth Development Center and the Mountain View Youth Development Center in the State to provide postsecondary education opportunities to juveniles residing in those facilities. The bill gives the Commissioner of Corrections authority to administer the program and to pay for courses and related expenses for qualifying juveniles and direction to adopt routine technical rules.

LD 1384 **An Act To Rename and Specifically Identify Sex Crimes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
VAUGHAN	ONTP	

This bill changes the name of 2 sex crimes from "gross sexual assault" and "sexual abuse of a minor" to "rape" and "child molestation." The bill also requires the Department of Public Safety, State Bureau of Identification to distribute information contained in the sex offender registry to town clerks of towns that do not have police departments. The bill also requires a law enforcement agency to notify the bureau by e-mail if the law enforcement agency has a registrant in its custody.

LD 1391 **An Act To Focus the Use of the Sex Offender Registry Website on the Most Dangerous Offenders** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to delete from the sex offender registry website those registered sex offenders who pose little or no risk of reoffending to the community. While remaining in compliance with the requirements of registration and notification imposed by federal law, this bill proposes to review and remove if possible from the website the following registrants:

1. A registrant who committed a Class A crime requiring registration who has not been convicted of committing another crime against a person for a period of at least 20 years after release from incarceration;

2. A registrant who committed a Class B crime requiring registration who has not been convicted of committing another crime against a person for a period of at least 15 years;

3. A registrant who committed a Class C crime requiring registration who has not been convicted of committing another crime against a person for a period of at least 10 years; and

4. A registrant who committed a Class D crime requiring registration who has not been convicted of committing another crime against a person for a period of at least 5 years.

The bill also proposes that the Commissioner of Public Safety, in consultation with an advisory group that must include representatives of the Joint Standing Committee on Criminal Justice and Public Safety, the Maine Prosecutors Association, the Attorney General, the Department of Corrections and the Maine Civil Liberties Union, shall create a classification system based on risk to be applied to each person required to register under the Sex Offender Registration and Notification Act of 1999 in order to identify sex offenders based on their risk of reoffending and the degree of likelihood that they pose a danger to the community. The level of risk must be listed on the website in the case of moderate-risk and high-risk offenders. Low-risk offenders will be removed from the website.

See carry over bill, LD 446, "An Act to Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness."

LD 1405 **An Act To Amend the Laws Governing the Lawful Possession of Certain Scheduled Drugs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN	ONTP	

This bill requires that a person be given 24 hours to produce a valid prescription for a scheduled drug or controlled substance before being charged with unlawful possession of that scheduled drug or controlled substance.

LD 1411 **An Act To Amend the Auto Impoundment and Forfeiture Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BERRY	ONTP	

This bill authorizes a law enforcement agency or officer to immobilize a motor vehicle with a wheel clamp or other immobilization device as part of the impoundment procedure when a driver has been arrested for an OUI or driving while under license suspension for OUI and requires the driver to pay any immobilization fee before regaining possession of the motor vehicle.

LD 1425 **An Act To Facilitate the Reporting of the Crime of Acquiring Drugs by Deception** **PUBLIC 382**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE	OTP-AM	H-462

This bill permits and provides immunity for the good faith reporting of the crime of acquiring drugs by deception by a prescribing health care provider, or a person acting under the direction or supervision of a prescribing health care provider, to a law enforcement official.

Committee Amendment "A" (H-462)

This amendment expands the ability of a prescribing health care provider, or a person acting under the direction or supervision of a prescribing health care provider, to report with immunity if the provider or person knows or has reasonable cause to believe that a person is committing deception or has committed deception as specified in the bill. The amendment also changes "law enforcement official" to "law enforcement officer." Finally, the amendment amends another section of law to be consistent with the changes made in the bill.

Enacted Law Summary

Public Law 2007, chapter 382 provides immunity for the good faith reporting to a law enforcement official by a prescribing health care provider, or a person acting under the direction or supervision of a prescribing health care provider, of the crime of acquiring drugs by deception.

LD 1449 **An Act To Provide Outreach and Training on Dementia-related Protocols for Law Enforcement Officers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GROSE	ONTP	

Under this bill, the Commissioner of Public Safety will convene a task force consisting of representatives of public safety agencies to aid in the development of procedures and protocols to be used to ensure timely, effective and consistent responses by law enforcement personnel when persons who are cognitively impaired, including persons with Alzheimer's disease or other dementia-related conditions, wander off or become missing. The bill further directs the commissioner to provide outreach and training programs to law enforcement officers on those protocols and procedures.

LD 1490 **An Act To Reduce the Amount of Good Time That May Be Awarded to Certain Offenders** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	ONTP	

This bill limits the number of days a person convicted of a Class A crime may have deducted from the person's sentence for good behavior to 5 days a month and prohibits the deduction of any days from a sentence of imprisonment for good behavior for a person who is convicted of more than one offense for which registration under the Sex Offender Registration and Notification Act of 1999 is required.

LD 1491 **An Act To Prohibit Unauthorized Contact of Persons Convicted of Sex Offenses against Persons under 14 Years of Age with Persons under 14 Years of Age** **PUBLIC 393**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP-AM	S-256

This bill creates a new Class D crime of loitering in a child safe zone. A person who has been previously convicted of committing a crime under the Maine Revised Statutes, Title 17-A, chapter 11 or chapter 12 against a person who has not attained 14 years of age or a person who has been convicted in another jurisdiction for committing conduct substantially similar to that contained in chapter 11 or chapter 12 may not enter, work in, loiter at or remain in a child safe zone. "Child safe zone" means on or within 200 feet of the real property comprising a public or private elementary or secondary school; the real property comprising a child care center, a child care facility, a day care operated by a family child care provider, a nursery school or a small child care facility; or an athletic field, park, playground or recreational facility or other place where children typically gather.

A person who has been previously convicted of committing a crime under Title 17-A, chapter 11 or chapter 12 against a person who has not attained 14 years of age or a person who has been convicted in another jurisdiction for committing conduct substantially similar to that contained in chapter 11 or chapter 12 may enter a child safe zone only in specific limited circumstances.

The bill also requires the court to attach as a condition of probation for a person convicted of a chapter 11 or chapter 12 offense whom the Department of Corrections has identified as a high-risk offender that the person be monitored by the best available monitoring technology for the duration of the probation.

Committee Amendment "A" (S-256)

This amendment changes the title and replaces the bill. The amendment creates a new Class E crime of prohibited contact with a minor. A person is guilty of prohibited contact with a minor if that person has previously been convicted of an offense under the Maine Revised Statutes, Title 17-A, chapter 11 or 12 against another person who had not in fact attained 14 years of age or has previously been convicted in another jurisdiction for conduct substantially similar to that contained in those chapters against another person who had not in fact attained 14 years of age and if that person has a duty to register as a 10-year or lifetime registrant under Title 34-A, chapter 15, subchapters 1 and 2 and that person intentionally or knowingly has direct or indirect contact with another person who has not in fact attained 14 years of age.

The amendment also creates a new Class D crime of prohibited contact with a minor in a sex offender restricted zone if a person has previously been convicted of an offense under Title 17-A, chapter 11 or 12 against another person who had not in fact attained 14 years of age or has previously been convicted in another jurisdiction for

conduct substantially similar to that contained in those chapters against another person who had not in fact attained 14 years of age and if that person has a duty to register as a 10-year or lifetime registrant under Title 34-A, chapter 15 and that person intentionally or knowingly has any direct or indirect contact in a sex offender restricted zone with another person who has not in fact attained 14 years of age. For purposes of this new crime, "sex offender restricted zone" means the real property comprising a public or private elementary or middle school; the real property comprising a child care center, a child care facility, a day care operated by a family child care provider, a nursery school or a small child care facility as defined under Title 22, section 8301-A; or an athletic field, park, playground, recreational facility, children's camp or other place where children are the primary users.

Because an element of both of these new crimes includes that the person has a duty to register under Title 34-A, chapter 15, subchapter 1 and 2, once a person no longer has a duty to register, a person cannot be guilty of these new crimes of prohibited contact with a minor or prohibited contact with a minor in a sex offender restricted zone.
It is an affirmative defense to prosecution that the parent, foster parent, guardian or other similar person responsible for the person who had not in fact attained 14 years of age knowingly granted the defendant permission to initiate, have or continue direct or indirect contact. It is also an affirmative defense to prosecution that the contact was incidental to and directly related to employment.

Enacted Law Summary

Public Law 2007, chapter 393 creates a new Class E crime of prohibited contact with a minor. A person is guilty of prohibited contact with a minor if that person has previously been convicted of an offense under the Maine Revised Statutes, Title 17-A, chapter 11 or 12 against another person who had not in fact attained 14 years of age or has previously been convicted in another jurisdiction for conduct substantially similar to that contained in those chapters against another person who had not in fact attained 14 years of age and if that person has a duty to register as a 10-year or lifetime registrant under Title 34-A, chapter 15, subchapters 1 and 2 and that person intentionally or knowingly has direct or indirect contact with another person who has not in fact attained 14 years of age.

Public Law 2007, chapter 393 also creates a new Class D crime of prohibited contact with a minor in a sex offender restricted zone if a person has previously been convicted of an offense under Title 17-A, chapter 11 or 12 against another person who had not in fact attained 14 years of age or has previously been convicted in another jurisdiction for conduct substantially similar to that contained in those chapters against another person who had not in fact attained 14 years of age and if that person has a duty to register as a 10-year or lifetime registrant under Title 34-A, chapter 15 and that person intentionally or knowingly has any direct or indirect contact in a sex offender restricted zone with another person who has not in fact attained 14 years of age. For purposes of this new crime, "sex offender restricted zone" means the real property comprising a public or private elementary or middle school; the real property comprising a child care center, a child care facility, a day care operated by a family child care provider, a nursery school or a small child care facility as defined under Title 22, section 8301-A; or an athletic field, park, playground, recreational facility, children's camp or other place where children are the primary users.

Because an element of both of these new crimes includes that the person has a duty to register under Title 34-A, chapter 15, subchapter 1 and 2, once a person no longer has a duty to register, a person cannot be guilty of these new crimes of prohibited contact with a minor or prohibited contact with a minor in a sex offender restricted zone.
It is an affirmative defense to prosecution that the parent, foster parent, guardian or other similar person responsible for the person who had not in fact attained 14 years of age knowingly granted the defendant permission to initiate, have or continue direct or indirect contact. It is also an affirmative defense to prosecution that the contact was incidental to and directly related to employment.

LD 1512 **An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	OTP-AM ONTP	H-590 GERZOFSKY S-203

Current law provides no statute of limitations for the prosecution of the juvenile crimes of gross sexual assault and unlawful sexual contact if the victim was under 16 years of age and the juvenile accused of the crime was at least 16 years of age, if the State can present DNA evidence regarding the offense. If the accused juvenile is under 16 years of age, the prosecution must be brought within 6 years after it is committed. This bill extends the statute of limitations to 12 years when the victim was under 16, the juvenile crime was unlawful sexual contact or gross sexual assault and the accused juvenile was under 16 years of age at the time of the crime, even if the State cannot present DNA evidence.

LD 1512 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

Committee Amendment "A" (S-203)

This amendment is the majority report of the committee. The amendment extends the statute of limitations to 10 instead of 12 years as proposed in the bill when the victim was under 16 years of age, the juvenile crime was unlawful sexual contact or gross sexual assault and the accused juvenile was under 16 years of age at the time of the crime, regardless if DNA evidence is available.

The amendment also adds an application section to specify that this change in the statute of limitations applies only to juvenile crimes committed on or after the effective date of the bill and to juvenile crimes for which the prosecution has not yet been barred by the previous statute of limitations in force on the effective date of the bill.

House Amendment "A" (H-590)

This amendment changes the statute of limitations to 10 years, as done in Committee Amendment "A," but restricts the application to juvenile crimes of gross sexual assault and unlawful sexual contact, except for Title 17-A, section 255-A, paragraph A.

LD 1533 **An Act Regarding the Violation of Bail** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACOBSEN	ONTP	

This bill amends the bail code by requiring that a person who fails to appear when required or violates a condition of bail commits a civil violation for which a fine of $100 must be adjudged. This bill also requires that a person who violates bail, before being released on subsequent bail, must spend at least 24 hours in custody for a first violation, 48 hours in custody for a second violation and 72 hours in custody for a third violation of bail for the same underlying offense. A person who violates bail on the same underlying offense at least 4 times must be held without bail.

LD 1534 **An Act To Examine the Types of Sex Offenses That Require an Offender To Register with the State** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACOBSEN	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to examine, review and amend the Sex Offender Registration and Notification Act of 1999 so that it requires registration for only those sex offenses that threaten public safety. The bill would include removal from the registry of persons convicted of sex offenses that are consensual sexual acts committed between persons who are close in age. The bill also would remove certain sex offenders from the registry after 5 years if certain conditions are met.

See LD 446, "An Act to Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness," which was carried over.

LD 1589 **An Act To Prohibit the Use of Opposite-gender Bathrooms, Changing Rooms and Locker Rooms** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUPREY	ONTP	

This bill makes it a Class E crime when a person enters a public locker room, changing room or bathroom facility designated for use by a gender other than the gender of that person at birth, except for a person who has undergone a medical procedure to change that person's gender, who then is required to use the facilities for the person's new gender. This bill also makes it a Class C crime when a person required to register under the Sex Offender Registration and Notification Act of 1999 alters or attempts to alter that person's appearance to enter a public locker room, changing room or bathroom facility designated for use by a gender other than the gender of that person at birth.

LD 1605 **An Act To Protect School Athletic Contest Officials** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SYKES	ONTP	

This bill amends the current assault statute by creating a new provision that notwithstands the allowable penalty. Specifically, this bill makes assault against a school athletic contest official, including an umpire, coach or administrator, a Class C crime punishable by a fine of up to $10,000 and imprisonment of not more than 3 years.

See H.P. 1365, Joint Resolution to Raise Awareness about Appropriate Behavior at Sporting Events and to Ensure the Safety of School Athletic Contest Officials, Players, Coaches and Fans.

LD 1612 **An Act To Reduce the Incidence of Incarceration for People with Mental Illness** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	ONTP	

This bill:

1. Requires 3 departments of government to jointly fund the National Alliance on Mental Illness of Maine to establish and maintain crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other jail diversion programs across the State;

2. Requires the Maine Criminal Justice Academy to educate law enforcement and correctional officers about crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other evidence-based and best practice diversion programs;

3. Establishes an incentive for correctional centers to establish crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other evidence-based programs for reducing the incidence of psychiatric crises in jail by granting them additional funding from the County Jail Prisoner Support and Community Corrections Fund; and

4. Establishes an incentive for law enforcement departments to implement crisis intervention team programs administered by a state chapter of a national alliance on mental illness and other best practices for diverting people in psychiatric crisis from jail by increasing the tax on the sale of liquor sold in licensed establishments by .5%.

LD 1627 **An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime** **PUBLIC 436 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-276
		S-388 ROTUNDO

This bill creates the Class D crime of domestic violence. A person is guilty of committing the crime of domestic violence if the person violates the assault, criminal threatening, terrorizing, stalking or reckless conduct statute and the victim of the crime is a family or household member. "Family or household member" has the same meaning as defined in Title19-A, section 4002, subsection 4.

A person is guilty committing an elevated Class C crime of domestic violence if the person: has one or more prior convictions for engaging is substantially similar conduct as outlined in the prior paragraph in another jurisdiction; has one or more prior convictions for violating protective order (see Title 19-A, section 4011) or for engaging is substantially similar conduct in another jurisdiction; has one or more prior convictions for violating a preconviction bail condition prohibiting contact with a victim, witness or any other family or household member or for violating a preconviction bail condition of refraining from possessing a firearm or other dangerous weapon; or has been a defendant against whom a qualifying protection order has been issued within the last 3 years.

Committee Amendment "A" (S-276)

This amendment replaces the bill. It specifies, using unique statutory citations to conform to technical drafting

standards, each crime: domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking and domestic violence reckless conduct. As in the bill, each offense is a Class D crime of domestic violence that is committed against a person who is a family or household member. The amendment also retains an aggravated Class C version of each offense if the person: has one or more prior convictions for one of the domestic violence crimes or one or more prior convictions for engaging in conduct substantially similar to these crimes in another jurisdiction; has one or more prior convictions for violating the Maine Revised Statutes, Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; or has one or more prior convictions for violating Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or subparagraph (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, sub-4.

Senate Amendment "A" (S-388)

This amendment adds an emergency preamble and clause, directs certain offices and agencies to review certain bills carried over from the First Regular Session of the 123rd Legislature to identify the processes and data that would assist in more accurately forecasting the cost of changes in law of criminal penalties and sets an effective date for certain parts of the legislation.

Enacted Law Summary

Public Law 2007, chapter 436 creates the crimes of domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking and domestic violence reckless conduct. Each offense is a Class D crime of domestic violence that is committed against a person who is a family or household member. Public Law 2007, chapter 436 creates an aggravated Class C version of each offense if the person: has one or more prior convictions for one of the domestic violence crimes or one or more prior convictions for engaging in conduct substantially similar to these crimes in another jurisdiction; has one or more prior convictions for violating the Maine Revised Statutes, Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction; or has one or more prior convictions for violating Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or subparagraph (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4.

Public Law 2007, chapter 436 directs the Office of Fiscal and Program Review, the Department of Corrections and the Judicial Department to review certain bills carried over from the First Regular Session of the 123rd Legislature to identify the processes and data that would assist in more accurately forecasting the cost of changes in law of criminal penalties and sets an effective date for certain parts of the legislation. The Office of Fiscal and Program Review shall report findings by November 15, 2007 to the Committees on Appropriations and Financial Affairs, Criminal Justice and Public Safety and Judiciary.

Public Law 2007, chapter 436 was enacted as an emergency measure effective June 27, 2007.

LD 1662 An Act To Authorize Judges To Mandate Counseling for Juvenile Offenders — ONTP

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	ONTP	

This bill allows a court to order counseling for a juvenile who has been adjudicated as having committed a crime or who reneges on or fails to fulfill the requirements of an official or unofficial plea agreement, regardless of the wishes of the juvenile or the juvenile's parent or legal guardian.

LD 1674 **An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP-AM	S-83

The bill makes several changes in the laws applying to persons driving with suspended or revoked licenses or persons charged with the most serious driving offenses, such as felony operating under the influence (OUI) and manslaughter.

1. It provides that a driver charged with operating after suspension (OAS) will not be authorized to plead guilty to the court clerk without a formal court appearance, and must appear before a judge for sentencing. The judge will then impose a sentence based upon the driver's record and the circumstances of the offense.

2. It amends the Maine Revised Statutes, Title 29-A, section 2411, subsection 1-A, paragraph D in response to a recent court decision. In State v. Dwayne B. Stevens, 2007 ME 5, the Maine Supreme Judicial Court determined that Title 29-A, section 2411, subsection 1-A, paragraph D has a 10-year limitation on the use of prior convictions for manslaughter and Class B or C operating under the influence. To address that determination, this bill specifies that Title 17-A, section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of the offenses in Title 29-A, section 2411, subsection 1-A, paragraph D, the date of each prior conviction may precede the commission of the offense being enhanced by more than 10 years. The section also incorporates a reference to the new Class B OUI offense enacted in 2006.

3. It increases the sentencing class in OAS for drivers whose licenses have been suspended as a result of convictions in which a death resulted: Class A manslaughter, Class B OUI and Class B OAS. Under current law the OAS offense is only a Class E crime.

4. It clarifies that a court looks back 10 years in determining whether to impose the mandatory fines applying to ordinary OAS cases.

5. It gives courts authority to revoke the driver's license as part of the sentence for an adult or juvenile manslaughter defendant. Under current law only the Secretary of State may revoke a driver's license upon a manslaughter conviction. The court will be authorized to revoke a license for at least a 5-year period, but must also notify the Secretary of State, who may revoke the license for a longer period under Title 29-A, section 2454, subsection 2.

6. It clarifies a provision that was added by Public Law 2005, chapter 606. The current language in Title 29-A, section 2557-A, subsection 1, paragraph B would subject a driver to prosecution for a Class C habitual offender offense even if the driver's previous record did not include such a conviction and the person's license is currently suspended instead of revoked as a habitual offender. The intent of the Public Law 2005, chapter 606 change was to specify that once a person is a felon, meaning the most serious habitual offender under the driving laws, the person continues to be a significant offender under those laws even when the person's license is suspended rather than revoked. The language in the bill makes this clear.

7. It rewrites the sentencing provisions of the habitual offender statute to make them consistent with the format in the aggravated operating after habitual offender revocation law added by Public Law 2005, chapter 606, while adding references to former Title 29-A, section 2557 that were inadvertently omitted from chapter 606.

8. It amends Title 29-A, sections 2557-A and 2558 to make the treatment of multiple offenses consistent with other prior conviction language. The bill adds language to each section to specify that when more than one offense or violation arises from the same incident, the offense or violations are treated as one offense.

9. It adds a reference to Title 29-A, section 2411 in 2 portions of the aggravated habitual offender laws enacted in Public Law 2005, chapter 606. A reference to prior OUI conviction was included in one sentencing provision of chapter 606 but inadvertently omitted from other provisions.

Committee Amendment "A" (S-83)

This amendment adds an emergency preamble and emergency clause to the bill to ensure that omissions in changes to the operating after suspension and habitual offender laws enacted pursuant to Public Law 2005, chapter 606 are immediately corrected. The amendment also clarifies that the Secretary of State's authority to impose license revocation is not changed. If the court fails to revoke a license for criminal homicide or attempted criminal homicide, the Secretary of State shall impose a 5-year revocation, unless a longer revocation is imposed under the Maine Revised Statutes, Title 29-A, section 2454, subsection 2.

LD 1674 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 1706 **Resolve, Establishing a Commission To Review State House and Capitol Complex Security Issues** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GROSE	ONTP	

This resolve is a concept draft pursuant to Joint Rule 208.

This resolve proposes to establish a commission to review State House and Capitol complex security issues. In conducting the review, the commission shall explore:

1. Different means of screening visitors to the Capitol complex for weapons, including but not limited to knives, firearms and objects that may be used as weapons;

2. Creative methods of enhancing the security presence in the capitol complex, including but not limited to the recruitment of experienced retired law enforcement officers;

3. Methods of facilitating continuing education opportunities for capitol complex security personnel that are specifically targeted to enhancing the performance of the duties of security personnel; and

4. The availability of creative funding for enhanced security, including but not limited to federal funds and outside funding.

LD 1728 **An Act To Strengthen the Authority of Concealed Weapons Permits** **PUBLIC 194**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	OTP-AM	H-188

Section 1 of the bill requires that a person who is issued a black powder permit by the Commissioner of the Department of Public Safety reapply for that permit after 4 years. These permits are issued to persons who are otherwise prohibited from possessing firearms. This change is consistent with current practice for other firearms permits, which expire and require background checks for renewal.

Section 2 of the bill provides a definition for "crossbow," which is not currently defined in Maine law for law enforcement purposes.

Section 3 of the bill addresses an inconsistency between State and federal law regarding qualifications to carry concealed firearms. Current law provides that only the last 5 years of a person's criminal history may be used when determining whether a person is qualified to carry a concealed firearm. This sets up a situation where a person who may be eligible for a permit in Maine may be prohibited from possessing a firearm under federal law. The bill specifies that a person may not be issued a Maine permit if the person is disqualified from possessing a firearm under state or federal law.

Committee Amendment "A" (H-188)

This amendment replaces the bill. Whereas the bill creates the definition of "crossbow," the amendment strikes that definition and removes the current language in the Maine Revised Statutes, Title 15, section 393 that prohibits the possession of a crossbow by a convicted felon until 5 years after the person is discharged from the sentence imposed. Public Law 2005, chapter 419 added "crossbow" to Title 15, chapter 15 regarding possession of firearms by a prohibited person. By removing "crossbow" from that chapter, a person convicted of a felony may own, possess or have under that person's control a crossbow without having to first apply for and receive a permit from the Commissioner of Public Safety.

The amendment retains that portion of the bill that adds language in Title 15, section 393, subsection 2 about the permit issued pursuant to the subsection being valid 4 years from the date of issue unless sooner revoked for cause by the issuing authority. The amendment also clarifies that disqualification to possess a firearm based on federal law prohibiting possession under Title 25, section 2003, subsection 1, paragraph B that appears in the bill must be based on federal criminal conviction information.

Enacted Law Summary

Public Law 2007, chapter 194 repeals the current language in the Maine Revised Statutes, Title 15, section 393 that prohibits the possession of a crossbow by a convicted felon until 5 years after the person is discharged from the sentence imposed. Public Law 2005, chapter 419 added "crossbow" to Title 15, chapter 15 regarding possession of firearms by a prohibited person. By removing "crossbow" from that chapter, a person convicted of a felony may own, possess or have under that person's control a crossbow without having to first apply for and receive a permit from the Commissioner of Public Safety.

Public Law 2007, chapter 194 adds language in Title 15, section 393, subsection 2 about the permit issued pursuant to the subsection being valid 4 years from the date of issue unless sooner revoked for cause by the issuing authority. Public Law 2007, chapter 194 also clarifies that disqualification to possess a firearm based on federal law prohibiting possession under Title 25, section 2003, subsection 1, paragraph B that appears in the bill must be based on federal criminal conviction information.

LD 1733 **An Act To Provide Additional Funding for the Regional Emergency Medical Services Councils and To Establish a Study Group To Examine Funding for the Emergency Medical Services System in Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	ONTP	

This bill allocates funds on a one-time basis from the Fund for a Healthy Maine to supplement existing funding for the 6 regional emergency medical services councils. The bill also establishes a study group to develop recommendations for the funding of Maine's emergency medical services system.

LD 1736 **An Act To Amend the Laws Relating to Probation and Supervised Release for Sex Offenders and To Make Necessary Changes to the Maine Criminal Code** **PUBLIC 344**

Sponsor(s)	Committee Report	Amendments Adopted
PLUMMER	OTP-AM	H-421

This bill amends the law relating to probation and supervised release for sex offenders as follows.

Section 1 of the bill sets out explicitly the "plead and prove" requirement that federal constitutional law requires whenever the available sentencing alternatives depend on the crime committed. This is something that the State has to do now.

Section 2 of the bill provides that if a stay of execution is given by a court on a term of imprisonment on a split sentence, the court may revoke the subsequent probation for criminal conduct committed during the stay or for failure to report as ordered. Under present law a judge is prohibited from imposing a term of imprisonment after a split sentence, so if during the stay the offender engages in new criminal conduct or fails to report, the court can only make the new sentence concurrent. This section is intended to deter new criminal conduct or the failure to report by allowing for a probation part of an original sentence to be revoked in order to allow the sentencing judge the option of making new jail time run consecutively instead of concurrently.

Section 3 clarifies that if probation is partially revoked on more than one occasion on the same sentence the periods of imprisonment imposed are successive and that a period of imprisonment imposed on a partial revocation does not commence until the initial unsuspended portion of imprisonment has been fully served. This is intended to clarify what occurs in 2 situations: 1) The offender is serving the unsuspended portion of a sentence and as a result of past behavior presently discovered or present behavior while incarcerated, a portion of the suspended sentence is being vacated; or 2) The offender's behavior while on probation results in 2 or more partial revocations of the suspended portion of the sentence. Section 3 clarifies that in both of these cases the vacated portions of the sentence that have been ordered by the court must be served successively and not concurrently, since there is only one sentence at issue.

Sections 4 and 5 make the grounds for revocation of supervised release by sex offenders the same as revocation of probation.

Section 6 is intended to allow the sentencing alternative of administrative release along with the requirement of paying a fine.

Section 7 makes an initial appearance on an administrative release revocation consistent with the time for an initial appearance for a probation revocation: within 5 days after arrest, instead of 14 days.

Section 8 authorizes probation officers to see pharmacy records of probationers and others under the officers' supervision as the result of a court order. This is the same authority granted to other law enforcement officers for offenders under their supervision.

Section 9 gives probation officers the power to arrest for obstruction of government administration those who interfere with them while they are performing their official functions.

Section 10 makes it clear that probable cause determinations for persons transferred from other jurisdictions for probation or parole supervision in Maine are conducted administratively, since the Maine courts had no role in the initial determination of the imposition of supervision or the revoking of supervision and therefore have no standing to conduct probable cause hearings involving these transferred offenders.

Committee Amendment "A" (H-421)

Because current law authorizes sentencing alternatives of both a fine and imprisonment followed by administrative release, this amendment repeals unnecessary language in the Maine Revised Statutes, Title 17-A, section 1349. The amendment also amends Title 17-A, section 1349-A, subsection 1 and section 1349-B, subsection 2 to be consistent with regard to authorizing the use of administrative release for Class C operating after habitual offender revocation and aggravated operating after habitual offender revocation. The amendment adds district attorneys to the list of those who may show pharmacy records to law enforcement officers other than those listed. Finally, the amendment strikes from the bill the provision granting probation officers the power to arrest for obstruction of government administration while they are performing their official duties.

Enacted Law Summary

Public Law 2007, chapter 344 amends the law relating to probation and supervised release for sex offenders as follows.

1. It sets out explicitly the "plead and prove" requirement that federal constitutional law requires whenever the available sentencing alternatives depend on the crime committed.

2. It provides that if a stay of execution is given by a court on a term of imprisonment on a split sentence, the court may revoke the subsequent probation for criminal conduct committed during the stay or for failure to report as ordered. Under present law a judge is prohibited from imposing a term of imprisonment after a split sentence, so if during the stay the offender engages in new criminal conduct or fails to report, the court can only make the new sentence concurrent. This section is intended to deter new criminal conduct or the failure to report by allowing for a probation part of an original sentence to be revoked in order to allow the sentencing judge the option of making new jail time run consecutively instead of concurrently.

3. It clarifies that if probation is partially revoked on more than one occasion on the same sentence the periods of imprisonment imposed are successive and that a period of imprisonment imposed on a partial revocation does not commence until the initial unsuspended portion of imprisonment has been fully served. This clarifies what occurs in 2 situations: 1) The offender is serving the unsuspended portion of a sentence and as a result of past behavior presently discovered or present behavior while incarcerated, a portion of the suspended sentence is being vacated; or 2) The offender's behavior while on probation results in 2 or more partial revocations of the suspended portion of the sentence. In both of these cases the vacated portions of the sentence that have been ordered by the court must be served successively and not concurrently, since there is only one sentence at issue.

4. It makes the grounds for revocation of supervised release by sex offenders the same as revocation of probation.

5. Because current law authorizes sentencing alternatives of both a fine and imprisonment followed by administrative release, Public Law 2007, chapter 344 repeals unnecessary language in the Maine Revised Statutes, Title 17-A, section 1349. The amendment also amends Title 17-A, section 1349-A, subsection 1 and section 1349-B, subsection 2 to be consistent with regard to authorizing the use of administrative release for Class C operating after habitual offender revocation and aggravated operating after habitual offender revocation.

6. It makes an initial appearance on an administrative release revocation consistent with the time for an initial appearance for a probation revocation: within 5 days after arrest, instead of 14 days.

7. It authorizes probation officers to see pharmacy records of probationers and others under the officers' supervision as the result of a court order. This is the same authority granted to other law enforcement officers for offenders under their supervision. Public Law 2007, chapter 344 also adds district attorneys to the list of those who may show pharmacy records to law enforcement officers other than those listed.

8. It makes clear that probable cause determinations for persons transferred from other jurisdictions for probation or

parole supervision in Maine are conducted administratively, since the Maine courts had no role in the initial determination of the imposition of supervision or the revoking of supervision and therefore have no standing to conduct probable cause hearings involving these transferred offenders.

LD 1749 **An Act To Create Indeterminate Sentencing and a Forensic Review Board for Repeat Sexual Assault Offenders and Sexually Violent Offenders** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	ONTP	

This bill implements the recommendations of the Department of Corrections made as directed by Resolve 2005, chapter 132. The bill proposes to do the following:

1. Create new sentencing alternative of an indeterminate sentence for repeat sexual assault offenders and sexually violent offenders with a minimum mandatory sentence of at least 20 years;

2. Create a 5-member forensic board appointed by the Governor; the board's duties include: holding hearings, issuing subpoenas, compelling attendance of witnesses, compelling production of documents, administering oaths and taking testimony; and

3. Specify that a person who served a minimum term of years of a sentence is eligible for review by board; upon receipt of application for review, the Department of Corrections must submit a report to board and a hearing would be held to determine if continued imprisonment is appropriate or if conditional release is. If a person is released and violates a condition of that release, the person is arrested and another hearing is held.

LD 1752 **An Act To Clarify the Law for Failing To Comply with the Requirements of the Sex Offender Registration and Notification Act of 1999** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

This bill clarifies that a person may not seek post-conviction review of a violation of the sex offender registration requirements of the Sex Offender Registration and Notification Act of 1999 for post-conviction review of the underlying sex offense or sexually violent offense that constitutes an element of the registration violation. The bill also clarifies that for purposes of a violation of a duty or rule under the Sex Offender Registration and Notification Act of 1999, "just cause" raised in the context of an affirmative defense means a physical or mental incapacity that makes a person unable to comply with a duty imposed under that Act or a rule adopted pursuant to that Act.

LD 1807 **An Act To Provide for Civil Commitment for Sexually Violent Predators and To Prohibit Sex Offenders from Residing Together** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

This bill provides a procedure for the commitment of a person determined to be a sexually violent predator if a court finds that the person has a mental abnormality or personality disorder that makes it likely that the person will engage

in predatory acts of sexual violence if not confined in a secure facility. Protections are provided to a person subject to commitment. Care and treatment must be provided, and the commitment is subject to annual review. Notice of release or discharge is required for victims, witnesses and other persons identified by the prosecuting attorney. This bill designates both the Commissioner of Corrections and the Commissioner of Health and Human Services as responsible for providing secure facilities for sexually violent predators. This bill coordinates release from a secure facility for sexually violent predators with supervised release for sex offenders under Title 17-A, chapter 50.

This bill also directs the Department of Corrections and the Department of Health and Human Services to establish licensing standards and necessary legislation to implement those standards for group and similar residential-style homes in which persons who have been convicted of sex offenses are residing. The purpose of creating licensing standards is to ensure that persons who have been convicted of sex offenses and are now living in the community and are residing in group homes and similar living situations receive appropriate counseling and treatment, instead of living in residential situations that in fact increase the chances of their recidivating. The licensing standards must apply to all group and residential-style homes, including those maintained by for-profit and nonprofit organizations. The departments shall report their recommendations for licensing and necessary implementing legislation to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Health and Human Services by December 1, 2007. Upon receipt of the recommendations, the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee Health and Human Services may submit legislation to the Second Regular Session of the 123rd Legislature.

LD 1826 **An Act To Allow a County Jail To Assess a Surcharge on Bail as a Processing Fee** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	ONTP	

This bill provides that a person processed by a county jail may be held liable for a processing fee of $50, which may be in the form of a surcharge on the bail of that person.

LD 1841 **An Act To Improve the Efficiency of the Maine Emergency Medical Services System** **PUBLIC 274**

Sponsor(s)	Committee Report	Amendments Adopted
SYKES NASS R	OTP-AM	H-315

This bill removes mandatory language regarding the role of the regional emergency medical services councils to allow for evolution of that role in accordance with recommendations resulting from a review of the Maine Emergency Medical Services system and, based on the needs of the State, provides that the state emergency medical services medical director is subject to the Maine Tort Claims Act, authorizes the Emergency Medical Services' Board to use certain technologies to conduct public meetings, improves the efficiency of the practical testing process, amends the basis for certain licensing actions, clarifies treatment of confidential information disclosed to the board for investigative and licensing purposes and authorizes Maine Emergency Medical Services to participate in and provide information to the National Emergency Medical Services Information System.

Committee Amendment "A" (H-315)

This amendment clarifies that Maine Emergency Medical Services is authorized to participate in and share information with the National Emergency Medical Services Information System notwithstanding that section of law relating to the confidentiality of information.

Enacted Law Summary

Public Law 2007, chapter 274 removes mandatory language regarding the role of the regional emergency medical services councils to allow for evolution of that role in accordance with recommendations resulting from a review of the Maine Emergency Medical Services system and, based on the needs of the State, provides that the state emergency medical services medical director is subject to the Maine Tort Claims Act, authorizes the Emergency Medical Services' Board to use certain technologies to conduct public meetings, improves the efficiency of the practical testing process, amends the basis for certain licensing actions, clarifies treatment of confidential information disclosed to the board for investigative and licensing purposes and authorizes Maine Emergency Medical Services to participate in and provide information to the National Emergency Medical Services Information System.

Public Law 2007, chapter 274 also clarifies that Maine Emergency Medical Services is authorized to participate in and share information with the National Emergency Medical Services Information System, notwithstanding that section of law relating to the confidentiality of information.

LD 1873 **An Act To Amend the Laws Governing Stalking** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-199

The bill amends the stalking laws by expanding the prohibited conduct and providing for additional aggravating factors that elevate an offense to a Class C crime. Current law specifies that a person is guilty of stalking if the person intentionally or knowingly engages in a course of conduct directed at another specific person that would in fact cause both a reasonable person and that other specific person to suffer intimidation or serious inconvenience, annoyance or alarm; to fear bodily injury or to fear bodily injury to a member of that person's immediate family; or to fear death or to fear the death of a member of that person's immediate family. The bill expands the course of conduct to include that conduct directed at or concerning a specific person that would cause a reasonable person to suffer serious inconvenience or emotional distress; to fear bodily injury or to fear bodily injury to a close relation; to fear death or to fear the death of a close relation; to fear damage or destruction to or tampering with property; or to fear injury to or the death of an animal owned by or in the possession and control of that specific person. These instances of conduct would remain Class D crimes, and the provision requiring a mandatory sentence of imprisonment in the current law is repealed.

Current law also makes the crime of stalking a Class C offense if the person violates any of the current versions of stalking in 17-A, section210-A, subsection1, paragraph A, subparagraphs (1)-(3) (described above) and has 2 or more prior convictions for stalking. The bill expands the aggravated course of conduct for Class C stalking to include a person who violates paragraph A, which includes subparagraphs (1)-(3) as amended and new subparagraphs (4) and (5)and, at the time of the offense: violates a condition of a court order in this State or any other jurisdiction in effect at the time of the crime that prohibits the actor from having contact with the person being stalked; has one or more prior convictions under this section or one or more prior convictions for engaging in substantially similar conduct to that contained in this section in any other jurisdiction; has one or more prior convictions in this State or in any other jurisdiction for a crime involving threats of violence or violence against the person being stalked; or has 2 or more prior convictions for any combination of offenses under the following: Title 5, section 4659 ; Title 15, section 321; former Title 19, section 769; Title 19-A, section 4011; Title 22, section 4036; any other temporary, emergency, interim or final protective order issued by any other jurisdiction; or a court-approved consent agreement. The bill also repeals the mandatory sentences in current law for Class C stalking and specifies that for purposes of prior convictions, the convictions may have occurred at any time.

Current law describes "course of conduct" as repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying oral or written threats, threats implied by conduct or a combination of threats and conduct directed at or toward a person. For purposes of this section, "conveying oral or written threats" includes, but is not limited to, communicating or causing a communication to be initiated by mail or by mechanical or electronic means.

For purposes of this section, "course of conduct" also includes, but is not limited to, gaining unauthorized access to personal, medical, financial or other identifying information, including access by computer network, mail, telephone or written communication. "Course of conduct" does not include activity protected by the Constitution of Maine, the United States Constitution or by state or federal statute. The bill amends the definition of "course of conduct" to mean 2 or more acts, including but not limited to acts in which the actor, by any action, method, device or means, directly or indirectly follows, monitors, tracks, observes, surveils, threatens, harasses or communicates to or about a person or interferes with a person's property. "Course of conduct" also includes, but is not limited to, threats implied by conduct and gaining unauthorized access to personal, medical, financial or other identifying or confidential information.

Current law defines "immediate family" as a spouse, parent, child, sibling, stepchild, stepparent or any person who regularly resides in the household or who within the prior 6 months regularly resided in the household, and the bill strikes this term and definition and replaces it with "close relation", which means a current or former spouse or domestic partner, parent, child, sibling, stepchild, stepparent or , grandparent, any person who regularly resides in the household or who within the prior 6 months regularly resided in the household, coworker or any person with a significant personal relationship to the person being stalked.

The bill strikes the current definition of repeatedly (2 or more times) and adds 2 new definitions: "emotional distress", which means mental or emotional suffering of the person being stalked as evidenced by anxiety, fear, torment or apprehension that may or may not result in a physical manifestation of emotional distress or a mental health diagnosis; and "serious inconvenience", which means that a person significantly modifies that person's actions or routines in an attempt to avoid the actor or because of the actor's course of conduct. "Serious inconvenience" includes, but is not limited to, changing a phone number, changing an electronic mail address, moving from an established residence, changing daily routines, changing routes to and from work, changing employment or work schedule or losing time from work or a job. In addition to making changes to the elements of the crime of stalking, the bill amends Title 17-A section 1252 (imprisonment for crimes other than murder) to require judges to give special weight in sentencing to the fact that a Class C or higher crime was committed by a person while that person was stalking a victim.

The bill also adds an unallocated section describing the legislative intent of capturing all stalking activity, regardless of the method used by the stalker, of better protecting victims and authorizing effective criminal intervention before stalking behavior results in serious physical and emotional harm and increasing penalties for escalating stalking behavior.

Committee Amendment "A" (S-199)

This amendment changes "any other jurisdiction" to "another jurisdiction" to be consistent with the Maine Criminal Code. The amendment removes the term "coworker" from the definition of "close relation," while adding persons with professional relationships. The amendment also strikes the last sentence of the Maine Revised Statutes, Title 17-A, section 1252, subsection 5-D, which would have prohibited courts from suspending that portion of the maximum term of imprisonment based on objective or subjective victim impact in arriving at the final sentence in the 3rd step in the sentencing process. The amendment also strikes 2 words in the legislative intent section.

LD 1873 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

LD 1895 **An Act To Implement the Recommendations of the Corrections Alternatives Advisory Committee** **PUBLIC 377**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ ONTP MIN	H-527

This bill includes the recommendations of the Corrections Alternatives Advisory Committee, which was established pursuant to Public Law 2005, chapter 386, Part J and extended pursuant to Public Law 2005, chapter 667. The bill proposes to do the following.

1. The bill adds to the factors that a judicial officer must consider before allowing the pretrial release of a defendant on personal recognizance or an unsecured appearance bond the determination that the defendant's release will not compromise the safety of the community.

2. This bill requires each county, or each county working jointly with another county or counties or with the Department of Corrections, to establish a criminal justice planning committee. The committees will include members from county government; representatives from law enforcement agencies, jails, the judiciary and the public; and prosecutors, defense attorneys and victim advocates. The committees' work will include coordinating efforts to educate, update and increase the use of evidence-based correctional practices.

3. The bill creates the State Sentencing and Corrections Practices Coordinating Council, whose members will include representatives from state and county corrections, county commissioners, municipalities, sheriffs, prosecutors, defense attorneys, victim services and the judiciary. The council's duties include coordinating criminal justice information and collaborating with persons who work in the criminal justice field to establish strategic goals and outcomes to guide the investment in and expenditures on corrections programs and facilities; monitoring sentencing practices; and reviewing ongoing data collection on recidivism and programming, in consultation with research organizations and universities, to make informed decisions regarding sentencing practices, corrections funding and programming. The council shall submit an annual report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to the Governor, and that report must include recommendations and any necessary implementing legislation. The Department of Corrections shall serve as the fiscal agent of the council and may contract for and employ staff members, subject to approval of the council, to assist in the research, administration and delivery of services required in connection with the duties of the council. The department may accept funds from the Federal Government, from any political subdivision of the State or from any individual, foundation or corporation and may expend those funds for purposes of supporting the council's work. The department shall also provide technical assistance to counties and to the criminal justice planning committees to aid them in the planning and development of community corrections.

4. Beginning July 1, 2008, the bill proposes separating the County Jail Prisoner Support and Community Corrections Fund into 2 funds, the Community Corrections Fund for the purpose of establishing and maintaining community corrections and the County Jail Prisoner Support Fund for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners detained or sentenced to county jails. Beginning July 1, 2008 and annually thereafter, the department shall distribute to the counties amounts to be dedicated to the Community Corrections Fund and to the County Jail Prisoner Support Fund. The department shall distribute amounts to each county based on each county's percentage of statewide jail inmate days, which must be calculated for the last fiscal year for which data is available. If a county's percentage results in a lower subsidy than it received pursuant to the former Maine Revised Statutes, Title 34-A, section 1210-A, that county may not receive a reduction. If the county's percentage results in a subsidy higher than it received pursuant to former Title 34-A, section 1210-A, that county would receive an increase in funding in proportion to available funding to move the entire county jail system toward greater equity.

5. The bill also creates a new nonlapsing fund, the Community Corrections Incentive Fund, and the State Sentencing and Corrections Practices Coordinating Council shall approve applications and award and administer to counties competitive grants from this fund. Grants must be used for initiatives to expand community corrections, regional programs and other efforts to improve the efficiency and effectiveness of the correctional system. Awards would be made in areas such as pretrial diversion, pretrial release, transition, specialty jails, regional cooperation and deferred disposition programs. Grants must also be awarded based on considerations of improved efficiency, offender and court docket reduction, consolidation of resources, reduced recidivism and improved methods for the delivery of services.

Committee Amendment "A" (H-527)

This amendment clarifies that counties are not mandated to form criminal justice planning committees; however, when grants are available under the Community Corrections Incentive Fund, only those counties who have formed or have become part of a planning committee will be eligible to apply for such grants. The amendment also clarifies that, regardless of how a criminal justice planning committee is established or formed, a county may also collaborate with another county or counties with which it has not formed a planning committee in order to work together to seek grants or establish community corrections programs or initiatives. The amendment adds the Commissioner of Public Safety to the membership of the State Sentencing and Corrections Practices Coordinating Council and requires that the representative of a statewide municipal association on the council be nominated by the association and then appointed by the Governor. Finally, the amendment replaces the appropriations and allocations section in the bill for the Community Corrections Incentive Fund.

Enacted Law Summary

Public Law 2007, chapter 377 includes the recommendations of the Corrections Alternatives Advisory Committee, which was established pursuant to Public Law 2005, chapter 386, Part J and extended pursuant to Public Law 2005, chapter 667. Public Law 2007, chapter 377 does the following:

It encourages each county, or each county working jointly with another county or counties or with the Department of Corrections, to establish a criminal justice planning committee. Counties are not mandated to form criminal justice planning committees; however, when grants are available under the Community Corrections Incentive Fund, only those counties who have formed or have become part of a planning committee will be eligible to apply for such grants. Regardless of how a criminal justice planning committee is established or formed, a county may also collaborate with another county or counties with which it has not formed a planning committee in order to work together to seek grants or establish community corrections programs or initiatives. The committees will include members from county government; representatives from law enforcement agencies, jails, the judiciary and the public; and prosecutors, defense attorneys and victim advocates. The committees' work will include coordinating efforts to educate, update and increase the use of evidence-based correctional practices.

Public Law 2007, chapter 377 creates the State Sentencing and Corrections Practices Coordinating Council, whose members will include representatives from state and county corrections and public safety, county commissioners, municipalities, sheriffs, prosecutors, defense attorneys, victim services and the judiciary. The council's duties include coordinating criminal justice information and collaborating with persons who work in the criminal justice field to establish strategic goals and outcomes to guide the investment in and expenditures on corrections programs and facilities; monitoring sentencing practices; and reviewing ongoing data collection on recidivism and programming, in consultation with research organizations and universities, to make informed decisions regarding sentencing practices, corrections funding and programming. The council shall submit an annual report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to the Governor, and that report must include recommendations and any necessary implementing legislation. The Department of Corrections shall serve as the fiscal agent of the council and may contract for and employ staff members, subject to approval of the council, to assist in the research, administration and delivery of services required in connection with the duties of the council. The department may accept funds from the Federal Government, from any political subdivision of the State or from any individual, foundation or corporation and may expend those funds for purposes of supporting the council's work. The department shall also provide technical assistance to counties and to the criminal justice planning committees to aid them in the planning and development of community corrections.

Beginning July 1, 2008, Public Law 2007, chapter 377 proposes separating the County Jail Prisoner Support and Community Corrections Fund into 2 funds, the Community Corrections Fund for the purpose of establishing and maintaining community corrections and the County Jail Prisoner Support Fund for the purpose of providing state funding for a portion of the counties' costs of the support of prisoners detained or sentenced to county jails. Beginning July 1, 2008 and annually thereafter, the department shall distribute to the counties amounts to be

dedicated to the Community Corrections Fund and to the County Jail Prisoner Support Fund. The department shall distribute amounts to each county based on each county's percentage of statewide jail inmate days, which must be calculated for the last fiscal year for which data is available. If a county's percentage results in a lower subsidy than it received pursuant to the former Maine Revised Statutes, Title 34-A, section 1210-A, that county may not receive a reduction. If the county's percentage results in a subsidy higher than it received pursuant to former Title 34-A, section 1210-A, that county would receive an increase in funding in proportion to available funding to move the entire county jail system toward greater equity.

Public Law 2007, chapter 377 also creates a new nonlapsing fund, the Community Corrections Incentive Fund, and the State Sentencing and Corrections Practices Coordinating Council shall approve applications and award and administer to counties competitive grants from this fund. Grants must be used for initiatives to expand community corrections, regional programs and other efforts to improve the efficiency and effectiveness of the correctional system. Awards would be made in areas such as pretrial diversion, pretrial release, transition, specialty jails, regional cooperation and deferred disposition programs. Grants must also be awarded based on considerations of improved efficiency, offender and court docket reduction, consolidation of resources, reduced recidivism and improved methods for the delivery of services. No money was appropriated to the fund at this time.

Public Law 2007, chapter 377 also includes in the factors that a judicial officer must consider before allowing pretrial release of a defendant on personal recognizance or an unsecured appearance bond the determination that the defendant's release will not compromise the safety of the community. See Public Law 2007, chapter 374, which incorporates this idea completely within the Maine Bail Code.

LD 1897 **An Act To Allow Blended Sentencing for Certain Juveniles** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP-AM	S-277

In terms of incarceration as a sentencing alternative for juveniles, the Juvenile Code currently authorizes a juvenile to be adjudicated and committed to Long creek Youth Development Center or Mountain View Youth Development Center until the juvenile is 18-21 years of age. The Juvenile Code also authorizes a juvenile to be committed to an adult correctional facility if the juvenile is bound over and tried and convicted as an adult. Currently, a juvenile may not be sentenced to alternatives of incarceration involving both the juvenile system and the adult system for the same offense. With respect to the finding of appropriateness of whether a juvenile should be bound over and tried as an adult, the State has the burden of proof in all cases, except those involving a juvenile who is charged with one or more juvenile crimes that, if the juvenile were an adult, would constitute murder, attempted murder, felony murder, Class A manslaughter other than the reckless or criminally negligent operation of a motor vehicle, elevated aggravated assault, arson that recklessly endangers any person, causing a catastrophe, Class A robbery or Class A gross sexual assault in which the victim submits as a result of compulsion.

This bill requires blended sentencing for a juvenile bound over and convicted as an adult and sentenced to imprisonment if the juvenile has not attained 16 years of age at the time of sentencing and if the offense for which the juvenile was convicted is listed in the Maine Revised Statutes, Title 15, section 3101, subsection 4, paragraph C-2 as one for which the juvenile had the burden of proving a bind over was not appropriate. Blended sentencing affects only the place where imprisonment is served and means that the term of imprisonment, or, in the case of a split sentence, the unsuspended portion, imposed by the court must first be served in a Department of Corrections juvenile facility until the juvenile reaches 18 years of age or is sooner discharged from the facility and any imprisonment time remaining must then be served in a Department of Corrections adult facility.

LD 1897 was carried over by joint order, H.P. 1369 after being removed from the Special Appropriations Table and recommitted to the Committee on Criminal Justice and Public Safety.

Committee Amendment "A" (S-277)

This amendment makes changes to account for recently enacted law.

LD 1902 **An Act Requiring the State Bureau of Identification To Report Persons Found To Be a Danger to Themselves or to Others to the National Instant Criminal Background Check System** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH NUTTING J	OTP-AM	H-480

This bill establishes a procedure to prevent a person who has been found to be a danger to self or others from possessing a firearm.

This bill requires a court that commits a person involuntarily to a state mental health facility or a licensed psychologist or psychiatrist who determines a person to be a danger to self or others to report this commitment or determination to the Department of Public Safety, State Bureau of Identification. The bureau is required to forward the information to the Federal Bureau of Investigation, which operates the National Instant Criminal Background Check System.

This bill requires a person purchasing a firearm from a firearms dealer to complete an application. The dealer is required to submit the application to the Federal Bureau of Investigation for a background check. Maine law currently only requires a federally licensed firearm dealer to provide a basic firearm safety brochure and other information to the purchaser of a firearm.

A person who has been involuntarily committed to a state mental health facility or determined to be a danger to self or others may obtain a firearm only upon application to the Commissioner of Public Safety and must include with the application a certified court order or notarized statement of a licensed psychologist or psychiatrist that the person is no longer a danger to self or others.

Committee Amendment "A" (H-480)

This amendment replaces the bill and proposes a procedure to prevent possession of a firearm by a person who has been committed involuntarily to a psychiatric hospital after a commitment hearing under the Maine Revised Statutes, Title 34-B, section 3864, subsection 7 because the person was found to present a threat of substantial risk of physical harm to self, was found to present a threat of substantial risk of physical harm to others, was found not criminally responsible by reason of insanity with respect to a criminal charge or was found not competent to stand trial with respect to a criminal charge.

The amendment requires the court to report information about a person adjudicated as being a danger to self or to others to the Department of Public Safety, State Bureau of Identification, which is then required to pass the fact of disqualification on to the Federal Bureau of Investigation for use in the National Instant Criminal Background Check System. The amendment also authorizes a person who has been previously prohibited from possessing a firearm under these new prohibitions to apply to the Commissioner of Public Safety for the restoration of the right to possess a black powder rifle or any other firearm that does not fall within the definition of "firearm" under 18 United States Code, Section 921(3).

LD 1902 was carried over by joint order, H.P. 1369 after being recommitted to the Committee on Criminal Justice and Public Safety.

LD 1910 **An Act To Reestablish the Committee for the Training of Firefighters and To Clarify the Law Governing the Maine Fire Training and Education Program** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS		

This bill reestablishes the Committee for the Training of Firefighters, which was repealed by Public Law 1993, chapter 252. In addition, this bill clarifies that the President of Southern Maine Community College administers the Maine Fire Training and Education Program. This bill was not referred to the Criminal Justice and Public Safety Committee, and it died between the bodies.

SUBJECT INDEX

Corrections

Enacted

LD 697	An Act To Amend the Laws Relating to Department of Corrections Facilities	PUBLIC 102
LD 1895	An Act To Implement the Recommendations of the Corrections Alternatives Advisory Committee	PUBLIC 377

Not Enacted

LD 91	An Act To Provide Regulation of the Department of Corrections Telephone System by the Public Utilities Commission	ONTP
LD 408	An Act To Make the Prison Industry Program More Effective	ONTP
LD 1228	An Act To Create a Certificate of Need Process for the Construction of Correctional Facilities	ONTP
LD 1321	Resolve, To Require the Office of Program Evaluation and Government Accountability To Provide Audit and Oversight Services Regarding Medical and Dental Services Provided in the County Jails and State Prisons	ONTP
LD 1612	An Act To Reduce the Incidence of Incarceration for People with Mental Illness	ONTP

County Jails

Not Enacted

LD 32	An Act To Create a Regional Jail System (by request)	ONTP
LD 67	An Act To Reduce the Cost of the Operation of County Jails	ACCEPTED ONTP REPORT
LD 329	An Act To Provide Equity in County Jail Maximum Sentences	INDEF PP
LD 378	An Act To Ensure That County Jails Maintain the Same Formulary for Mental Health Medications as the Maine State Prison	ONTP
LD 577	An Act Concerning the Transport of Inmates in the Custody of the Sheriff	ONTP

LD 632	An Act To Reduce Maine's Property Tax Burden by Funding County Jails (by request)	ACCEPTED ONTP REPORT
LD 1826	An Act To Allow a County Jail To Assess a Surcharge on Bail as a Processing Fee	ONTP

Criminal Law

Enacted

LD 246	An Act To Protect the Solemnity and Dignity of a Funeral or Memorial Service in Maine	PUBLIC 144 EMERGENCY
LD 1290	An Act To Enhance Enforcement of Public Health Measures	PUBLIC 359

Not Enacted

LD 3	An Act To Strengthen "Permissible Inference" in the Law Concerning Dissemination of Sexually Explicit Material	CARRIED OVER
LD 239	An Act To Provide a Felony Penalty for Assault on a Firefighter	CARRIED OVER
LD 295	An Act To Increase the Fines for Littering	ACCEPTED ONTP REPORT
LD 316	An Act To Reduce Bomb Threats at Public Institutions and Businesses	ONTP
LD 606	An Act To Protect Licensed Pawnbrokers	ONTP
LD 673	An Act To Address the Issue of Drive-offs from Service Stations	ONTP
LD 949	An Act To Amend the Laws Concerning Public Fighting	ONTP
LD 950	An Act To Amend the Endangering the Welfare of a Child Laws	ONTP
LD 1127	An Act To Decriminalize Certain Actions (by request)	ONTP
LD 1240	An Act To Implement the Recommendations of the Criminal Law Advisory Commission	CARRIED OVER
LD 1332	An Act Regarding Tobacco Products in Jails	ONTP
LD 1589	An Act To Prohibit the Use of Opposite-gender Bathrooms, Changing Rooms and Locker Rooms	ONTP
LD 1605	An Act To Protect School Athletic Contest Officials	ONTP

LD 1873	An Act To Amend the Laws Governing Stalking	CARRIED OVER

Criminal Procedure/Bail/Sentencing

Enacted

LD 219	An Act To Use Forfeited Bail Money for the Victims of an Offender	PUBLIC 31
LD 514	An Act To Protect Community Safety by Amending Maine's Bail Code	PUBLIC 374
LD 966	An Act To Make Part 1 of the Maine Criminal Code Gender-neutral	PUBLIC 173

Not Enacted

LD 182	An Act To Amend the Laws Governing Cases Involving the Plea or Finding of Not Criminally Responsible by Reason of Insanity	ACCEPTED ONTP REPORT
LD 613	An Act To Protect Children from Sexual Predators	ONTP
LD 1241	An Act To Provide Uniform Treatment of Prior Convictions in the Maine Criminal Code	CARRIED OVER
LD 1490	An Act To Reduce the Amount of Good Time That May Be Awarded to Certain Offenders	ONTP
LD 1533	An Act Regarding the Violation of Bail	ONTP

Domestic Violence

Enacted

LD 1039	Resolve, Directing the Maine Criminal Justice Academy Board of Trustees To Develop and Implement Law Enforcement Training Regarding the Determination of the Predominant Aggressor in Domestic Violence Situations	RESOLVE 98
LD 1627	An Act To Protect Families and Enhance Public Safety by Making Domestic Violence a Crime	PUBLIC 436 EMERGENCY

Drugs

Enacted

LD 66	An Act To Prohibit the Transfer of Salvia Divinorum to Minors and To Prohibit Possession of Salvia Divinorum by Minors	PUBLIC 120
LD 720	An Act To Clarify What Constitutes a Schedule W Drug	PUBLIC 55

LD 1425	An Act To Facilitate the Reporting of the Crime of Acquiring Drugs by Deception	PUBLIC 382

Not Enacted

LD 69	An Act To Impose Zero Tolerance for Methamphetamine Production	ONTP
LD 424	An Act To Protect Children from Dangerous Drugs, Harmful Chemicals and Drug-related Violence	CARRIED OVER
LD 1201	An Act To Amend the Forfeiture and Property Seizure Laws (by request)	ONTP
LD 1405	An Act To Amend the Laws Governing the Lawful Possession of Certain Scheduled Drugs	ONTP

Juveniles

Enacted

LD 363	An Act To Improve Juvenile Justice	PUBLIC 196
LD 521	An Act To Amend the Laws Relating to Juveniles	PUBLIC 96

Not Enacted

LD 71	An Act To Amend the Laws Governing the Plea of Not Criminally Responsible by Reason of Insanity in Juvenile Cases	CARRIED OVER
LD 1351	An Act To Promote Postsecondary Education Opportunities for Juveniles under the Care of the Department of Corrections	ONTP
LD 1512	An Act To Change the Statute of Limitations for Gross Sexual Assault by a Juvenile	CARRIED OVER
LD 1662	An Act To Authorize Judges To Mandate Counseling for Juvenile Offenders	ONTP
LD 1897	An Act To Allow Blended Sentencing for Certain Juveniles	CARRIED OVER

Law Enforcement

Not Enacted

LD 68	An Act To Provide a Reward for Information Regarding the Murder of a Law Enforcement Officer	CARRIED OVER
LD 832	Resolve, Directing the Department of Public Safety To Convene a Working Group To Review the Functioning of College and University Law Enforcement Departments	ONTP
LD 864	An Act To Protect Local Police Departments	ONTP

LD 1085	An Act To Improve the Laws Concerning the Management by Law Enforcement Agencies of Unclaimed, Lost or Stolen Personal Property	ONTP
LD 1449	An Act To Provide Outreach and Training on Dementia-related Protocols for Law Enforcement Officers	ONTP

Maine Emergency Management Agency

Enacted

LD 604	An Act To Clarify the Confirmation Process of the Director of the Maine Emergency Management Agency	PUBLIC 3 EMERGENCY
LD 676	An Act To Implement the Recommendations of the Task Force To Study Maine's Homeland Security Needs	PUBLIC 462 EMERGENCY

Not Enacted

LD 649	Resolve, To Ensure Pet Safety during Emergencies	ONTP
LD 696	An Act To Require Credentials for Amateur Radio Emergency Communications Volunteers	ONTP
LD 1197	Resolve, To Prepare for any Statewide or Regional Emergency	ACCEPTED ONTP REPORT

OUI/OAS/Other MV Violations

Enacted

LD 122	An Act To Amend the Authority of a Motor Vehicle Investigator	PUBLIC 12
LD 631	An Act To Strengthen OUI Laws As They Pertain to Drugs	PUBLIC 63

Not Enacted

LD 96	An Act To Require a Test for Operating under the Influence for a Driver Involved in an Accident That Caused Bodily Injury	ACCEPTED ONTP REPORT
LD 280	An Act To Make a Conviction for a 6th Operating under the Influence Charge a Class B Crime	CARRIED OVER
LD 387	An Act To Improve the Driver Education and Evaluation Programs	ONTP
LD 517	Resolve, To Promote Public Safety by Establishing a Multiple-OUI Registry	ONTP
LD 856	An Act To Reduce Drunk Driving	CARRIED OVER

LD 992	Resolve, To Increase Highway Safety by Establishing a Dangerous Driver Hotline	ONTP
LD 997	An Act Imposing Increased Responsibility for Registered Owners of Motor Vehicles	ONTP
LD 1078	An Act To Amend the OUI Laws Regarding the Use of Immunoassays	ONTP
LD 1166	An Act To Reduce the OUI Limit to .06	ONTP
LD 1206	An Act To Amend the Motor Vehicle Laws Concerning Work Licenses	ONTP
LD 1411	An Act To Amend the Auto Impoundment and Forfeiture Laws	ONTP
LD 1674	An Act To Amend the Habitual Offender and Felony Operating Under the Influence Laws	CARRIED OVER

Public Safety/Fire Safety/EMS

Enacted

LD 70	An Act Concerning Reduced Ignition Propensity Cigarettes	PUBLIC 253
LD 362	An Act To Effect the Seizure and Disposal of Contraband Fireworks	PUBLIC 81 EMERGENCY
LD 418	An Act To Require the Collection of DNA from Persons Who Committed Felonies Prior to 1996 Who Then Reoffend by Committing Offenses for Which They Would Not Otherwise Have To Submit to a DNA Test	PUBLIC 294
LD 886	An Act To Clarify Certain Laws Related to Fire Safety	PUBLIC 82
LD 907	An Act To Ensure the Safety of Facilities Dispensing Flammable Liquids	PUBLIC 182
LD 1183	An Act To Clarify Public Safety Laws Regarding the Disclosure of Information and the Storage of Evidence, To Reauthorize the United States Secret Service To Enforce Certain State Laws and To Allow Designees To Serve on the Maine Communications System Policy Board	PUBLIC 209
LD 1326	An Act To Increase Civil Penalties for Violations of Fire Code Laws Applicable to Fire Escape Installment and Maintenance	PUBLIC 258
LD 1841	An Act To Improve the Efficiency of the Maine Emergency Medical Services System	PUBLIC 274

Not Enacted

LD 238	An Act To Require Maine To Submit DNA Samples of Sex Offenders to the National DNA Registry	ONTP

LD 769	An Act To Establish the Missing Senior Citizen Alert Program	DIED BETWEEN HOUSES
LD 908	An Act To Ensure Safety at Motor Vehicle Events	ONTP
LD 946	An Act To Prevent Smoke Detector Tampering	ONTP
LD 1031	An Act To Amend the Fingerprinting Law	ONTP
LD 1291	Resolve, To Create the Commission To Aid Municipalities in Consolidating Public Safety Organizations	ONTP
LD 1323	Resolve, To Require the Department of Public Safety To Determine the Requirements for Regional Firefighters Concerning Assisting Other Municipalities	ONTP
LD 1706	Resolve, Establishing a Commission To Review State House and Capitol Complex Security Issues	ONTP
LD 1733	An Act To Provide Additional Funding for the Regional Emergency Medical Services Councils and To Establish a Study Group To Examine Funding for the Emergency Medical Services System in Maine	ONTP
LD 1910	An Act To Reestablish the Committee for the Training of Firefighters and To Clarify the Law Governing the Maine Fire Training and Education Program	DIED BETWEEN HOUSES

Sex Offender Registration and Notification

Not Enacted

LD 192	Resolve, Directing the Department of Public Safety To Make a Map Available on the Sex Offender Registry	ONTP
LD 195	An Act To Promote the Safety of Children	ONTP
LD 294	An Act Concerning Posting the Registry of Convicted Sex Offenders	ONTP
LD 446	An Act To Improve the Use of Information Regarding Sex Offenders to Better Ensure Public Safety and Awareness	CARRIED OVER
LD 518	An Act To Protect Children in Public Schools by Notifying All School Personnel of Sex Offenders Residing, Working or Attending School in the School District	ONTP
LD 1391	An Act To Focus the Use of the Sex Offender Registry Website on the Most Dangerous Offenders	ONTP
LD 1534	An Act To Examine the Types of Sex Offenses That Require an Offender To Register with the State	ONTP

LD 1752	An Act To Clarify the Law for Failing To Comply with the Requirements of the Sex Offender Registration and Notification Act of 1999	ONTP

Sex Offenses -- Criminal

Enacted

LD 322	Resolve, To Ensure More Comprehensive Investigation and Prosecution of Computer Crimes	RESOLVE 5 EMERGENCY
LD 1491	An Act To Prohibit Unauthorized Contact of Persons Convicted of Sex Offenses against Persons under 14 Years of Age with Persons under 14 Years of Age	PUBLIC 393
LD 1736	An Act To Amend the Laws Relating to Probation and Supervised Release for Sex Offenders and To Make Necessary Changes to the Maine Criminal Code	PUBLIC 344

Not Enacted

LD 45	An Act To Place Lifetime Restraining Orders on Violent Sex Offenders and Predatory Sex Offenders	ONTP
LD 46	An Act To Create Mandatory Minimum Sentences for Persons Convicted of Certain Sex Offenses against Victims under 12 Years of Age	ACCEPTED REPORT A (ONTP)
LD 147	An Act To Require as a Condition of Probation for Sex Offenders the Approval of a Residence by a Probation Officer	ONTP
LD 149	An Act To Take into Account the Crime Committed That Facilitated a Sexual Assault	CARRIED OVER
LD 191	An Act To Prevent Certain Sex Offenders from Having Contact with Persons less than 14 Years of Age	ONTP
LD 193	An Act To Restrict Access to Certain Websites by Sex Offenders	ONTP
LD 220	An Act To Clarify and Expand Maine Criminal Laws Related to Sexual Assault	CARRIED OVER
LD 351	An Act To Allow Municipalities To Designate Safe Zones To Protect Children from Sex Offenders	ONTP
LD 372	An Act To Strengthen the Crime of Gross Sexual Assault as It Pertains to Persons Who Furnish Drugs to Victims	CARRIED OVER
LD 423	An Act To Ensure the Safety of the Public and of Victims of Sexual Assault	CARRIED OVER
LD 815	An Act To Amend the Laws Governing the Establishment of Residency for Convicted Sex Offenders after Release from Prison	ONTP
LD 1229	An Act To Prohibit Sex Offenders from Areas around Schools	ONTP

LD 1384	An Act To Rename and Specifically Identify Sex Crimes	ONTP
LD 1749	An Act To Create Indeterminate Sentencing and a Forensic Review Board for Repeat Sexual Assault Offenders and Sexually Violent Offenders	ONTP
LD 1807	An Act To Provide for Civil Commitment for Sexually Violent Predators and To Prohibit Sex Offenders from Residing Together	ONTP

Weapons/Firearms/CWPs

Enacted

LD 148	Resolve, Directing the Department of Public Safety and the Attorney General To Review Other States' Concealed Weapon Reciprocity Agreements and Actively Seek Reciprocity Where Appropriate	RESOLVE 84
LD 1728	An Act To Strengthen the Authority of Concealed Weapons Permits	PUBLIC 194

Not Enacted

LD 146	An Act To Enhance Self-defense	ONTP
LD 361	An Act To Create a Waiting Period for Firearms	DIED IN CONCURRENCE
LD 778	An Act To Enhance the Qualifications for a Concealed Firearms Permit	ONTP
LD 1000	An Act To Increase Firearm Safety on College Campuses	ACCEPTED ONTP REPORT
LD 1111	An Act To Protect Children by Requiring Trigger Locks on Handguns	ONTP
LD 1902	An Act Requiring the State Bureau of Identification To Report Persons Found To Be a Danger to Themselves or to Others to the National Instant Criminal Background Check System	CARRIED OVER

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

July 2007

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SEN. ELIZABETH H. MITCHELL
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LD 20 **Resolve, Prohibiting the Use of Carpeting in Schools** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BEAUDOIN	ONTP	

LD 20 directs the Department of Education to adopt rules prohibiting the use of carpeting as flooring for newly constructed school facilities and to require the replacement of floor coverings in renovation of existing school facilities with flooring other than carpeting.

LD 34 **Resolve, Regarding Legislative Review of Portions of Chapter 28: Closing a School in the Unorganized Territory, a Major Substantive Rule of the Department of Education** **RESOLVE 7 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This bill provides for legislative review of portions of Chapter 28: Closing a School in the Unorganized Territory, a major substantive rule of the Department of Education.

Enacted Law Summary

Resolve 2007, chapter 7 provides that final adoption of portions of Chapter 28: Closing a School in the Unorganized Territory, a major substantive rule of the Department of Education, is authorized.

Resolve 2007, chapter 7 was enacted as an emergency measure effective April 12, 2007.

LD 44 **An Act To Require Changes in the Essential Programs and Services Funding Formula Concerning Labor Market Areas** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
EDGECOMB SHERMAN	ONTP MAJ OTP-AM MIN	

This bill requires that, beginning in fiscal year 2007-08, the regional adjustment to the salary and benefits costs of teachers and other school personnel that is based on labor market areas in the State must be 1.0 for all labor market areas in the State.

LD 88 **Resolve, To Encourage the Use of Safe Chemicals in Public Schools** **RESOLVE 32**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	OTP-AM MAJ OTP MIN	S-84

LD 88 requires the Department of Education to compile a list of safe alternatives to chemicals used in schools as cleaning agents and pesticides and to distribute the list to every school administrative unit in the State and make publicly available a list of school administrative units that commit to using safe alternatives to chemicals.

Committee Amendment "A" (S-84)

This amendment is the majority report of the committee. It revises the directive in the original bill to clarify expectations and require consultation with the Department of Environmental Protection and the Board of Pesticides Control.

Enacted Law Summary

Resolve 2007, chapter 32 directs the Department of Education to consult with the Department of Environmental Protection and the Board of Pesticides Control in compiling lists of preferred cleaning products and disinfectants and in developing recommendations for cleaning procedures that will reduce the use of toxic chemicals and improve indoor air quality in schools. The department is required to provide school administrative units with information on the use of pesticides and contact information for the Board of Pesticides Control. The department is also directed to make available to the public a list of schools that have committed to a green cleaning program.

LD 90 **An Act To Provide State Funding for Fingerprinting of Educational Personnel** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP MAJ OTP-AM MIN	

This bill requires the State to pay for fingerprinting of school personnel. The bill also requires the State to reimburse those who have been fingerprinted and have paid for the fingerprinting.

LD 123 **An Act To Establish a Labor Center within the University of Maine System and To Restore Lost Funding to the Bureau of Labor Education** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	OTP-AM ONTP	H-142 S-138 STRIMLING

The purpose of the bill, a concept draft pursuant to Joint Rule 208, is to establish a center within the University of Maine System that would offer labor education and policy development for students and community organizations.

This bill makes ongoing General Fund appropriations of $169,480 in fiscal year 2007-08 and $174,136 in fiscal year 2008-09 to establish and maintain a center within the University of Maine System that would offer labor education and policy development for students and community organizations.

Committee Amendment "A" (H-142)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. This amendment incorporates a fiscal note.

Senate Amendment "A" (S-138)

This amendment increases the General Fund appropriations by $85,000 each year in fiscal year 2007-08 and in fiscal year 2008-09.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 150 **An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority** **PUBLIC 111**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON MITCHELL	OTP-AM	H-92

This bill amends, improves and clarifies certain sections of the Maine Revised Statutes, Title 20-A to change the lengths, terms and extensions of waivers for lease-purchase agreements for temporary, portable classroom space, removes the language requiring rules for home instruction and removes the language that the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf funding is determined by Department of Education rule.

Committee Amendment "A" (H-92)

This amendment makes technical changes to the bill.

Enacted Law Summary

Public Law 2007, chapter 111 amends, improves and clarifies certain sections of the Maine Revised Statutes, Title 20-A to change the lengths, terms and extensions of waivers for lease-purchase agreements for temporary, portable classroom space, removes the language requiring rules for home instruction and removes the language that the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf funding is determined by Department of Education rule.

LD 151 **An Act To Include Student Representation on the State Board of Education** **PUBLIC 200**

Sponsor(s)	Committee Report	Amendments Adopted
FARRINGTON SCHNEIDER	OTP-AM	H-271

This bill expands the membership of the State Board of Education to include one student member.

Committee Amendment "A" (H-271)

The bill added one student member to the State Board of Education. This amendment expands the membership of the board to include 2 student members, including one junior in high school and one senior in high school, to serve as nonvoting members. The amendment adds a requirement that one of the student members reside in the First Congressional District and one in the Second Congressional District at the time of their appointment. The amendment also changes several dates in the nomination process for prospective student members to align with the phase-in of the terms of student members. Finally, the amendment strikes the grade average prerequisite and replaces it with a provision that other qualifications would be established by the board in consultation with students in the State.

Enacted Law Summary

Public Law 2007, chapter 200 adds 2 student members, including one junior in high school and one senior in high school, to the membership of the State Board of Education to include to serve as nonvoting members. The law requires that one of the student members reside in the First Congressional District and one in the Second Congressional District at the time of their appointment. The law also provides that additional qualifications for student members would be established by the board in consultation with students in the State.

Public Law chapter 200 was enacted as an emergency measure effective June 4, 2007.

LD 184 An Act To Protect Children's Health on School Grounds **PUBLIC 156**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	OTP-AM MAJ OTP-AM MIN	S-73

LD 184 prohibits brand-specific food or beverage advertising on school grounds, except for advertising on product packaging, and prohibits the use of tobacco on school grounds by members of the public. This bill also extends the prohibition on tobacco use on school grounds by employees and students when school is not in session.

Committee Amendment "A" (S-73)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It allows advertising of food and beverages that meet the standards for foods and beverages to be sold or distributed on school grounds as established in Chapter 51 of the rules of the Department of Education. It clarifies that the prohibition on advertising does not apply to print or broadcast media, to clothing with brand images or to product packaging. The amendment also prohibits the use of tobacco on school grounds by members of the public and eliminates the right to establish designated smoking areas for school employees. It allows designated smoking areas negotiated through collective bargaining to remain until the next negotiated contract.

Enacted Law Summary

Public Law 2007, chapter 156 prohibits brand-specific food or beverage advertising on school grounds, except for advertising on product packaging, and advertising of food and beverages that meet the standards for foods and beverages to be sold or distributed on school grounds. It prohibits the use of tobacco on school grounds by members of the public and extends the prohibition on tobacco use on school grounds by employees and students to include times when school is not in session. It eliminates the right to establish designated smoking areas for school employees. It allows designated smoking areas negotiated through collective bargaining to remain until the next negotiated contract.

LD 196 An Act To Modify the Maine Learning Results System **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
FINCH		

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact several modifications to the State's system of learning results established in the education laws, the Maine Revised Statutes, Title 20-A, chapter 222.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 221 **Resolve, Requiring the Maine Community College System To Return Real Property and Buildings to the City of Eastport** **RESOLVE 116**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON	OTP-AM	H-54
		S-110 RAYE

This resolve requires the Maine Community College System to return to the City of Eastport certain real property and buildings located in, and formerly owned by, the City of Eastport.

Committee Amendment "A" (H-54)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-110)

This amendment prohibits the City of Eastport from transferring ownership of the property conveyed to it pursuant to this legislation without the consent of the Legislature.

Enacted Law Summary

Resolve 2007, chapter 116 requires the Maine Community College System to return to the City of Eastport certain real property and buildings located in, and formerly owned by, the City of Eastport. This resolve prohibits the City of Eastport from transferring ownership of the property conveyed to it pursuant to this legislation without the consent of the Legislature.

LD 222 **An Act To Ensure the Integrity of School Crisis Response Plans** **PUBLIC 408**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON HOBBINS	OTP-AM	H-415

LD 222 makes the approval of a crisis response plan by a school board public information but makes the contents of the plan confidential and not available to the public.

Committee Amendment "A" (H-415)

This amendment specifies additional groups to participate in the development of a comprehensive emergency management plan. It requires that certain information pertaining to a school's comprehensive emergency management plan be public information. Other elements of the plan that could jeopardize safety are protected from disclosure.

Enacted Law Summary

Public Law 2007, chapter 408 expands the interested parties involved in the development of a school's comprehensive emergency management plan. The approval of the plan and certain information pertaining to the plan are designated as public information while information that could jeopardize safety are protected from disclosure.

LD 271 **An Act To Permit Andover College To Issue Degrees under New Ownership** **P & S 2 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS ROTUNDO	OTP	

LD 271 authorizes Andover College to issue degrees under its new ownership.

Enacted Law Summary

Private and Special Law 2007, chapter 2 authorizes Andover College to issue degrees under its new ownership. This law was enacted as an emergency measure effective March 20, 2007.

LD 272 **An Act To Create Charter Programs within Existing Schools** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	ONTP	

LD 272 is a concept draft proposing to provide school boards with the authority to establish charter programs within existing schools in their own school administrative unit. The legislation would establish a pilot program that would permit up to 20 charter programs to be authorized during a 10-year period. The central purposes of establishing charter programs would be to expand learning opportunities for disengaged students who are underserved by the current educational system and to increase the likelihood that students will excel in a standards-based educational system.

LD 293 **An Act To Address the Evaluations of Certain School Employees** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS	OTP-AM A OTP-AM B ONTP C	

This bill requires that a person paid to work in a school in a position that does not require certification or authorization but whose employment requires the approval of the Department of Education must receive an evaluation from the school administrative unit before the end of the first year of employment. The bill also provides that school boards must establish criteria and standards for job performance for those personnel and further provides that the evaluation of those personnel must use the criteria and standards of job performance established by school boards.

LD 317 **An Act To Increase the Availability of Public Education Services from Child Development Services** **PUBLIC 430**

Sponsor(s)	Committee Report	Amendments Adopted
DOW	OTP-AM	S-142

This bill expands the opportunity of preschool children with disabilities to continue to have free, appropriate public education provided through the Child Development Services System. This bill extends the window of eligibility by 2 months, allowing children who reach 5 years of age between July 1st and October 15th, instead of the current September 1st and October 15th, to continue with the Child Development Services System.

Committee Amendment "A" (S-142)

This amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2007, chapter 430 expands the opportunity of preschool children with disabilities to continue to have free, appropriate public education provided through the Child Development Services System. This law extends the window of eligibility by 2 months, allowing children who reach 5 years of age between July 1st and October 15th, instead of the current September 1st and October 15th, to continue with the Child Development Services System.

LD 334 **Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites** **RESOLVE 47 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a major substantive rule of the Department of Education.

Enacted Law Summary

Resolve 2007, chapter 47 authorizes final adoption of portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a provisionally adopted major substantive rule of the Department of Education.

Resolves 2007, chapter 47 was enacted as an emergency measure effective June 4, 2007.

LD 338 **An Act Regarding the Labor Market Adjustment for Teacher Salary Costs under Essential Programs and Services Funding** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	ONTP	

This bill establishes a labor market adjustment for fiscal year 2007-08 and each year thereafter to the regional adjustment for teacher salary costs set forth in the Maine Revised Statutes, Title 20-A, section 15682.

LD 343 **An Act Regarding School Transportation** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FINCH	ONTP	

LD 343 requires that rules adopted by the Department of Education concerning seat belts or child safety seats for school buses are major substantive rules.

LD 346 **An Act To Increase State Funding of Public Education** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	

This bill increases the state share of the cost of funding public education to 60% beginning with fiscal year 2009-10.

LD 370 **Resolve, To Reduce the Number of School Administrative Units and Gain Administrative Efficiencies** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	ONTP	

This resolve establishes a mechanism to consolidate the business side of providing kindergarten to grade 12 educational services while leaving in place schools, teachers and students. The resolve establishes the Committee to Consolidate School Administration to develop a plan that eliminates current administrative education units and their governing boards and administration and redraws the boundaries of those units. Under the plan a school administrative unit may consist of a municipality or a new school administrative district and will, on average, serve a range of 2,000 to 2,200 students. New school boards will be elected in June of 2008, which is the last month of the transition period into the new consolidated school administration plan.

LD 404 **An Act To Limit Regional Adjustments to Teacher Salaries** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TARDY	ONTP	

This bill specifies that any regional adjustment multiplier applied to teacher salaries and benefits may not be less than 1.0.

LD 410 **An Act To Repeal the Certification and Authorization Fees for School Personnel** **ACCEPTED REPORT A (ONTP)**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	ONTP A OTP-AM B OTP-AM C	

In the First Regular Session of the 122nd Legislature, new certification and authorization fees were established to help balance the Department of Education's budget. This bill repeals those charges that were imposed on school employees for their certifications and authorizations.

LD 448 **An Act To Improve Equity in School Funding** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	ONTP	

This bill provides that, beginning in fiscal year 2007-08, the regional adjustment provided to school administrative units under the Essential Programs and Services Funding Act must be based on the regional differences in teacher salary costs or the regional differences in teacher housing costs within labor market areas in the State, whichever provides a greater regional adjustment to the school administrative unit.

LD 453 **An Act To Enhance the Choices for Children and Parents from Areas without Public Secondary Schools** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUPREY	ONTP	

LD 453 allows sectarian schools to be eligible for the receipt of public funds for tuition purposes, with the tuition discounted pro rata for the portion of the sectarian school's curriculum that is religion instruction.

LD 454 **An Act To Amend Truancy Laws Regarding Parent Involvement** **PUBLIC 304**

Sponsor(s)	Committee Report	Amendments Adopted
SILSBY	OTP-AM MAJ ONTP MIN	H-168 H-384 SILSBY

LD 454 strengthens the truancy laws by making it a Class E crime for parents who fail to take corrective measures for truant children from kindergarten to grade 6.

Committee Amendment "A" (H-168)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It clarifies that the truancy provisions apply to students 7 years of age and older. It requires that certain excusable absences be approved in advance, instead of just reported. It includes language for enforcement provisions in the truancy statutes for the unorganized territories.

House Amendment "A" (H-384)

This amendment removes the provision in the bill making it a Class E crime for parents who fail to take corrective measures for truant children from kindergarten to grade 6. It amends the definition of "jeopardy" in the statutes administered by the Department of Health and Human Services to include deprivation of education when the child is at least 7 years of age and has not completed grade 6. It requires a superintendent to include in the mandatory notice sent to parents of truant children that the superintendent is authorized to notify the Department of Health and Human Services of the truancy. It amends the definition of "abuse and neglect" to include violation of truancy laws by parents of children who are at least 7 years of age and have not completed grade 6. It allows a court to impose a fine not to exceed $250 for habitual truancy and allows the court to suspend all or part of a fine for habitual truancy upon compliance with a court order issued in connection with the habitual truancy.

Enacted Law Summary

Public Law 2007, chapter 304 amends the definition of "jeopardy" in the statutes administered by the Department of Health and Human Services to include deprivation of education when the child is at least 7 years of age and has not completed grade 6. It requires a superintendent to include in the mandatory notice sent to parents of truant children that the superintendent is authorized to notify the Department of Health and Human Services of the truancy. It amends the definition of "abuse and neglect" to include violation of truancy laws by parents of children who are at least 7 years of age and have not completed grade 6. It allows a court to impose a fine not to exceed $250 for habitual truancy and allows the court to suspend all or part of a fine for habitual truancy upon compliance with a court order issued in connection with the habitual truancy.

LD 462 **An Act Authorizing the Institute for Doctoral Studies in the Visual Arts To Confer the Degree of Doctor of Visual Arts** **P & S 1 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	OTP	

LD 462 authorizes the Institute for Doctoral Studies in the Visual Arts to confer the degree of Doctor of Visual Arts upon students in accordance with the Maine Revised Statutes, Title 20-A, section 10704. The State Board of Education voted unanimously to approve the institute's application to confer the degree and transmitted its recommendation to the Joint Standing Committee on Education and Cultural Affairs in accordance with the Department of Education's rules, Chapter 149.

Enacted Law Summary

Private and Special Law 2007, chapter 1 authorizes the Institute for Doctoral Studies in the Visual Arts to confer the degree of Doctor of Visual Arts upon students.

LD 464 **An Act To Reform Public Education by Encouraging Regional Approaches** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to reform public education by implementing recommendations included in the report entitled, "A Case for Cooperation: Making Connections to Improve Education for All Maine Students," published by the Maine Children's Alliance in 2006. The bill would amend the education laws in order to encourage new and expanded regional approaches to school organization and to facilitate voluntary cooperation in the delivery of educational programs and services.

Legislation developed to reform public education would include, but would not be limited to, the following:

1. The establishment of school planning alliances in 26 regions of the State based upon the existing centers and regions in the career and technical education system established in the Maine Revised Statutes, Title 20-A, chapter 313. A school planning alliance would be authorized to create a plan to increase educational opportunities, streamline administration and gain efficiencies for the school administrative units within the region;

2. The establishment of a new type of school administrative unit, the regional school district, as an option for school administrative units within a school planning alliance as described in section 1 to cooperate in creating a more effective and cost-efficient school system;

3. The amendment of state laws and rules for financing the construction and renovation of school facilities to establish a regional school construction finance program that complements current state finance programs for the construction of new school facilities as established by Title 20-A, chapter 609 and for the renovation of existing school facilities as established by Title 30-A, section 6006-F;

4. The authorization for regional cooperative organizations to be eligible for state funding from the Fund for the Efficient Delivery of Educational Services established in Title 20-A, section 15754 for the provision of support services, classroom instruction when needed to provide an adequate curricular program and enrichment programs;

5. The creation of a model statewide school calendar that would be adopted at the local level and coordinated at the regional level;

6. The requirement that all school administrative districts and regional school districts be named. Existing numbers for school administrative districts should be replaced with names identifying the districts;

7. The authorization for the Department of Education to adopt or amend rules to establish educational standards for the approval of a school administrative unit that petitions to become a member of, or to withdraw from, a school district; and

8. The restoration of full funding for the Fund for the Efficient Delivery of Educational Services at an amount equivalent to 2% of the total amount appropriated for the General Purpose Aid for Local Schools program during the 2008-2009 biennium.

LD 465 **An Act To Prohibit School Administrative Units from Advocating in Political Activity** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	ONTP	

This bill prohibits members of a school board, superintendents and employees of a school administrative unit from engaging in political activity that is intended to influence a voter's opinion or that expressly advocates for or against any political candidate, referendum question or issue that is placed on the ballot for voters. The bill also provides a penalty for persons who violate this prohibition on political activity.

LD 468 **An Act To Amend the Laws Governing Compulsory School Attendance** **PUBLIC 143**

Sponsor(s)	Committee Report	Amendments Adopted
BOWMAN	OTP	S-63

LD 468 adds to the duties of the attendance coordinator serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism.

Committee Amendment "A" (S-63)

This amendment adds a mandate preamble to the bill.

Enacted Law Summary

Public Law 2007, chapter 143 adds to the duties of the attendance coordinator serving as the liaison between the

school and the local law enforcement agency in matters pertaining to student absenteeism.

LD 470 **An Act To Add Ten Days to the School Year** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

LD 470 extends the school year by 10 days starting in the school year beginning in 2007.

LD 481 **Resolve, Directing the Department of Education To Review and Assess Distance Learning Opportunities for High School Students** **RESOLVE 11**

Sponsor(s)	Committee Report	Amendments Adopted
FARRINGTON	OTP	

This resolve directs the Department of Education to review and assess distance learning opportunities for public high school students and report to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2008.

Enacted Law Summary

Resolve 2007, chapter 11 directs the Department of Education to review and assess distance learning opportunities for public high school students and report to the Joint Standing Committee on Education and Cultural Affairs by January 15, 2008.

LD 482 **Resolve, To Conduct an Objective and Independent Review of Essential Programs and Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH	ONTP	

This resolve is a concept draft pursuant to Joint Rule 208. This resolve proposes to require that an objective and independent review of the essential programs and services school funding formula be conducted by qualified researchers. In conducting the review, the researchers shall analyze whether the original intent of the essential programs and services design is being met, and whether the essential programs and services school funding formula is providing the necessary state aid to meet the actual cost of providing elementary, middle and secondary education programs, including special education, career and technical education, transportation, technology and extracurricular and cocurricular programs. The review will also include an assessment of the effect of the essential programs and services school funding formula on high-valuation communities and school districts. Finally, the review will include an assessment of the impact of recent laws enacting changes to the essential programs and services school funding formula and the phase-in of the percentage of the State's share of general purpose aid to local schools.

LD 483 **An Act To Require That Public Schools Start after Labor Day** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
VALENTINO	ONTP MAJ OTP-AM MIN	

LD 483 prohibits the school year from beginning before Labor Day.

LD 484 **An Act To Adjust the School Funding Formula with Regard to Unorganized Territories** **PUBLIC 424**

Sponsor(s)	Committee Report	Amendments Adopted
CARTER	ONTP MAJ OTP-AM MIN	H-261 S-375 ROTUNDO

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to adjust the school funding formula to require the unorganized territories to pay their full and fair share of educating students from the unorganized territories in kindergarten to grade 12.

Senate Amendment "A" (S-375)

This amendment removes the requirement in the Committee Amendment "A" that requires the Commissioner of Education to pay up to 110% of the receiving school administrative unit's established tuition rate for each elementary school student who is a tuition student from the unorganized territories and up to 110% of the state average per public secondary student cost for each secondary school student who is a tuition student from the unorganized territories. This amendment also removes the requirement from Committee Amendment "A" that requires the Commissioner of Education to compute the tuition paid for each tuition student and allocate the tuition costs to the property owners from the unorganized unit where the tuition student resides. Instead, this amendment requires the Commissioner of Education to pay each receiving unit's actual per student cost incurred for educating students in that receiving unit for both elementary and secondary students from the unorganized territories. This amendment removes the provision in current law that allows the commissioner to pay the lesser of the actual cost or the State average per-pupil cost.

Enacted Law Summary

Public Law 2007, chapter 424 requires the Commissioner of Education to pay each receiving unit's actual per student cost incurred for educating students in that receiving unit for both elementary and secondary students that are tuition students from the unorganized territories. The law removes the provision in current law that allows the commissioner to pay the lesser of the actual cost or the State average per-pupil cost for tuition students from the unorganized territories.

LD 560 **An Act To Integrate the Approval of Early Childhood Education Plans for Children 4 Years of Age into Basic School Approval for Elementary Schools** **PUBLIC 141**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP MAJ ONTP MIN	

This bill defines "public preschool program" in the laws governing education. This definition differentiates a public preschool program from a one- or two-year kindergarten program. The bill also integrates approval of early childhood education plans for programs for children 4 years of age into the laws governing basic school approval.

Enacted Law Summary

Public Law 2007, chapter 141 amends the definition of a "public preschool program" in the laws governing education to differentiate a public preschool program from a one- or two-year kindergarten program. The law also integrates approval of early childhood education plans for programs for children 4 years of age into the laws governing basic school approval.

LD 614 **An Act To Modify the Essential Programs and Services Formula To Aid Rural School Districts** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to modify the essential programs and services school funding formula to aid rural school districts by changing the adjustment in the formula made for salaries and benefits received by school personnel.

LD 672 **An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	S-42

LD 672 makes ongoing General Fund appropriations of $62,754 in fiscal year 2007-08 and $87,747 in fiscal year 2008-09 to the Maine State Museum for one Museum Specialist III position beginning October 1, 2007 in order to allow 2 half-time Ph.D. scientists currently sharing one full-time position to both work full-time.

Committee Amendment "A" (S-42)

This amendment incorporates a fiscal note.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 791 **An Act To Ensure Equitable Geographic Representation on the State Board of Education** **PUBLIC 179**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM	S-107 RAYE S-43

This bill changes the composition of the State Board of Education by requiring that membership of the board be broadly representative of the geographic regions of the State and of municipalities of varying sizes.

Committee Amendment "A" (S-43)

This amendment strikes the requirement in the bill regarding changes to the composition of the State Board of Education related to broad representation of municipalities of varying sizes, but retains the requirement that the

composition of the State Board of Education must be broadly representative of the geographic regions of the State. The amendment also clarifies that the residency requirement for members appointed to the State Board of Education is limited to their residency at the time of their appointment. The amendment further provides that the members serving on the State Board of Education at the time of the effective date of this Act continue to serve for the remainder of the terms for which they were appointed and, after the expiration of those terms, that the appointment of State Board of Education members must be made consistent with the provisions of this Act.

Senate Amendment "A" (S-107)

This amendment retains language in the bill that provides that the membership of the State Board of Education must be broadly representative of municipalities of varying sizes.

Enacted Law Summary

Public Law 2007, chapter 179 changes the composition of the State Board of Education by requiring that membership of the board be broadly representative of the geographic regions of the State and of municipalities of varying sizes.

LD 821 **Resolve, To Make University of Maine System Tuition Affordable** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MOORE G	ONTP	

This resolve is a concept draft pursuant to Joint Rule 208. This emergency resolve proposes to direct the University of Maine System to reduce by 10% the salaries of all administrative positions within the system and to use those savings to lower tuition for Maine resident students.

LD 834 **Resolve, To Create a Study Commission To Review and Report on the Possibility of Making All Public School Teachers in Maine Employees of the State** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
HOTHAM MILLS P	OTP-AM MAJ ONTP MIN	

This resolve establishes the Commission to Review and Report on the Possibility of Making All Public School Teachers in Maine Employees of the State.

LD 835 **An Act To Encourage School Administrative Units To Collaborate with Other School Administrative Units** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SILSBY MITCHELL	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to provide the opportunity for current school administrative units to form regional cooperatives to aid in the efficient delivery of educational services while maintaining a high-quality educational system for students, teachers, community members and schools. The bill would balance the independence of the legislative bodies of school administrative units and local control with the efficient delivery of administrative services for schools while enhancing the educational programs provided for prekindergarten to grade 12 public education students in the State.

Under this bill, school administrative units would form regional cooperatives that serve at least 2,800 students. The bill would also establish the Efficient Delivery of Educational Services Commission, referred to in this concept draft as "the commission," whose responsibilities include management of the fund, along with supporting, approving and monitoring the progress of the regional cooperatives. The regional cooperatives would apply to the commission for approval and financial incentives through the existing Fund for the Efficient Delivery of Educational Services, established under the Maine Revised Statutes, Title 20-A, section 15754. The commission would implement reorganization and cost savings for school administrative units that do not participate in a regional cooperative and for school administrative units that are unable to achieve the cost-savings benchmarks established by the commission for regional cooperatives.

Key Elements:

1. A school administrative unit may enter into an agreement with another school administrative unit or units to form a regional cooperative to increase efficiency and lower costs of delivering public education for prekindergarten to grade 12 students and to provide for equitable, high-quality education for all students.

2. School administrative units would develop regional cooperatives that are contiguous and advantageous to the community and their delivery of an educational system for prekindergarten to grade 12 students.

3. The commission would be formed to support, approve, and monitor regional cooperatives. The commission would approve regional cooperatives and offer financial incentives to regional cooperatives through the Fund for the Efficient Delivery of Educational Services. The commission would define the expenditures to be included in the system administration cost category established in Title 20-A, section 15680 and would establish benchmarks for the level of per-pupil cost savings to be achieved by school administrative units for the 2008-2009 and 2010-2011 legislative biennia.

4. In order for an entity to qualify for approval by commission as a regional cooperative, the entity must have a minimum of 2,800 students and establish a regional plan to generate cost savings in the delivery of public education services from prekindergarten to grade 12.

5. The commission may approve some extreme cases of geographic hardship for entities with less than the approved number of students.

6. School administrative units with current student populations of at least 2,800 would not be required to form regional cooperatives, but would be required to comply with the annual per-pupil expenditure benchmarks established by the commission for the system administration cost category. If the commission determines that such a school administrative unit fails to meet these benchmarks, then the commission would develop and implement a reorganization and cost-savings plan for the school administrative unit.

7. If a school administrative unit has not entered into a regional cooperative by June 2009 or if the commission determines that school administrative unit has failed to meet the annual per-pupil expenditure benchmarks established by the commission for the system administration cost category, then the commission would develop and implement a reorganization and cost-savings plan for the school administrative unit.

Timeline:

From September 2007 to June 2008: School administrative units seek input from the public about regional cooperatives and begin planning regional cooperatives.

By June 2008: School administrative units form regional cooperatives and apply to the commission.

By July 2008: Commission approves regional cooperatives.

By June 2009: Regional cooperatives implement plans, make adjustments and report cost savings.

By July 2009: Commission implements reorganization and cost-saving plans for school administrative units that have not entered into a regional cooperative or that have failed to meet the annual per-pupil expenditure benchmarks established by the commission for the system administration cost category.

By May 2010: Regional cooperatives realign work, plan for sustainability and report progress.

LD 836 **An Act To Enhance Special Education** **PUBLIC 307**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS TURNER	OTP-AM	H-417

This bill aligns existing law with the 2004 reauthorization of the federal Individuals with Disabilities Education Act and the regulations recently adopted by the United States Department of Education. The bill ensures state compliance with federal statutes and regulations and ensures that the State, school administrative units and other agencies are eligible for continued federal assistance. The bill specifies that Child Development Services System sites and governing boards are covered under the Maine Tort Claims Act; this inclusion expires June 30, 2008. The bill also specifies that Child Development Services System employees are public employees.

Committee Amendment "A" (H-417)

This amendment strikes the proposed repeal contained in the bill of several existing statutory provisions related to the duties of the board of directors of the regional sites of the Child Development Services System. The amendment is consistent with the intent of the bill that proposed to extend the repeal dates established in Public Law 2005, chapter 662 to permit more time for the implementation of several initiatives within the early childhood special education program that centralize fiscal administration, salary and benefits administration and data management policies and procedures.

The amendment also authorizes the state intermediate educational unit to function as the public employer of employees of a regional site within the early childhood special education program if the employees of a regional site choose to be represented by an agent for the purposes of collective bargaining. Finally, the amendment authorizes the state intermediate educational unit to enter into contracts, leases or other arrangements to perform its duties.

Enacted Law Summary

Public Law 2007, chapter 307 extends the repeal dates established in Public Law 2005, chapter 662 to permit more time for the implementation of several initiatives within the Child Development Services System that centralize fiscal administration, salary and benefits administration and data management policies and procedures for the early childhood special education program. The law also authorizes the state intermediate educational unit to function as the public employer of employees of a regional site within the early childhood special education program if the employees of a regional site choose to be represented by an agent for the purposes of collective bargaining. Finally, the law authorizes the state intermediate educational unit to enter into contracts, leases or other arrangements to perform its duties.

LD 853 **An Act To Encourage Efficiency in School Administration** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes emergency legislation to encourage efficiency in school administration by requiring that on July 1, 2007, school administrative units join a state-chartered educational cooperative, referred to as a "co-op," to contract for the regional delivery of administrative services. Co-ops are described in depth by the Maine Heritage Policy Center in "The Maine View" issue of January 25, 2007 and are functionally similar to educational cooperatives, which are nonprofit entities described in "A Case for Cooperation" published by the Maine Children's Alliance in August of 2006. The bill would include, but would not be limited to, the following.

1. Emergency legislation is required as co-ops are created immediately so that each co-op may hire a director and begin planning in the summer of 2007. This provides a year's lead time before the commencement of the delivery of regional services on July 1, 2008.

2. Participation in a co-op is required for all school administrative units, including those in the unorganized territories. The geographic bounds of the co-ops conform to the existing 26 vocational service regions except that a co-op may include more than one region in order to serve at least 3,000 students. A co-op must continue to: provide strong vocational education programming; adopt a common calendar for the region; establish parallel accounting systems for each unit; serve as contract bargaining agent for each unit; provide coordinated transportation services in the co-op; oversee food services for each public school in the co-op; support information technology for all schools in the co-op; coordinate and expand opportunities for regional and inter-regional instruction through distance learning, the Internet and other course-sharing initiatives; perform central payroll for all units in the co-op; coordinate the efficient delivery of special education services in the co-op; assist schools with comprehensive professional development programs in the co-op; provide curriculum and assessment services as needed or requested; function as agent for large-volume purchasing of goods and services; provide legal and medical support to each school; assist units with energy and facilities management; maintain a pool of qualified substitute teachers; assist units in providing instruction for students who are homebound or in the hospital; provide enrichment programs for gifted and talented students; establish a protocol for the exercise of school choice among schools; and provide high-quality programs to counteract school violence and substance abuse.

3. Member units continue to retain local control, including the authority to hire, oversee, evaluate and discharge teachers and other personnel; define local curriculum, assessment and professional development practices; determine the location and levels of support for individual schools; manage local budgets, subject to assessments for regional services; substitute local services for those optionally offered by the co-op if the units can provide them more effectively or at a lower cost; and provide governance to the co-op. This bill permits units and schools to refocus on student achievement and relieves units from the burden of business management so the units may manage the core function of schools, the process of education and instruction.

4. Each co-op is governed by a board with proportional representation from each member unit's school board. Units support services provided by the co-op through a capitated fee, contract, money assessment or other method agreed to by the member units. A unit aggrieved by a cost apportionment decision of the co-op has a right of appeal to the State Board of Education, which may issue substantive rules governing such issues.

5. Because each co-op is managed by existing public entities, the member units, there is no delay for elections, the assumption or allocation of public debt or the transfer of buildings and other assets. Interim funding of co-ops through June 30, 2008 will be supported by a capitated contribution from the state of $100 per student. As soon as formed, each co-op may supplement its state appropriation through assessing its member units if the units vote to do

so.

6. By July 1, 2008, every municipality must become part of a unit containing at least 1,200 students. Isolated small units, not contiguous to another, may retain their present governance. School unions are abolished. All segments of the unorganized territories will be assigned to a nearby or adjoining unit.

7. By August 1, 2007, the Commissioner of Education shall present to each co-op a suggested unit merger plan for local approval. Approved merger plans must be presented to the Legislature in January of 2008. For good cause shown, a merger may be delayed beyond July 1, 2008, although the merger plan must by then be in place.

8. This bill lengthens the school year beginning in September 2008 from 180 to 190 days, of which 185 are for instruction.

9. This bill amends the unit budget format by aligning it into segments aligned with co-op cost categories beginning July 1, 2008. This bill provides that, for units that must merge, no new employment contracts extending beyond June 30, 2008 may be agreed to until the restructuring provisions of this bill are in place.

LD 884 **An Act To Provide Funding to Postsecondary Marine Training Programs** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
EMERY	ONTP MAJ OTP-AM MIN	

This bill requires the Department of Education, working with the Chancellor of the University of Maine System and the President of the Maine Community College System, to develop marine training and education programs, to be available within the University of Maine System and the Maine Community College System. The programs are funded by a diversion of revenue from the sales and use tax imposed on watercraft. The current sales and use tax on watercraft is 5%. This bill maintains that rate but allocates 30% of the revenue from the sales and use tax imposed on watercraft, which is equivalent to 1.5% of the taxable sales that are subject to the 5% tax.

LD 898 **An Act To Increase Educational Opportunities in the Kennebec Valley Region** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	S-44

This bill makes one-time General Fund appropriations of $700,000 in fiscal year 2007-08 and $200,000 in fiscal year 2008-09 to the University of Maine System to accelerate the transition of the University of Maine at Augusta from an institution focused on two-year degrees to an institution focused on granting four-year baccalaureate degrees that meets the educational, economic, cultural and professional needs of the Kennebec Valley region.

Committee Amendment "A" (S-44)

This amendment increases from $200,000 to $900,000 the appropriation in fiscal year 2008-09 and specifies that such funds are intended to be ongoing rather than one-time funds.

LD 909 **An Act To Support Central Maine Community College** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	OTP-AM MAJ ONTP MIN	H-146

This bill makes ongoing General Fund appropriations of $150,000 per year to fund a full-time counselor and administrator position at Central Maine Community College to work to increase the student population at the college and to fund transportation costs, advertising and clerical support.

Committee Amendment "A" (H-146)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment incorporates a fiscal note.

LD 910 **An Act To Permit Public Schools in the Lower Kennebec River Area To Regionalize To Achieve Efficiency and Improve Quality** **P & S 25**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY BENOIT	OTP-AM MAJ OTP-AM MIN	H-589

This bill allows a school administrative unit that is a municipality or school administrative district to combine with another school administrative district to create a larger school administrative district.

Committee Amendment "B" (H-589)

This amendment is the minority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment strikes and replaces the bill to authorize the school administrative units of the City of Bath and the towns of Arrowsic, Georgetown, Phippsburg, West Bath and Woolwich to merge into and organize as a single regional school unit to become operative July 1, 2008. The amendment provides that, upon a vote of the residents of these municipalities, the respective school administrative units become participating members of this regional school unit.

Enacted Law Summary

Private and Special Law 2007, chapter 25 authorizes the school administrative units of the City of Bath and the towns of Arrowsic, Georgetown, Phippsburg, West Bath and Woolwich to merge into and organize as a single regional school unit to become operative July 1, 2008. The law provides that, upon a vote of the residents of these municipalities, the respective school administrative units become participating members of this regional school unit.

LD 928 **An Act To Make Higher Education More Efficient and More Economical** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to examine how the governance of the University of Maine System and the Maine Community College System may be combined and consolidated, including a merger of the trustees of the 2 systems, to effectuate a more efficient use of tax dollars and to reduce tuition payments by students.

LD 929 **An Act To Promote Legal Services in Rural Maine** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP MAJ OTP-AM MIN	

This bill makes ongoing General Fund appropriations of $90,750 for fiscal year 2007-08 and $199,650 for fiscal year 2008-09 to provide loans under the Attorneys for Maine Program for up to 5 law students at the University of Maine School of Law who have received baccalaureate degrees from the University of Maine campuses at Presque Isle, Machias, Fort Kent and Farmington. The Attorneys for Maine Program also allows for a loan given under the program to be forgiven if a loan recipient provides legal services in an underserved area of the State for 5 years after receiving a juris doctor degree.

LD 930 **An Act To Regionalize Supervision of Students in the Unorganized Territory** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

This bill establishes a 4-district school administrative system for the unorganized territory. The bill requires the Commissioner of Education to develop rules to transfer state management of the school systems in the unorganized territory to these 4 districts. The commissioner is required to submit to the Second Regular Session of the 123rd Legislature provisionally adopted rules and proposed legislation necessary to accomplish this transfer of responsibility. The Joint Standing Committee on Education is authorized to report out a bill related to the unorganized territory school district system to the Second Regular Session of the 123rd Legislature.

LD 947 **Resolve, To Prepare Students for Success in the Twenty-first Century** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

This resolve:

1. Creates the Bipartisan School Redistricting Panel to redraw school administrative units to eliminate all units that serve under 3,000 students;

2. Directs the Department of Education to create a student investment account program that creates investment accounts for each child born in the State for use by residents for postsecondary education at institutions of higher learning located in the State and endows each account with $200;

3. Directs the Department of Education to create a tuition assistance program in which each graduating high school student who demonstrates financial need and is accepted into an associate's or bachelor's program in a postsecondary institution in the State will receive an amount equal to 50% of the average tuition for 2 years at the Maine Community College System, and those students pursuing teaching certificates and committing to teaching in the State for 3 years after graduation will receive an additional 50% of the average tuition for 2 years at the Maine Community College System for their junior and senior years;

4. Directs the Department of Education and the University of Maine System to administer leadership training institutes for teachers and school administrators and requires school administrators to attend the institute every 5 years as a requirement for recertification; and

5. Directs that school administrative units provide for individual wireless devices for 9th to 12th graders as part of their plans submitted to receive targeted funds for technology.

LD 967 **Resolve, Regarding Legislative Review of Chapter 007: Implementation of the Essential Programs and Services Funding Model, a Major Substantive Rule of the Department of Education** **RESOLVE 134**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP MAJ	H-398 PERRY A
	OTP-AM MIN	H-597 PERRY A

This resolve provides for legislative review of Chapter 007: Implementation of the Essential Programs and Services Funding Model, a major substantive rule of the Department of Education.

House Amendment "A" (H-398)

This amendment provides that final adoption of the provisionally adopted major substantive rule is authorized contingent upon the Department of Education amending the provisionally adopted rule to require that targeted funds plans for implementation of a standards-based system must include a step-by-step action plan developed in documented consultation with the local teacher association and to require the Commissioner of Education to develop the documentation process.

House Amendment "B" (H-597)

This amendment strikes the emergency preamble and the emergency clause.

Enacted Law Summary

Resolve 2007, chapter 134 provides that final adoption of the provisionally adopted major substantive rule is authorized contingent upon the Department of Education amending the provisionally adopted rule to require that targeted funds plans for implementation of a standards-based system must include a step-by-step action plan developed in documented consultation with the local teacher association and to require the Commissioner of Education to develop the documentation process.

LD 974 **Resolve, Requiring the Department of Education To Review the Personnel Preparation and Professional Development Opportunities for Special Purpose School Teachers** **RESOLVE 20**

Sponsor(s)	Committee Report	Amendments Adopted
NASS J	OTP-AM	H-103

This bill directs the State Board of Education to adopt rules allowing a teacher in a regional special education or regional alternative educational program or school to meet certification requirements by substituting demonstrated life experience or work experience for course work or other applicable education requirements.

Committee Amendment "A" (H-103)

This amendment strikes the bill and replaces it with a resolve to direct the Department of Education, in collaboration

with the State Board of Education and other stakeholders, to review issues related to the personnel preparation and professional development opportunities for teachers in regional special education or regional alternative education programs or schools as part of a review of programs available to promote educational opportunities for students with special needs. The amendment requires the Department of Education to submit a report, including findings and recommended legislation, to the Joint Standing Committee on Education and Cultural Affairs by October 1, 2007.

Enacted Law Summary

Resolve 2007, chapter 20 directs the Department of Education, in collaboration with the State Board of Education and other stakeholders, to review issues related to the personnel preparation and professional development opportunities for teachers in regional special education or regional alternative education programs or schools as part of a review of programs available to promote educational opportunities for students with special needs. The law requires the Department of Education to submit a report, including findings and recommended legislation, to the Joint Standing Committee on Education and Cultural Affairs by October 1, 2007.

LD 976 **An Act To Encourage Cost Efficiency in Administration of and Contribution to Tax Burden Reduction by School Districts** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a multitiered school funding formula that is designed to provide additional school funding assistance to school districts that are sufficiently consolidated to gain cost efficiency in administration and to school districts that are contributing to statewide tax burden reduction. Specifically, the proposal would change the Essential Programs and Services funding formula, or EPS, as defined in the Maine Revised Statutes, Title 20-A, chapter 606-B, to create a gradation of mill rate expectations that depend explicitly on district consolidation and budget decisions made by individual school districts in the previous year. The idea is to retain local control of school operations but create much stronger incentives for administrative cost efficiency.

The baseline mill rate expectation for all school districts would be set annually at the rate that could be supported with state general purpose aid funding, or GPA, that is equivalent to 50% of EPS costs. The additional 5% of the State's GPA funding, as required under current law, would be allocated into a supplementary school funding bonus system that would further reduce the mill rate expectation in eligible communities. The local mill rate expectation would be reduced by a fixed amount for each "efficiency point" earned up to a maximum of 5 efficiency points in each school district. Thus there would be in effect 5 tiers of mill rate expectation, depending on the administrative cost efficiency and tax burden reduction targets achieved.

1. District size. Consolidated school districts would be awarded efficiency points based on the size of the district, as follows: (a) At least 3,000 students, 3 efficiency points; (b) At least 2,000 but fewer than 3,000 students, 2 efficiency points; and (c) At least 1,000 but fewer than 2,000 students, 1 efficiency point.

2. EPS spending. Districts could earn another 2 efficiency points by: (a) Spending at least the EPS baseline on education but exceeding EPS by no more than 5%; or (b) Exceeding EPS costs by proportionately less the previous year than the year prior to that year, indicating a proportional movement toward tax burden reduction.

The value of the efficiency points in terms of their reduction in mill rate expectation would be based on the cost of the mill rate reduction to State Government, calibrated to equate exactly to the incremental resources available from the last 5% of the State's 55% commitment.

LD 979 **An Act To Adjust the Calculation of the Essential Programs and Services Pupil Count to Accurately Reflect Population Change** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TARDY	ONTP	

This bill amends the pupil count calculation in determining school operating costs for essential programs and services by calculating the greatest of the 6 pupil counts for April 1st and October 1st of the 3 most recent calendar years prior to funding, as opposed to the average of the 2 and 6 pupil counts for April 1st and October 1st of the most recent calendar year prior to funding.

LD 985 **An Act To Include Family Life Skills in the System of Learning Results** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NASS J	ONTP	

LD 985 includes family life skills, including but not limited to financial skills such as budgeting and personal finance, health care choices and family dynamics, in the system of learning results.

LD 1013 **An Act To Offer Tuition Waivers for State Higher Education Facilities to Eligible Veterans** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

This bill establishes a tuition waiver for veterans at state postsecondary educational institutions. Under the bill, the Finance Authority of Maine will administer the tuition waiver program, as it currently does under the Maine Revised Statutes, Title 20-A, chapters 429 and 429-A. The authority is given rulemaking powers to define "veteran" and to establish how many tuition waivers are available each year at each state postsecondary educational institution.

LD 1020 **An Act To Renew the Promise of Higher Education** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	OTP-AM MAJ ONTP MIN	S-97

This bill allows a person who has a gross family income of less than $50,000 a year to attend any institution within the Maine Community College System free from tuition charges.

Committee Amendment "A" (S-97)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment establishes the Maine's Promise Grant Program, a need-based grant program to eliminate the unmet need and the necessity of student loans that would otherwise present a significant financial barrier to resident students from low-income households to enrolling in an associate degree program or a baccalaureate degree program at a

public institution of higher education in this State for one year. The purpose of the grant program is to allow students whose reported annual family income is at or below the established federal poverty level to enroll in an associate degree program or a baccalaureate degree program free of tuition and fee charges for one year in the University of Maine System, the Maine Community College System or at Maine Maritime Academy. The amendment provides that a person is eligible for a grant under the program if the person:

1. Is a Maine resident who has graduated from an approved secondary school in the State or has successfully completed a high school equivalency diploma or its equivalent in the State;

2. Has been accepted for enrollment as an undergraduate in an eligible program of study and has not received a previous associate degree or baccalaureate degree;

3. Has completed an application for federal student financial aid programs and any institutional student financial aid programs for which the person may be eligible and an application for the Maine State Grant Program; and

4. Has a reported annual family income that is at or below the established federal poverty level as certified by the Finance Authority of Maine.

LD 1025 **An Act To Reform Essential Programs and Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill accomplishes the following:

1. It directs the Department of Education to develop and post on its publicly accessible website a clear and logically organized description of how the cost of the components of essential programs and services is calculated;

2. It directs the department to develop a methodology that allows each major component of a school administrative unit's budget to be readily compared with the comparable component of the unit's required contribution established under the Maine Revised Statutes, Title 20-A, section 15688, subsection 3-A; and

3. It requires a school administrative unit, in accordance with rules adopted by the Department of Education, to provide an opportunity for voters within the unit to vote separately on each major component of the unit's budget as it compares with the comparable component of the unit's required contribution established under Title 20-A, section 15688, subsection 3-A.

LD 1040 **Resolve, Directing the Department of Education To Encourage School Administrative Units To Encourage Secondary School Students To Apply to College** **RESOLVE 122**

Sponsor(s)	Committee Report	Amendments Adopted	
CUMMINGS MITCHELL	OTP-AM	H-180 S-100	HANLEY S DIAMOND

This bill requires secondary school students to complete at least one application to a postsecondary educational institution.

House Amendment "A" (H-180)

This amendment is being offered on behalf of the Committee on Engrossed Bills to incorporate a revised fiscal note.

Senate Amendment "A" (S-100)

This amendment changes the bill to a resolve that directs the Department of Education to devise and implement methods to encourage school administrative units to encourage secondary school students to complete at least one application to a college, university or other postsecondary educational institution. These methods may include but are not limited to adding a requirement that a secondary school student complete at least one application to a college, university or other postsecondary educational institution to the requirements in the department's rules for the award of a diploma.

Enacted Law Summary

Resolve 2007, chapter 122 directs the Department of Education to devise and implement methods to encourage school administrative units to encourage secondary school students to complete at least one application to a college, university or other postsecondary educational institution. These methods may include but are not limited to adding a requirement that a secondary school student complete at least one application to a college, university or other postsecondary educational institution to the requirements in the department's rules for the award of a diploma.

LD 1041 **An Act To Improve the Essential Programs and Services Funding Formula** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
FINCH MARRACHE	OTP-AM ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to improve various aspects of the funding formula for local schools contained in the Essential Programs and Services Funding Act.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1042 **An Act To Establish Uniformity in School Building Construction (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEDDELL	ONTP	

This bill requires the State Board of Education to adopt rules for new school construction projects that define what constitutes small, medium and large schools. The state board is required to develop standard school construction plans for small, medium and large elementary schools, middle schools and high schools based on student enrollment. The state board may not approve the allocation of state funds for a new school construction project unless the new school construction plan submitted in the application meets the standard school construction plans.

LD 1043 **An Act Regarding Requirements for the Issuance and Renewal of Teaching Certificates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOLMAN	ONTP	

This bill provides that the Commissioner of Education may authorize the issuance or renewal of teacher certificates upon a review of evidence provided by the candidate of qualifications that demonstrate that the candidate's life experience, work experience or educational experience is commensurate with the course work or other educational requirements that at the time of the demonstration are required for issuance or renewal of the teacher certificate for which the candidate has applied.

LD 1103 **Resolve, To Determine the Impact of Funding for State Higher Education on the Distribution of Higher Education Costs among Families, Taxpayers and Publicly Supported Institutions of Higher Education** **RESOLVE 119**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	OTP-AM	S-269

This bill provides additional funding for the University of Maine System to provide a 5% total increase in funding in each year of the biennium. It also provides that no later than fiscal year 2014-15 the percentage of funding for the University of Maine System and the Maine Community College System that is provided from General Fund appropriations must be at least 55%.

Committee Amendment "A" (S-269)

This amendment strikes and replaces the bill with a resolve directing the University of Maine System, the Maine Community College System, Maine Maritime Academy and the Finance Authority of Maine to collaboratively conduct a review of the impact of funding for publicly supported higher education in the State during the period from fiscal year 2002-03 to fiscal year 2006-07. The amendment provides 2 research questions for this review.

1. How have Maine finance policies related to the distribution of public subsidies influenced the distribution of student-related higher education costs among parents and students, state taxpayers, federal taxpayers and publicly supported institutions of higher education in the State?

2. As perceived by the review panel, what conclusions and implications can be drawn from the data concerning the degree to which state finance policies related to the distribution of public subsidies have sustained access, advanced equity of higher education opportunity and promoted equitable cost-sharing for all Mainers?

The amendment also provides that the review panel shall present its report, including findings, recommendations and any necessary legislation, to the Joint Standing Committee on Education and Cultural Affairs no later than January 31, 2008. The Joint Standing Committee on Education and Cultural Affairs may submit a bill based on the report presented pursuant to this resolve to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 119 directs the University of Maine System, the Maine Community College System, Maine Maritime Academy and the Finance Authority of Maine to collaboratively conduct a review of the impact of funding for publicly supported higher education in the State during the period from fiscal year 2002-03 to fiscal year 2006-07. The resolve provides 2 research questions for this review.

1. How have Maine finance policies related to the distribution of public subsidies influenced the distribution of student-related higher education costs among parents and students, state taxpayers, federal taxpayers and publicly supported institutions of higher education in the State?

2. As perceived by the review panel, what conclusions and implications can be drawn from the data concerning the degree to which state finance policies related to the distribution of public subsidies have sustained access, advanced

equity of higher education opportunity and promoted equitable cost-sharing for all Mainers?

The resolve also provides that the review panel shall present its report, including findings, recommendations and any necessary legislation, to the Joint Standing Committee on Education and Cultural Affairs no later than January 31, 2008. The Joint Standing Committee on Education and Cultural Affairs may submit a bill based on the report presented pursuant to this resolve to the Second Regular Session of the 123rd Legislature.

LD 1123 Resolve, Relating to the Wells-Ogunquit Community School District **RESOLVE 129**

Sponsor(s)	Committee Report	Amendments Adopted
BOWMAN	OTP-AM MAJ ONTP MIN	S-175

This bill changes the formula for computing each town's assessment for the expenses of the Wells-Ogunquit Community School District. The current formula bases 66.7% of the assessments on state valuation and 33.3% on the number of resident pupils in each town. The formula is changed so that the assessments are based on 67% of the number of resident pupils and 33% on the assessment of state valuation. This bill also removes language that permits the towns to agree to change the formula by separate majority vote in each town and that requires a withdrawal from the community school district to be authorized by special act of the Legislature.

Committee Amendment "A" (S-175)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment replaces the bill with a resolve and requires the Town of Ogunquit and the Town of Wells or their representatives to negotiate in good faith in order to reach a settlement of the dispute between the towns regarding the formula for computing each town's assessment for the total expenses of the Wells-Ogunquit Community School District. The amendment also requires that the towns present a report, including findings and recommendations regarding changes to the formula for apportionment of kindergarten-to-grade-12 education costs of the school district, to the Joint Standing Committee on Education and Cultural Affairs no later than December 5, 2007. Finally, the amendment provides that the Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 123rd Legislature regarding its recommendations on the report submitted by the towns to settle this dispute.

Enacted Law Summary

Resolve 2007, chapter 129 requires the Town of Ogunquit and the Town of Wells or their representatives to negotiate in good faith in order to reach a settlement of the dispute between the towns regarding the formula for computing each town's assessment for the total expenses of the Wells-Ogunquit Community School District. The resolve also requires that the towns present a report, including findings and recommendations regarding changes to the formula for apportionment of kindergarten-to-grade-12 education costs of the school district, to the Joint Standing Committee on Education and Cultural Affairs no later than December 5, 2007. Finally, the resolve provides that the Joint Standing Committee on Education and Cultural Affairs may submit a bill to the Second Regular Session of the 123rd Legislature regarding its recommendations on the report submitted by the towns to settle this dispute.

LD 1152 An Act To Improve Public Education in Maine **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON BOWMAN		

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the education statutes to improve public education. The bill proposes to change:

1. The system of learning results, established in the Maine Revised Statutes, Title 20-A, chapter 222, to improve elementary and secondary public education in the State by advancing educational equity, reinforcing accountability and promoting the assessment of student learning;

2. The Essential Programs and Services Funding Act, established in Title 20-A, chapter 606-B, to ensure the provision of adequate educational resources for all students to meet the standards in the 8 content standard subject areas of the system of learning results; and

3. The Child Development Services System, as defined in Title 20-A, section 7001, subsection 1-A, to ensure the provision of child find activities, early intervention services and free, appropriate public education services to eligible children as required by federal law and state statutes, including the provisions of Title 20-A, chapters 301 and 303.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1175 **An Act To Apply Municipal Nepotism Policies to Municipal School Units** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BLANCHETTE PERRY J	ONTP	

This bill requires that municipalities with an ordinance, charter, code or personnel policy that governs nepotism relating to employment of a family member of a municipal officer use that policy for school board members of a municipal school unit.

LD 1178 **An Act To Update and Clarify Laws Relating to Maine's Community Colleges** **PUBLIC 67**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON BOWMAN	OTP	

This bill updates and clarifies several laws governing Maine's community colleges. It requires the Board of Trustees of the Maine Community College System to license dormitory rooms for occupancy by students. It updates the language regarding traffic violations on campus. It clarifies that the Maine Community College System personnel records are entitled to the same protections as the personnel records of state employees. It enables the community colleges to enhance public safety by specifying the colleges' ability to control firearm possession on their campuses. Finally, it gives community college library patrons the same rights regarding confidentiality as patrons of the University of Maine System, Maine Maritime Academy and municipal libraries.

Enacted Law Summary

Public Law 2007, chapter 67 updates and clarifies several laws governing Maine's community colleges. It requires the Board of Trustees of the Maine Community College System to license dormitory rooms for occupancy by students. It updates the language regarding traffic violations on campus. It clarifies that the Maine Community College System personnel records are entitled to the same protections as the personnel records of state employees. It

enables the community colleges to enhance public safety by specifying the colleges' ability to control firearm possession on their campuses. Finally, it gives community college library patrons the same rights regarding confidentiality as patrons of the University of Maine System, Maine Maritime Academy and municipal libraries.

LD 1186 **An Act To Establish Educational Excellence for the Towns of Corinna, Etna, Dixmont, Hartland, Newport, Palmyra, Plymouth and St. Albans** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TARDY	ONTP	

This bill establishes the Corinna, Etna, Dixmont, Hartland, Newport, Palmyra, Plymouth and St. Albans Community School District.

LD 1195 **An Act To Establish a Uniform Chart of Municipal Accounts** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the current law to expand a model chart of accounts from the school system to include municipal accounts and recommend that it be adopted as a guide to be voluntarily followed.

LD 1220 **An Act To Ensure Continued Education in Boatbuilding at the Marine Technology Center** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	ONTP	

This bill is an emergency concept draft pursuant to Joint Rule 208. This bill proposes to require the Maine Community College System to maintain instruction and recruitment for students at the Marine Technology Center at the Washington County Community College in Eastport for the 2007-2008 school year or until a new entity is operating at the school, whichever is sooner.

LD 1254 **An Act To Modify the Student Code of Conduct** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BOWMAN	ONTP	

LD 1254 requires that the student code of conduct be modified to provide school units the legal basis for controlling student participation in cocurricular activities for behavior that is unlawful, and requires the Department of Education to develop language designed to accomplish this goal and make the language available to school boards.

LD 1257 **An Act Regarding the Terms of Members of the Maine State Museum Commission** **PUBLIC 100 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	OTP-AM	H-105

LD 1257 adds one year to the terms of Maine State Museum Commission members, and provides a transition plan to create a pattern for future appointments. This pattern will result in 3 out of 15 member terms expiring on a fixed date each year.

Committee Amendment "A" (H-105)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 100 adds one year to the terms of Maine State Museum Commission members, and provides a transition plan for future appointments. After the transition period, each member will be appointed to a term of 5 years with 3 of the 15 members' terms expiring each year.

Public Law 2007, chapter 100 was enacted as an emergency measure effective May 10, 2007.

LD 1281 **Resolve, Requiring the Department of Education To Issue Rules Adopting the Northwest Evaluation Association's Assessment System as an Approved Method of Meeting Learning Results** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill directs the Department of Education to issue rules adopting the Northwest Evaluation Association's assessment system as an approved method of meeting learning results.

LD 1292 **An Act To Ensure the Provision of Necessary Conditions for Effective Education Reform** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON	ONTP	

This bill changes the conditions and resources that implement the standards-based education system for all students and it requires these conditions and resources to be provided in all school administrative units. It also requires that comprehensive plans for the implementation of standards-based education be collaboratively developed.

LD 1324 **An Act To Restore Income as a Factor in the Determination of Fiscal Capacity in the School Funding Formula** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EBERLE	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to preserve the provisions of the Essential Programs and Services Funding Act that determine each school administrative unit's total allocation, but to discontinue the method of determining the local share and the state share of the total allocation by means of the maximum mill rate expectation system. The bill would restore the structure of the school subsidy distribution system that was discontinued in fiscal year 2005-06. Prior to fiscal year 2005-06, the school funding formula utilized a combination of relative local property valuation, weighted at 85%, and relative local median income, weighted at 15%, to determine the local share of the total allocation.

LD 1325 **An Act To Ensure Adequate Funding for Students of Alternative Schools** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WALKER	ONTP	

LD 1325 amends the existing statutes regarding responsibility for funding alternative education programs, including private programs, for students who enroll in alternative education programs outside the school administrative units in which they reside.

LD 1333 **An Act To Develop an Equitable Funding Formula for the University of Maine System Campuses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

LD 1333 is a concept draft pursuant to Joint Rule 208. This bill proposes to require an examination of the method by which state funds are distributed throughout the University of Maine System and to develop a more equitable formula for the distribution of those funds among the University of Maine System campuses.

LD 1366 **An Act To Limit the Loss a School Administrative Unit Could Receive under the School Funding Formula** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHATZ	ONTP	

This bill establishes a 5% limit to the amount of state subsidy that a school administrative unit could lose from the preceding year to the current year under the Essential Programs and Services Funding Act.

LD 1367 **An Act To Address the Inequities of the Probationary Teacher Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS	ONTP	

This bill amends the laws pertaining to probationary teachers by:

1. Requiring an evaluation process jointly developed between the school board and the collective bargaining agent to be used in the nomination of a teacher;

2. Requiring a right to hearing if a contract is not renewed;

3. Requiring a decision not to renew a teacher's contract to be based upon just cause detailed in a written notice to the teacher; and

4. Allowing a school board to override a nonrenewal decision made by a superintendent.

LD 1368 **An Act To Revise the Essential Programs and Services Funding Formula To Increase Equity in School Funding** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

This bill provides several revisions to the Essential Programs and Services Funding Act that are designed to achieve the goals of adequacy and equity in the funding of education for kindergarten to grade 12 public schools in the State. The bill accomplishes the following.

1. It requires that the per-pupil targeted technology resource funds be paid to the school administrative unit or private school that each tuition student attends in addition to tuition rates calculated pursuant to the Maine Revised Statutes, Title 20-A, chapter 219.

2. It removes the provisions in funding formula that recognize the allocation of federal resources that are provided to school administrative units.

3. It requires that, beginning in fiscal year 2007-08, the regional adjustment to the salary and benefits costs of teachers and other school personnel that is based on labor market areas in the State must be at least 1.0 for all labor market areas in the State.

LD 1385 **An Act To Strengthen Arts Education for All Maine Students** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN	ONTP MAJ OTP-AM MIN	

LD 1385 changes the courses required for a high school diploma to include 2 years of courses in the fine arts, which may include art, music, forensics or drama. Current law requires one year of courses in the fine arts. The bill also requires that, when assessment of secondary students is required in the content areas of the system of learning results, student achievement in the visual and performing arts be assessed based in part on a portfolio or performance.

Committee Amendment "A" (H-169)

This amendment, minority report of the committee, removes "forensics" from the disciplines listed as fine arts and adds "dance." The minority report was not adopted.

LD 1426 An Act To Enhance the Prekindergarten Experience for Maine Children **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN		

This bill requires the Department of Education to develop standards for all prekindergarten early childhood care and preschool education programs developed by school administrative units. The standards are designed to ensure meaningful collaboration with existing community-based child care providers and early care and education providers and include an analysis of the effects of such programs on existing programs. The standards will also ensure uniformity of standards relating to class sizes, adult to child ratios, teacher and assistant teacher qualifications, curricula and instruction, student screening and assessment, nutrition and physical environment, access to outdoor play areas and family involvement and support services.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1427 Resolve, To Evaluate Parenting Education and To Develop Parenting Resources in Maine High Schools **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY BOWMAN	ONTP	

LD 1427 makes information on parenting more accessible to high school students. This resolve directs the Department of Education to convene a working group to compile resources for parenting education and to consider recommending the incorporation of parenting as an important life skill into the State's system of learning results. The resolve also directs the Department of Education to provide parenting resources to all the high schools in the State.

LD 1442 Resolve, To Increase Physical Education for Elementary School Students **RESOLVE 102**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER	OTP-AM	H-460

LD 1442 establishes minimum weekly time requirements for physical education. Beginning in school year 2010-2011, a minimum of 150 minutes per week would be required for students from kindergarten through grade 5 and 225 minutes per week for grades 6 through 8. The bill requires that physical education be taught by a teacher certified in physical education. The program content and student assessment must comply with nationally established standards for physical education.

Committee Amendment "A" (H-460)

This amendment replaces the bill with a resolve directing the Commissioner of Human Services, the Commissioner of Education and the cochairs of the Governor's Council on Physical Fitness, Sports, Health and Wellness to convene a planning and oversight team, known as PE4ME. This group is charged with developing standards for physical education in elementary schools and an implementation plan to achieve those standards by the 2010-2011 school year.

Enacted Law Summary

Resolve 2007, chapter 102 directs the Commissioner of Human Services, the Commissioner of Education and the cochairs of the Governor's Council on Physical Fitness, Sports, Health and Wellness to convene a planning and oversight team, known as PE4ME. PE4ME is charged with developing standards for physical education in elementary schools and an implementation plan to achieve those standards by the 2010-2011 school year. It requires that the team report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Education and Cultural Affairs no later than December 31, 2007. It authorizes the Joint Standing Committee on Education and Cultural Affairs to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 1465 **Resolve, To Establish a Pilot Program for a Trimester Schedule at the University of Maine at Presque Isle** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	ONTP	

This resolve directs the University of Maine at Presque Isle to establish a pilot program to implement a trimester system during the school year to create a 3-year period for earning a bachelor's degree instead of a 4-year period. The university shall report on the status of this program each February to the Joint Standing Committee on Education and Cultural Affairs.

LD 1473 **An Act To Provide State Support for State-approved School Construction Projects in Certain Municipalities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY EDMONDS	ONTP	

This bill provides an adjustment to the state contribution for debt service for certain member municipalities in school administrative districts or community school districts when one or more member municipalities, but not all the school district's member municipalities, have a local contribution that is below the mill rate expectation established pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A. The bill provides an adjustment to the state contribution for debt service equivalent to the adjustments provided to the state share of the total allocation for school administrative units that are determined to be eligible for the adjustment to the state contribution for debt service pursuant to Title 20-A, section 15689, subsection 2, except that the adjustment for debt service for eligible member municipalities of these school districts must be made considering all debt service costs of the member municipality that have been placed on the State Board of Education's priority list for state funding of a school construction project before or after January 2005 instead of by January 2005 as otherwise required under Title 20-A, section 15689, subsection 2, paragraph A, subparagraph (2).

LD 1480 **An Act To Provide an Income Tax Credit for Donations to Maine Public Schools** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BERRY	ONTP	

This bill provides an income tax credit for 30% of eligible donations to a public school for the purpose of supporting academic programs and services. The Department of Education is required to define eligible donations. Forty percent of eligible donations to the school may not be used to reduce state funding to the school administrative unit

receiving the donation.

LD 1506 An Act To Reform Maine's School Funding **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	ONTP MAJ OTP-AM MIN	

This bill repeals the Essential Programs and Services Funding Act and related provisions. It establishes a new school funding formula that requires school administrative units to make a local education funding effort equal to .008 times the total valuation of taxable property within the unit. The State is required to fund education expenses that exceed this baseline. A local unit that does not meet this baseline funding requirement is not eligible for any state subsidy. The bill requires the Department of Education to audit school administrative units' budgets and to compare the expenses of schools of closely similar size.

LD 1525 An Act To Promote Compassion in Schoolchildren **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	ONTP	

This bill requires the Commissioner of Education to prescribe by rule a course of study to instruct students in all grades, including home schooled students and students in private schools, on the principles of compassion and humanity to all living creatures, including animals and birds. The course must be at a minimum 1/2 hour per week during the school year.

LD 1532 An Act To Create a Service Model for Delivering Career and Technical Education **P & S 24**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	OTP-AM	H-224 S-372 ROTUNDO

LD 1532 appropriates $30,000 for the start-up of the Sanford Applied Technology Center.

Committee Amendment "A" (H-224)

This amendment clarifies the purpose of the funding and increases the appropriation from $30,000 to $50,000.

Senate Amendment "A" (S-372)

This amendment decreases the appropriation from $50,000 to $5,000.

Enacted Law Summary

Private and Special Law 2007, chapter 24 provides a one-time appropriation of $5,000 for the Sanford vocational center to work with affiliated school administrative units to research and develop programming for a regional career and technical education center.

LD 1564 **Resolve, To Encourage Financial Education of Children from Kindergarten to Grade 12** **RESOLVE 132**

Sponsor(s)	Committee Report	Amendments Adopted
PRIEST	OTP-AM	H-402
		S-355 ROTUNDO

LD 1564 requires the Treasurer of State to organize a seminar in November 2007 for training in teaching financial literacy to students from kindergarten to grade 12, paid for from available funds in the Unclaimed Property Fund. This resolve also directs the Department of Education to allow the seminar to qualify for continuing education credits for teachers and education personnel.

Committee Amendment "A" (H-402)

This amendment adds the Maine Community College System to the parties the Treasurer of State is directed to work with in organizing the seminar. It removes language relating to the Department of Education's allowing the seminar to qualify for credits for continuing education. It also adds an appropriations and allocations section to the resolve.

Senate Amendment "A" (S-355)

This amendment removes the General Fund appropriation of $15,000 in fiscal year 2007-08. It also provides a one-time Other Special Revenue Funds allocation to the financial literacy program within the Office of the Treasurer of State of $15,000 for fiscal year 2007-08 to establish an account and to allow it to receive one-time funds transferred from the unobligated balances of the Office of Consumer Credit Regulation. This allocation will fund the additional costs associated with hosting a statewide seminar on teaching financial literacy to public school students, including speakers, materials and food.

Enacted Law Summary

Public Law 2007, chapter 132 provides a one-time Other Special Revenue Funds allocation to the financial literacy program within the Office of the Treasurer of State of $15,000 for fiscal year 2007-08 to establish an account and to allow it to receive one-time funds transferred from the unobligated balances of the Office of Consumer Credit Regulation. This allocation will fund the additional costs associated with hosting a statewide seminar on teaching financial literacy to public school students, including speakers, materials and food.

LD 1565 **Resolve, To Expand Access to Early Childhood Education to All Children 4 Years of Age and Older** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS	ONTP	

This resolve requires the Department of Education to develop a pilot program to provide up to 2 years of preschool education to children 4 years of age and older. The objective of the pilot program is to prepare children for learning in the mainstream public school system through individualized attention with a focus on cognitive skills and social development and a de-emphasis on testing.

LD 1590 **An Act To Clarify the Method of Education Cost Sharing among Certain Municipalities** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
BABBIDGE	ONTP MAJ OTP-AM MIN	

This bill clarifies that certain provisions of the Essential Programs and Services Funding Act that govern cost sharing among municipalities in a school administrative district or community school district do not apply to municipalities that are members of a school administrative district or a community school district whose cost sharing formula was validated pursuant to private and special law prior to January 1, 2004. Current law provides an exemption from those provisions for municipalities whose formulas were established pursuant to private and special law.

LD 1591 **An Act To Provide Educational Opportunities for Dependents of Maine Military Personnel** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TARDY	ONTP	

Current law provides a tuition waiver to a state-supported postsecondary school to a child of a veteran; room and board is not included. This bill includes room and board in the waiver for a child of a veteran when that child is a full-time student.

LD 1608 **An Act To Require Legislative Review of Rules Governing the Requirements for Local Support Systems Required as Part of the Certification Process of Educational Personnel** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON	OTP-AM MAJ ONTP MIN	

This bill requires rules adopted by the Department of Education, State Board of Education concerning support systems required as part of the certification of educational personnel be major substantive rules under the Maine Administrative Procedure Act and suspends all rulemaking of a rule that is not a major substantive rule.

LD 1619 **An Act To Amend the Laws Regarding Adult Education** **PUBLIC 131**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	OTP	

LD 1619 updates the provisions governing adult education to ensure that the definitions used, the programs described, the eligibility and funding requirements and reimbursement rates in statute reflect other changes in education law and changes in policy objectives that have occurred since the adult education statutes were last amended.

Enacted Law Summary

Public Law 2007, chapter 131 updates the provisions governing adult education. It also includes warrant language for raising, appropriating, receiving and expending money for adult education and educational activities and provides an enhanced description of the funding to be requested annually for the State's administration of the adult education program. It also enacts a provision to ensure that adult education students are provided information regarding and referral to other state departments and agencies.

LD 1624 **An Act To Hold School Systems to the Same Spending Limits as Municipalities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NASS R	ONTP	

This bill imposes an additional limit on spending of a school administrative unit equal to the average of the municipal property tax levy limits of the municipalities within the unit.

LD 1634 **An Act To Reduce School Construction Costs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	ONTP	

LD 1634 is a concept draft. The purpose of the bill is to require the State to develop one basic school construction design for kindergarten to grade 8 schools and one basic school construction design for secondary schools. The designs must provide for expansion of the schools if additional capacity is needed after original construction. Materials to be used in the construction of the designs must be selected for their safety and energy efficiency. This bill also requires that the compensation paid for the architectural services for the basic school construction designs must be based on the provision of the architectural design services and may not be tied to the value of the materials used in the construction of any school building.

LD 1638 **Resolve, To Limit the Department of Education's Rulemaking in the Area of Special Education to Matters Required To Align State Rules with Federal Law** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN	ONTP	

This resolve directs the Department of Education to limit the proposed rules it submits to the Joint Standing Committee on Education and Cultural Affairs regarding special education for children 6 years of age or older and under 21 years of age to those necessary to align state rules with federal regulations. The department shall file a report by December 30, 2007.

LD 1683 **An Act To Appropriate Funds for the Katahdin Cultural Center** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	ONTP MAJ OTP-AM MIN	

LD 1683 appropriates $125,000 for the one-time start-up funding for the Katahdin Cultural Center.

LD 1694 **An Act To Establish the Publicly Supported Private Secondary School Advisory Council** **PUBLIC 342**

Sponsor(s)	Committee Report	Amendments Adopted
HASTINGS	OTP-AM MAJ ONTP MIN	H-465 NORTON S-157

LD 1694 establishes the Town Academy Advisory Council in the Department of Education. The council is required to advise the Commissioner of Education on the needs of the town academies and to facilitate communication among the academies, the department and school superintendents.

Committee Amendment "A" (S-157)

This amendment is the majority report. It clarifies the term "town academy." It adds a member of a school board to the advisory council. It also specifies the terms of appointment and staggers terms for initial appointments.

House Amendment "B" (H-465)

This amendment replaces the term "town academy" with "publicly supported private secondary school" and defines "publicly supported private secondary school."

Enacted Law Summary

Public Law 2007, chapter 342 establishes the Publicly Supported Private Secondary Schools Advisory Council in the Department of Education. Its members are unpaid gubernatorial appointees representing heads and trustees of publicly supported private secondary schools and public school superintendents. The council is required to advise the Commissioner of Education on the needs of the publicly supported private secondary schools and to facilitate communication among these schools, the department and school superintendents.

LD 1721 **An Act Regarding the Sharing of Educational Costs in School Administrative Units of Multiple Municipalities** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
BABBIDGE	ONTP MAJ OTP-AM MIN	

This bill changes the cost-sharing formula for municipalities in school administrative units composed of more than one municipality. Beginning July 1, 2009, each municipality's contribution to the total cost of education is determined by a cost-sharing formula established by the Department of Education by rule. The formula must establish the contribution levels in a manner that ensures that no less than 50% of the entire unit's contribution to the total cost of education is shared primarily on the basis of the comparative wealth of each member municipality calculated at least in part by the property fiscal capacity of each municipality. The formula must also include the relative pupil counts of member municipalities and may include other factors the department determines relevant and appropriate. The department is directed to establish the details of the formula by routine technical rule.

LD 1722 **An Act To Allow the Creation of a School District in Northern Franklin County** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP MAJ OTP-AM MIN	

This bill allows a school administrative unit that is a municipality or school administrative district to combine with another school administrative district to create a larger school administrative district. This bill also allows unincorporated townships to join or create school administrative districts upon petition by 10% or more of the voters of the township and upon election within the township. At a special meeting, the township selects representatives to act as municipal officers and the municipal clerk.

LD 1758 **Resolve, To Promote Alternative Schools within Existing School Systems** **RESOLVE 124**

Sponsor(s)	Committee Report	Amendments Adopted
MUSE	OTP-AM	H-194

LD 1758 establishes the Alternative Education Programs Committee. The committee is directed to review and make recommendations for the promotion of alternatives in education within existing school systems.

Committee Amendment "A" (H-194)

This amendment removes the emergency preamble and emergency clause and corrects a reference to a committee.

Enacted Law Summary

Resolve 2007, chapter 124 establishes the Alternative Education Programs Committee. The committee is directed to review existing alternative education programs and examine their benefits for youth at risk. The Alternative Education Programs Committee is required to submit a report with recommendations to the Joint Standing Committee on Education and Cultural Affairs and is authorized to introduce legislation related to its report no later than December 19, 2007.

LD 1766 **An Act To Amend the Authorization Procedures for Certain Municipal and School Budgets** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	ONTP	

This bill simplifies the articles that must be submitted to the voters of a school administrative unit to authorize the raising and appropriation of funds. It also makes more transparent the categories of spending in which any municipality or district may exceed essential programs and services costs.

LD 1785 **An Act To Permit Automated External Defibrillators in Kindergarten to Grade 12 Schools** **PUBLIC 267**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON	OTP-AM	H-311

This bill requires every school administrative unit to place an automated external defibrillator in each of the unit's school buildings and make it available for secondary school athletic events inside and outside the building. The bill requires the school administrative unit to place the defibrillator in an easily accessible location, notify employees, students and local emergency response agencies of its location and develop procedures for the possession, storage and use of the defibrillator and for perceived sudden cardiac arrest emergencies. This bill also provides immunity for people who possess, store and use an automated external defibrillator under the provisions of the bill.

Committee Amendment "A" (H-311)

This amendment revises the title of the bill and strikes and replaces the provisions in the bill that proposed to mandate that school administrative units place automated external defibrillators in every school building and at school athletic events. The amendment allows school boards to place automated external defibrillators in occupied school buildings and at school athletic events. The amendment also allows school personnel and members of the public to receive training on how to perform cardiopulmonary resuscitation and use automated external defibrillators. The amendment further establishes immunity from civil liability provisions for damages relating to the use, possession or purchase of an automated external defibrillator and arising out of acts or omissions relating to preparing for and responding to suspected sudden cardiac arrest emergencies.

Enacted Law Summary

Public Law 2007, chapter 267 allows school boards to place automated external defibrillators in occupied school buildings and at school athletic events. The law also allows school personnel and members of the public to receive training on how to perform cardiopulmonary resuscitation and use automated external defibrillators. The amendment further establishes immunity from civil liability provisions for damages relating to the use, possession or purchase of an automated external defibrillator and arising out of acts or omissions relating to preparing for and responding to suspected sudden cardiac arrest emergencies.

LD 1821 **Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a Major Substantive Rule of the Department of Education** **RESOLVE 71 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-312

This resolve provides for legislative review of portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-312)

This amendment provides that final adoption of the provisionally adopted major substantive rule is authorized contingent upon the Department of Education amending the provisionally adopted rule to:

1. Delete the references in the addendum section of the rule to the standards and performance indicators established in 1997 for the content areas of mathematics, reading and science and technology for the secondary school grade

levels;

2. Delete the standards and performance indicators for the prekindergarten to grade 2 grade span in all of the content areas addressed in the rule; and

3. Revise the standards in the English language arts and the science and technology content areas to improve the clarity of these content standards and performance indicators.

Enacted Law Summary

Resolve 2007, chapter 71 provides that final adoption of the provisionally adopted major substantive rule is authorized contingent upon the Department of Education amending the provisionally adopted rule to:

1. Delete the references in the addendum section of the rule to the standards and performance indicators established in 1997 for the content areas of mathematics, reading and science and technology for the secondary school grade levels;

2. Delete the standards and performance indicators for the prekindergarten to grade 2 grade span in all of the content areas addressed in the rule; and

3. Revise the standards in the English language arts and the science and technology content areas to improve the clarity of these content standards and performance indicators.

Resolve 2007, chapter 71 was enacted as an emergency measure effective June 8, 2007.

LD 1831 **Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel Part I and II, Requirements for Specific Certificates and Endorsements, a Major Substantive Rule of the Department of Education** **RESOLVE 43 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel Part I and II, Requirements for Specific Certificates and Endorsements, a major substantive rule of the Department of Education.

Enacted Law Summary

Resolve 2007, chapter 43 provides that final adoption of portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel Part I and II, Requirements for Specific Certificates and Endorsements, the provisionally adopted major substantive rule of the Department of Education, is authorized.

Resolve 2007, chapter 43 was enacted as an emergency measure effective May 29, 2007.

LD 1839 **An Act To Further the Implementation of the Essential Programs and Services Funding Act** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON	ONTP MAJ OTP-AM MIN	

This bill provides for the continuing implementation of the Essential Programs and Services Funding Act in the areas of the subsidizable cost of operating programs in private secondary schools, the Permanent School Fund, adjustments to the state share of total allocation for debt service and methods of determining pupil tuition rates.

LD 1850 **An Act To Improve Efficiency and Effectiveness of Early Intervention and Early Childhood Special Education for Children from Birth to Eight Years of Age through Improved Oversight, Accountability and Interagency Coordination** **PUBLIC 450**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-624 NORTON
		S-267
		S-296 MITCHELL

This bill implements the recommendations of the Subcommittee To Study Early Childhood Special Education, which was established by Public Law 2005, chapter 662 to study early intervention and early childhood special education services for children from birth to 8 years of age. Based upon the findings of the subcommittee, including findings that the Child Development Services System performs very well relative to national benchmarks and findings that there is a national trend among states toward greater interagency coordination and oversight, the bill builds on Maine's good performance, increases interagency collaboration and increases accountability of system components to the executive and legislative branches and to the public by:

1. Building on the current system's demonstrated strengths while making changes where needs are recognized;

2. Keeping intact a Child Development Services System to coordinate services for eligible children from birth until 5 years of age and to ensure that such children receive early intervention and early childhood special education under the federal Individuals with Disabilities Education Act, Part B, Section 619 and Part C, 20 United States Code, Section 1400 et seq.;

3. Maintaining the Department of Education as Maine's lead agency under the federal Individuals with Disabilities Education Act while strongly promoting interagency collaboration and oversight;

4. Expanding connections of federally mandated child find and service delivery with school administrative units, with programs of the Department of Health and Human Services and with medical and other providers of services to children from birth until 5 years of age;

5. Requiring the Child Development Services System to report annually to legislative, advisory and governing bodies about the performance of the system, including information on the performance of individual regional sites and of the system;

6. Requiring the Department of Education and the Department of Health and Human Services to establish and adopt common dual-department early childhood standards for children from birth to 8 years of age based on standards of the National Association for the Education of Young Children, the federal Individuals with Disabilities Education Act and the Division for Early Childhood of the Council for Exceptional Children;

7. Requiring Child Development Services System regional sites to ask parents of children who were discharged from the Child Development Services System prior to school entry to grant consent for the regional site to share relevant information from the child's early intervention or early childhood special education record with the receiving public school and requiring the regional sites to share this information with the public school if the parent consents;

8. Requiring the Department of Education and the Department of Health and Human Services to develop rules, policies and written interagency agreements by January 31, 2008 to address mutual support for children with special needs from birth to 8 years of age; to assign responsibility for appropriate referrals from the Department of Health and Human Services to early intervention and special education services, including referrals to the Child Development Services System from the metabolic abnormality detection program, the newborn hearing program and the birth defects registry; to include components of a high-quality early childhood services system as outlined in the report of the Subcommittee To Study Early Childhood Special Education; to include clear definition of Department of Education and Department of Health and Human Services positions assigned to accomplish the responsibilities outlined in the interagency agreements; and to include other components consistent with recommendations of the subcommittee;

9. Establishing the Early Childhood Services Interagency Coordinating Council as the federally mandated state interagency coordinating council for services for children from birth until 5 years of age under the federal Individuals with Disabilities Education Act with specific membership requirements under federal and state law to advise and report on common standards, interagency focus areas, annual progress, monitoring and reporting, centralized interdepartmental training and tracking and development of centralized data;

10. Requiring that staff for the Early Childhood Services Interagency Coordinating Council be provided by the Department of Education and the Department of Health and Human Services and requiring the council to deliver reports and advice to the Commissioner of Education, the Commissioner of Health and Human Services, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services;

11. Requiring the Maine Education Policy Research Institute in the University of Maine System to explore and report to the Joint Standing Committee on Education and Cultural Affairs on necessary technical and legal advances that would enable data linkage of individually identifiable health and education data in a way that would be consistent with federal laws and regulations on privacy while facilitating research projects on such matters as effectiveness, efficiency and cost-effectiveness of service delivery;

12. Requiring the Child Development Services System to report on strategies to maximize the use of a broad base of community resources, including private providers, public schools, resources from other agencies and other available resources for serving children and families;

13. Assigning to the Child Development Services System the responsibility for service coordination for eligible children from birth until 5 years of age, for child find for children from birth until 5 years of age, for appropriate referrals to support services and programs outside of the system that are appropriate for children and families referred to the system and for ensuring that eligible children from birth until 5 years of age receive early intervention or free, appropriate public education as well as referrals to other programs and services based upon child and family needs;

14. Requiring the Department of Education to develop and present to the Legislature and to the Early Childhood Services State Interagency Coordinating Council a plan for improving training and support to Child Development Services System regional site boards of directors;

15. Allowing public schools to continue to develop, at their own pace, programs for children 4 years of age while requiring that those programs be inclusive of children with disabilities;

16. Changing the deadline for fiscal centralization in the Maine Revised Statutes, Title 20-A, section 7209, subsection 3, paragraph C from September 30, 2006 to September 30, 2007;

17. Requiring the Commissioner of Education to report to the Joint Standing Committee on Education and Cultural Affairs by December 31, 2007 on the Child Development Services System centralization process and authorizing the

committee to introduce a bill to the Second Regular Session of the 123rd Legislature on related matters;

18. Requiring the Department of Education, in consultation with Child Development Services System regional sites, to develop a funding formula that must include consideration of administration and organization of the Child Development Services System, child find, case management and provision of other services and that may include each regional site's geographic area, the early childhood population, the number of such children receiving services and the number of such children included in the child count, the Medicaid enrollment rate, poverty indices, average private insurance rates, family choice of providers, cost containment measures and other factors;

19. Amending Title 20-A, section 7209, subsection 1 to require the Department of Education to submit quarterly reports to the Early Childhood Services Interagency Coordinating Council and other advisory groups about Child Development Services System regional sites that are under a corrective action plan and about regional sites for whose operations the Department of Education has assumed temporary responsibility, with the reports describing any progress or slippage by individual regional sites in meeting compliance requirements;

20. Requiring the Department of Education to develop a plan to review unmet needs in school administrative units monthly or bimonthly and to implement the plan among no fewer than 6 school administrative units; and

21. Requiring the Department of Education to explore the process that children undergo as they transition from the Child Development Services System to kindergarten in order to develop a consistent method for these transitions.

Committee Amendment "A" (S-267)

This amendment strikes and replaces the bill to implement certain recommendations of the Subcommittee To Study Early Childhood Special Education, which was established by Public Law 2005, chapter 662 to study early intervention and early childhood special education services for children from birth to 8 years of age. The amendment accomplishes the following recommendations of the subcommittee.

1. It assigns to the Child Development Services System the responsibility for service coordination for eligible children from birth until 5 years of age, for child find for children from birth until 5 years of age, for appropriate referrals to support services and programs outside of the system that are appropriate for children and families referred to the system and for ensuring that eligible children from birth until 5 years of age receive early intervention or free, appropriate public education as well as referrals to other programs and services based upon child and family needs.

2. It expands connections of federally mandated child find and service delivery with school administrative units, with programs of the Department of Health and Human Services and with medical and other providers of services to children from birth until 5 years of age.

3. It requires the Department of Education and the Department of Health and Human Services to develop a revised interagency agreement to address mutual support for children with special needs from birth to 8 years of age; to assign responsibility for appropriate referrals from the Department of Health and Human Services to early intervention and special education services, including referrals to the Child Development Services System from the metabolic abnormality detection program, the newborn hearing program and the birth defects registry; to include components of a high-quality early childhood services system consistent with the requirements of Parts B and C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended.

4. It requires the Child Development Services System to report annually to legislative, advisory and governing bodies about the performance of the system, including information on the performance of individual regional sites and of the system.

5. It requires the Department of Education to develop and present to the Legislature and to the interagency coordinating council described in the federal Individuals with Disabilities Education Act, 20 United States Code,

Section 1441 a plan for improving training and support to Child Development Services System regional site boards of directors.

6. It requires the Maine Education Policy Research Institute in the University of Maine System to explore and report to the Joint Standing Committee on Education and Cultural Affairs on necessary technical and legal advances that would enable data linkage of individually identifiable health and education data in a way that would be consistent with federal laws and regulations on privacy while facilitating research projects on such matters as effectiveness, efficiency and cost-effectiveness of service delivery.

Senate Amendment "A" (S-296)

This amendment requires the Department of Education and the Department of Health and Human Services to develop rules, policies and written interagency agreements to assign responsibility for appropriate referrals from the Department of Health and Human Services to the Child Development Services System from the metabolic abnormality detection program, the newborn hearing program and the birth defects registry.

House Amendment "A" (H-624)

This amendment requires the steering committee of the Maine Education Policy Research Institute to consider the recommendation of the Subcommittee To Study Early Childhood Special Education to explore and report to the Joint Standing Committee on Education and Cultural Affairs on necessary technical and legal advances that would enable data linkage of individually identifiable health and education data in a way that would be consistent with federal laws and regulations on privacy while facilitating research projects on such matters as effectiveness, efficiency and cost-effectiveness of service delivery. It differs from Committee Amendment "A" in that this amendment allows the steering committee of the Maine Education Policy Research Institute to include a targeted research project to the fiscal year 2007-08 work plan to permit the principal investigators of the Maine Education Policy Research Institute to provide technical assistance as may be required to complete the investigation outlined in this amendment.

Enacted Law Summary

Public Law 2007, chapter 450 implements certain recommendations of the Subcommittee To Study Early Childhood Special Education, which was established by Public Law 2005, chapter 662 to study early intervention and early childhood special education services for children from birth to 8 years of age. The law accomplishes the following recommendations of the subcommittee.

1. It assigns to the Child Development Services System the responsibility for service coordination for eligible children from birth until 5 years of age, for child find for children from birth until 5 years of age, for appropriate referrals to support services and programs outside of the system that are appropriate for children and families referred to the system and for ensuring that eligible children from birth until 5 years of age receive early intervention or free, appropriate public education as well as referrals to other programs and services based upon child and family needs.

2. It expands connections of federally mandated child find and service delivery with school administrative units, with programs of the Department of Health and Human Services and with medical and other providers of services to children from birth until 5 years of age.

3. It requires the Department of Education and the Department of Health and Human Services to develop a revised interagency agreement to address mutual support for children with special needs from birth to 8 years of age; to assign responsibility for appropriate referrals from the Department of Health and Human Services to early intervention and special education services, including referrals to the Child Development Services System from the metabolic abnormality detection program, the newborn hearing program and the birth defects registry; to include components of a high-quality early childhood services system consistent with the requirements of Parts B and C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended.

4. It requires the Child Development Services System to report annually to legislative, advisory and governing bodies about the performance of the system, including information on the performance of individual regional sites and of the system.

5. It requires the Department of Education to develop and present to the Legislature and to the interagency coordinating council described in the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1441 a plan for improving training and support to Child Development Services System regional site boards of directors.

6. It requires the Department of Education and the Department of Health and Human Services to develop rules, policies and written interagency agreements to assign responsibility for appropriate referrals from the Department of Health and Human Services to the Child Development Services System from the metabolic abnormality detection program, the newborn hearing program and the birth defects registry.

7. It requires the steering committee of the Maine Education Policy Research Institute to consider the recommendation of the Subcommittee To Study Early Childhood Special Education to explore and report to the Joint Standing Committee on Education and Cultural Affairs on necessary technical and legal advances that would enable data linkage of individually identifiable health and education data in a way that would be consistent with federal laws and regulations on privacy while facilitating research projects on such matters as effectiveness, efficiency and cost-effectiveness of service delivery.

LD 1859 **An Act To Prepare All Maine Students for Postsecondary Education, Career and Citizenship** **PUBLIC 259**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON	OTP-AM	H-313

This bill proposes changes in high school graduation requirements, assessments and overall high school program design to ensure that each student has an equitable opportunity to achieve the State's learning results and to graduate ready for college, career and citizenship.

Committee Amendment "A" (H-313)

This amendment strikes the provisions contained in the bill regarding the basic school approval requirements for secondary schools related to curriculum and instruction, the provisions related to the awarding of a high school diploma, the provisions related to the elimination of tracking and ability grouping of students and the provisions requiring that the Commissioner of Education develop rules for the certification of instructional programs at the secondary school level. The amendment also changes "college" to "postsecondary education" in the Maine Revised Statutes, Title 20-A, section 6208.

Enacted Law Summary

Public Law 2007, chapter 259 amends several statutory provisions related to implementation of the system of learning results. The law accomplishes the following.

1. It clarifies that the legislative intent of the system of learning results is to ensure that schools will enable students to gain knowledge and skills necessary for postsecondary education, career and citizenship;

2. It strikes the local assessment system requirements related to certifying student achievement and replaces these provisions with requirements that school administrative units shall use multiple assessment methods to measure student achievement of the learning results in order to inform instruction and ensure students are making progress toward achieving the learning results;

3. It provides that the Department of Education shall adopt rules that establish accountability standards and parameters for instruction and graduation requirements;

4. It authorizes the Commissioner of Education to establish rules for inclusion of some portion of the standards in visual and performing arts for the graduating class of 2011-2012;

5. It provides that the Commissioner of Education shall annually report each school administrative unit's high school graduation rates, the numbers of students attending and persisting at the postsecondary education level as part of the validation of the school administrative unit's comprehensive education plan; and

6. It directs the Commissioner of Education to conduct a review of the content standards and performance indicators by content area on a 5-year cycle beginning in the 2015-2016 school year.

LD 1860 **An Act To Implement the Recommendations of the Task Force To Engage Maine's Youth Regarding Successful School Completion** **PUBLIC 451**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY MITCHELL	OTP-AM	H-474

This bill implements the recommendations of the Governor's Task Force to Engage Maine's Youth. The bill ensures that students experiencing education disruption will have the same opportunities as other Maine students to earn an approved high school diploma through a challenging academic program that provides these students the opportunity to demonstrate achievement of Maine's system of learning results and to earn a diploma despite their education disruption.

This bill addresses the challenges of Maine youth who are homeless or face unplanned psychiatric hospitalization, unplanned hospitalization for a medical emergency, foster care placement, youth development center placement or other out-of-district placement that is not otherwise authorized by either an individualized education program or other education plan or a superintendent's agreement, or children and youth who change schools or educational programs 3 or more times during a school year and are therefore at risk for dropping out of school. The bill carries out the recommendations of the task force to address the challenges faced by these students and their schools as follows:

1. A student who experiences a disruption in that student's education or educational program for 10 or more consecutive school days must have a school completion plan, developed by a team that includes both the sending school and the receiving school, the parent or guardian and the student, no later than 10 school days after the student enrolls in the receiving school;

2. The bill requires that if individual educational materials, such as curricula and assignments, are not made available to the receiving school within 5 school days after a student enrolls in the receiving school, an academic programming waiver must be signed by the sending and the receiving schools in which the sending school agrees to accept the academic programming implemented at the receiving school. The student's school completion plan must document the credits earned by the student at the receiving school; and

3. This bill requires that student records be sent or electronically transferred from the sending school to the receiving school no later than 5 school days after a student enrolls in the receiving school.

Committee Amendment "A" (H-474)

This amendment strikes and replaces the bill in order to clarify certain provisions of the legislation introduced to implement the recommendations of the Governor's Task Force to Engage Maine's Youth. The primary purpose of the bill was to meet the needs of students experiencing education disruption by establishing a process to recognize

their academic work while creating manageable procedures for school personnel and other officials that are involved with these students. The amendment accomplishes the following:

1. It revises the definition of the term "students who experience education disruption" to clarify that these students include both elementary school students and secondary school students;

2. It adds a definition for "interim placement" to make the distinction that such a placement is a temporary assignment of a student who experiences education disruption to a program or school approved by the Department of Education;

3. It replaces the term "school completion plan" with the term "school work recognition plan" to convey that the intent of the plan is to recognize the school work completed by a student who experiences education disruption; and

4. It simplifies the process for school personnel in developing a school work recognition plan for a student who experiences education disruption.

Enacted Law Summary

Public Law 2007, chapter 451 implements certain recommendations of the Governor's Task Force to Engage Maine's Youth. The law enacts provisions to meet the needs of students experiencing education disruption by establishing a process to recognize their academic work while creating manageable procedures for school personnel and other officials that are involved with these students. The law accomplishes the following:

1. It revises the definition of the term "students who experience education disruption" to clarify that these students include both elementary school students and secondary school students;

2. It adds a definition for "interim placement" to make the distinction that such a placement is a temporary assignment of a student who experiences education disruption to a program or school approved by the Department of Education;

3. It replaces the term "school completion plan" with the term "school work recognition plan" to convey that the intent of the plan is to recognize the school work completed by a student who experiences education disruption; and

4. It simplifies the process for school personnel in developing a school work recognition plan for a student who experiences education disruption.

LD 1886 **An Act To Assess Childhood Obesity Trends in Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN	ONTP	

LD 1886 requires confidential assessments of either height and weight or body mass of all students, by gender, in kindergarten and grades 1, 3, 5, 7 and 9 in public schools and approved private schools and analysis and reporting of this data. The program is phased in over a 3-year period, beginning August 31, 2008. The Department of Education, in collaboration with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, is required to submit an annual report to the Legislature regarding the assessments.

LD 1900 **Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education**

RESOLVE 138
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ	H-562
	OTP-AM MIN	H-627 MARLEY

This resolve provides for legislative review of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a major substantive rule of the Department of Education.

Committee Amendment "A" (H-562)

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. The amendment provides that final adoption of the provisionally adopted major substantive rule is authorized contingent upon the Department of Education amending the provisionally adopted rule to accomplish the following:

1. Amend the proposed definition of "adverse effect" to establish a definition for "educational performance" that includes a list of academic basic skills and the 5 domains of functional performance recognized in federal regulations. This part of the rule interprets and defines the phrases from federal law "adversely affects educational performance" and "needs special educational and related services" in a way that will guide the Individualized Family Service Plan Team or the Individualized Education Plan Team to greater uniformity in determining eligibility throughout the State;

2. Amend the proposed rule to require that an initial evaluation or a reevaluation of a child be conducted within 60 calendar days of receiving parental consent for the evaluation;

3. Amend the proposed rule to delete the note that states that a school administrative unit is permitted to use a discrepancy model to determine if a child has a "specific learning disability";

4. Amend the proposed rule to permit the Individualized Education Program Team to begin transition planning at age 14 for the student's postsecondary participation in advanced placement courses, a vocational education program or an adult education program;

5. Amend the proposed rule to clarify that the timeline for filing a due process hearing request is 2 years for either a state or federal cause of action under the federal Individuals with Disabilities Education Act, as amended;

6. Amend the proposed rule to incorporate provisions that are equivalent to those contained in the former Chapter 101 rules pertaining to the minutes of Pupil Evaluation Team meetings to ensure that content of the written notice must include a summary of the comments made by the parent, including the parent's description of their child's progress, and the names and titles of each member of the team;

7. Amend the proposed rule to restore the so-called "stay put" provisions contained in the former Chapter 101 rules that permit a child with a disability to remain in their educational placement while the child's parent was seeking mediation or a complaint investigation and awaiting a pending decision from a due process hearing or court proceeding; and

8. Amend the proposed rule to provide that Neurocognitive Testing Assistants who are registered with the Maine Psychological Association shall continue to be able to administer and score psychological and neurological tests as long as they meet the minimum qualifications established for registration and when they are supervised by a psychologist who is the evaluator and who is licensed by the Department of Professional and Financial Regulation

Board of Examiners of Psychologists.

House Amendment "C" (H-627)

This amendment removes the requirements proposed in the committee amendment that the rule be amended to establish a definition of the term "educational performance," to define certain other phrases with reference to the federal regulations and to identify what is necessary for documenting intervention strategies. It requires that the rule be amended by deleting the part of the rule relating to the determination of adverse effect for children 3 to 20.

The amendment changes the timeline for filing a due process hearing request for either a state or federal cause of action under the federal Individuals with Disabilities Education Act from 2 years to 4 years.

The amendment also directs the Commissioner of Education to establish a stakeholder group to examine the portions of "Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty," the provisionally adopted rule that was submitted for legislative review during the First Regular Session of the 123rd Legislature by the Department of Education, that pertain to the determination of adverse effect and to develop recommendations to the Commissioner of Education regarding any necessary changes to the Chapter 101 rules.

Enacted Law Summary

Resolve 2007, chapter 138 provides that final adoption of the provisionally adopted major substantive rule is authorized contingent upon the Department of Education amending the provisionally adopted rule to accomplish the following:

1. Amend the proposed rule by deleting the part of the rule relating to the determination of adverse effect for children 3 to 20.

2. Amend the proposed rule to require that an initial evaluation or a reevaluation of a child be conducted within 60 calendar days of receiving parental consent for the evaluation;

3. Amend the proposed rule to delete the note that states that a school administrative unit is permitted to use a discrepancy model to determine if a child has a "specific learning disability";

4. Amend the proposed rule to permit the Individualized Education Program Team to begin transition planning at age 14 for the student's postsecondary participation in advanced placement courses, a vocational education program or an adult education program;

5. Amend the proposed rule to clarify that the timeline for filing a due process hearing request is 4 years for either a state or federal cause of action under the federal Individuals with Disabilities Education Act, as amended;

6. Amend the proposed rule to incorporate provisions that are equivalent to those contained in the former Chapter 101 rules pertaining to the minutes of Pupil Evaluation Team meetings to ensure that content of the written notice must include a summary of the comments made by the parent, including the parent's description of their child's progress, and the names and titles of each member of the team;

7. Amend the proposed rule to restore the so-called "stay put" provisions contained in the former Chapter 101 rules that permit a child with a disability to remain in their educational placement while the child's parent was seeking mediation or a complaint investigation and awaiting a pending decision from a due process hearing or court proceeding; and

8. Amend the proposed rule to provide that Neurocognitive Testing Assistants who are registered with the Maine Psychological Association shall continue to be able to administer and score psychological and neurological tests as long as they meet the minimum qualifications established for registration and when they are supervised by a psychologist who is the evaluator and who is licensed by the Department of Professional and Financial Regulation

Board of Examiners of Psychologists.

The resolve also directs the Commissioner of Education to establish a stakeholder group to examine the portions of "Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty," the provisionally adopted rule that was submitted for legislative review during the First Regular Session of the 123rd Legislature by the Department of Education, that pertain to the determination of adverse effect and to develop recommendations to the Commissioner of Education regarding any necessary changes to the Chapter 101 rules.

Resolve 2007, chapter 138 was enacted as an emergency measure effective June 27, 2007.

LD 1901 **Resolve, To Analyze the Feasibility of Establishing an Education Bill of Rights for Deaf and Hard-of-hearing Children** **RESOLVE 94**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS EDMONDS	OTP-AM	H-468

This bill establishes an education bill of rights for deaf and hard-of-hearing children. These rights are based on current federal and state rules and laws. This bill encourages the development of a communication-driven and language-driven educational delivery system in Maine for children who are deaf and hard-of-hearing. It promotes the well-being and growth of students who are deaf or hard-of-hearing by ensuring that educational programs recognize the unique nature of deafness and the hard-of-hearing condition and by ensuring that all students who are deaf or hard-of-hearing have appropriate, ongoing and fully accessible opportunities. This bill also provides that all Department of Education rules relating to deaf and hard-of-hearing children be contained in a single section of the department's rules relating to special education in Chapter 101. By collecting rules relating to deaf and hard-of-hearing children in one place, school districts will be able to become more knowledgeable about all the rules that relate to these children. Collecting rules relating to deaf and hard-of-hearing children in a single section will increase the accessibility of these rules and minimize confusion.

Committee Amendment "A" (H-468)

This amendment replaces the bill with a resolve to require the Department of Education and the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to jointly convene a working group to analyze the feasibility of establishing a set of basic education rights for deaf and hard-of-hearing children. The amendment requires that, no later than January 31, 2008, the Department of Education and the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf jointly submit a report that includes their findings and recommendations, including suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs. The amendment also authorizes the Joint Standing Committee on Education and Cultural Affairs to submit a bill to the Second Regular Session of the 123rd Legislature to implement its recommendations on matters relating to the report.

Enacted Law Summary

Resolve 2007, chapter 94 requires the Department of Education and the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf to jointly convene a working group to analyze the feasibility of establishing a set of basic education rights for deaf and hard-of-hearing children. The resolve requires that, no later than January 31, 2008, the Department of Education and the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf jointly submit a report that includes their findings and recommendations, including suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs. The resolve also authorizes the Joint Standing Committee on Education and Cultural Affairs to submit a bill to the Second Regular Session of the 123rd Legislature to implement its recommendations on matters relating to the report.

Joint Standing Committee on Education and Cultural Affairs

SUBJECT INDEX

Administration, Department of Education, State Board, and School Governance

Enacted

LD 34	Resolve, Regarding Legislative Review of Portions of Chapter 28: Closing a School in the Unorganized Territory, a Major Substantive Rule of the Department of Education	RESOLVE 7 EMERGENCY
LD 151	An Act To Include Student Representation on the State Board of Education	PUBLIC 200
LD 481	Resolve, Directing the Department of Education To Review and Assess Distance Learning Opportunities for High School Students	RESOLVE 11
LD 560	An Act To Integrate the Approval of Early Childhood Education Plans for Children 4 Years of Age into Basic School Approval for Elementary Schools	PUBLIC 141
LD 791	An Act To Ensure Equitable Geographic Representation on the State Board of Education	PUBLIC 179
LD 910	An Act To Permit Public Schools in the Lower Kennebec River Area To Regionalize To Achieve Efficiency and Improve Quality	P & S 25
LD 1123	Resolve, Relating to the Wells-Ogunquit Community School District	RESOLVE 129
LD 1785	An Act To Permit Automated External Defibrillators in Kindergarten to Grade 12 Schools	PUBLIC 267

Not Enacted

LD 90	An Act To Provide State Funding for Fingerprinting of Educational Personnel	ACCEPTED ONTP REPORT
LD 370	Resolve, To Reduce the Number of School Administrative Units and Gain Administrative Efficiencies	ONTP
LD 464	An Act To Reform Public Education by Encouraging Regional Approaches	ONTP
LD 465	An Act To Prohibit School Administrative Units from Advocating in Political Activity	ONTP
LD 470	An Act To Add Ten Days to the School Year	ONTP
LD 483	An Act To Require That Public Schools Start after Labor Day	ACCEPTED ONTP REPORT

LD 835	An Act To Encourage School Administrative Units To Collaborate with Other School Administrative Units	ONTP
LD 853	An Act To Encourage Efficiency in School Administration	ONTP
LD 930	An Act To Regionalize Supervision of Students in the Unorganized Territory	ONTP
LD 947	Resolve, To Prepare Students for Success in the Twenty-first Century	ONTP
LD 1152	An Act To Improve Public Education in Maine	CARRIED OVER
LD 1175	An Act To Apply Municipal Nepotism Policies to Municipal School Units	ONTP
LD 1186	An Act To Establish Educational Excellence for the Towns of Corinna, Etna, Dixmont, Hartland, Newport, Palmyra, Plymouth and St. Albans	ONTP
LD 1426	An Act To Enhance the Prekindergarten Experience for Maine Children	CARRIED OVER
LD 1565	Resolve, To Expand Access to Early Childhood Education to All Children 4 Years of Age and Older	ONTP
LD 1722	An Act To Allow the Creation of a School District in Northern Franklin County	ACCEPTED ONTP REPORT
LD 1886	An Act To Assess Childhood Obesity Trends in Maine	ONTP

Adult Education

Enacted

LD 1619	An Act To Amend the Laws Regarding Adult Education	PUBLIC 131

Alternative Education, Charter Schools and School Choice

Enacted

LD 1694	An Act To Establish the Publicly Supported Private Secondary School Advisory Council	PUBLIC 342
LD 1758	Resolve, To Promote Alternative Schools within Existing School Systems	RESOLVE 124

Not Enacted

LD 272	An Act To Create Charter Programs within Existing Schools	ONTP

LD 453	An Act To Enhance the Choices for Children and Parents from Areas without Public Secondary Schools	ONTP
LD 1325	An Act To Ensure Adequate Funding for Students of Alternative Schools	ONTP

Career and Technical Education

Enacted

LD 1532	An Act To Create a Service Model for Delivering Career and Technical Education	P & S 24

Cultural Affairs

Enacted

LD 1257	An Act Regarding the Terms of Members of the Maine State Museum Commission	PUBLIC 100 EMERGENCY

Not Enacted

LD 672	An Act To Strengthen the Scientific Research Support Capability of the Maine State Museum	CARRIED OVER
LD 1683	An Act To Appropriate Funds for the Katahdin Cultural Center	ACCEPTED ONTP REPORT

Curriculum, Instruction, Textbooks and Testing

Enacted

LD 1040	Resolve, Directing the Department of Education To Encourage School Administrative Units To Encourage Secondary School Students To Apply to College	RESOLVE 122
LD 1442	Resolve, To Increase Physical Education for Elementary School Students	RESOLVE 102
LD 1564	Resolve, To Encourage Financial Education of Children from Kindergarten to Grade 12	RESOLVE 132
LD 1821	Resolve, Regarding Legislative Review of Portions of Chapter 131: The Maine Federal, State and Local Accountability Standards, a Major Substantive Rule of the Department of Education	RESOLVE 71 EMERGENCY
LD 1859	An Act To Prepare All Maine Students for Postsecondary Education, Career and Citizenship	PUBLIC 259

Not Enacted

LD 196	An Act To Modify the Maine Learning Results System	CARRIED OVER
LD 985	An Act To Include Family Life Skills in the System of Learning Results	ONTP

LD 1281	Resolve, Requiring the Department of Education To Issue Rules Adopting the Northwest Evaluation Association's Assessment System as an Approved Method of Meeting Learning Results	ONTP
LD 1292	An Act To Ensure the Provision of Necessary Conditions for Effective Education Reform	ONTP
LD 1385	An Act To Strengthen Arts Education for All Maine Students	ACCEPTED ONTP REPORT
LD 1427	Resolve, To Evaluate Parenting Education and To Develop Parenting Resources in Maine High Schools	ONTP
LD 1525	An Act To Promote Compassion in Schoolchildren	ONTP

Education - Other

Enacted

LD 184	An Act To Protect Children's Health on School Grounds	PUBLIC 156

Postsecondary Education Finance and Student Aid

Enacted

LD 1103	Resolve, To Determine the Impact of Funding for State Higher Education on the Distribution of Higher Education Costs among Families, Taxpayers and Publicly Supported Institutions of Higher Education	RESOLVE 119

Not Enacted

LD 821	Resolve, To Make University of Maine System Tuition Affordable	ONTP
LD 929	An Act To Promote Legal Services in Rural Maine	ACCEPTED ONTP REPORT
LD 1013	An Act To Offer Tuition Waivers for State Higher Education Facilities to Eligible Veterans	ONTP
LD 1020	An Act To Renew the Promise of Higher Education	DIED ON ADJOURNMENT
LD 1333	An Act To Develop an Equitable Funding Formula for the University of Maine System Campuses	ONTP
LD 1591	An Act To Provide Educational Opportunities for Dependents of Maine Military Personnel	ONTP

Postsecondary Education Governance and Coordination

Enacted

LD 221	Resolve, Requiring the Maine Community College System To Return Real Property and Buildings to the City of Eastport	RESOLVE 116
LD 271	An Act To Permit Andover College To Issue Degrees under New Ownership	P & S 2 EMERGENCY
LD 462	An Act Authorizing the Institute for Doctoral Studies in the Visual Arts To Confer the Degree of Doctor of Visual Arts	P & S 1 EMERGENCY
LD 1178	An Act To Update and Clarify Laws Relating to Maine's Community Colleges	PUBLIC 67

Not Enacted

LD 123	An Act To Establish a Labor Center within the University of Maine System and To Restore Lost Funding to the Bureau of Labor Education	CARRIED OVER
LD 123	An Act To Establish a Labor Center within the University of Maine System and To Restore Lost Funding to the Bureau of Labor Education	CARRIED OVER
LD 884	An Act To Provide Funding to Postsecondary Marine Training Programs	ACCEPTED ONTP REPORT
LD 898	An Act To Increase Educational Opportunities in the Kennebec Valley Region	DIED ON ADJOURNMENT
LD 909	An Act To Support Central Maine Community College	DIED ON ADJOURNMENT
LD 928	An Act To Make Higher Education More Efficient and More Economical	ONTP
LD 1220	An Act To Ensure Continued Education in Boatbuilding at the Marine Technology Center	ONTP
LD 1465	Resolve, To Establish a Pilot Program for a Trimester Schedule at the University of Maine at Presque Isle	ONTP

Safe Schools and Student Conduct

Enacted

LD 222	An Act To Ensure the Integrity of School Crisis Response Plans	PUBLIC 408

Not Enacted

LD 1254	An Act To Modify the Student Code of Conduct	ONTP

School Budgets

Not Enacted

LD 1195	An Act To Establish a Uniform Chart of Municipal Accounts	ONTP
LD 1766	An Act To Amend the Authorization Procedures for Certain Municipal and School Budgets	ONTP

School Construction, Facilities and Buses

Enacted

LD 88	Resolve, To Encourage the Use of Safe Chemicals in Public Schools	RESOLVE 32
LD 150	An Act To Amend and Improve the Education Laws Concerning Portable Space and Rule-making Authority	PUBLIC 111

Not Enacted

LD 20	Resolve, Prohibiting the Use of Carpeting in Schools	ONTP
LD 343	An Act Regarding School Transportation	ONTP
LD 1042	An Act To Establish Uniformity in School Building Construction (by request)	ONTP
LD 1473	An Act To Provide State Support for State-approved School Construction Projects in Certain Municipalities	ONTP
LD 1634	An Act To Reduce School Construction Costs	ONTP

School Finance

Enacted

LD 484	An Act To Adjust the School Funding Formula with Regard to Unorganized Territories	PUBLIC 424
LD 967	Resolve, Regarding Legislative Review of Chapter 007: Implementation of the Essential Programs and Services Funding Model, a Major Substantive Rule of the Department of Education	RESOLVE 134

Not Enacted

LD 44	An Act To Require Changes in the Essential Programs and Services Funding Formula Concerning Labor Market Areas	ACCEPTED ONTP REPORT
LD 338	An Act Regarding the Labor Market Adjustment for Teacher Salary Costs under Essential Programs and Services Funding	ONTP
LD 346	An Act To Increase State Funding of Public Education	ONTP

LD 404	An Act To Limit Regional Adjustments to Teacher Salaries	ONTP
LD 448	An Act To Improve Equity in School Funding	ONTP
LD 482	Resolve, To Conduct an Objective and Independent Review of Essential Programs and Services	ONTP
LD 614	An Act To Modify the Essential Programs and Services Formula To Aid Rural School Districts	ONTP
LD 976	An Act To Encourage Cost Efficiency in Administration of and Contribution to Tax Burden Reduction by School Districts	ONTP
LD 979	An Act To Adjust the Calculation of the Essential Programs and Services Pupil Count to Accurately Reflect Population Change	ONTP
LD 1025	An Act To Reform Essential Programs and Services	ONTP
LD 1041	An Act To Improve the Essential Programs and Services Funding Formula	CARRIED OVER
LD 1324	An Act To Restore Income as a Factor in the Determination of Fiscal Capacity in the School Funding Formula	ONTP
LD 1366	An Act To Limit the Loss a School Administrative Unit Could Receive under the School Funding Formula	ONTP
LD 1368	An Act To Revise the Essential Programs and Services Funding Formula To Increase Equity in School Funding	ONTP
LD 1480	An Act To Provide an Income Tax Credit for Donations to Maine Public Schools	ONTP
LD 1506	An Act To Reform Maine's School Funding	ACCEPTED ONTP REPORT
LD 1590	An Act To Clarify the Method of Education Cost Sharing among Certain Municipalities	INDEF PP
LD 1624	An Act To Hold School Systems to the Same Spending Limits as Municipalities	ONTP
LD 1721	An Act Regarding the Sharing of Educational Costs in School Administrative Units of Multiple Municipalities	ACCEPTED ONTP REPORT
LD 1839	An Act To Further the Implementation of the Essential Programs and Services Funding Act	ACCEPTED ONTP REPORT

Special Education Programs and Finance

Enacted

LD 317	An Act To Increase the Availability of Public Education Services from Child Development Services	PUBLIC 430
LD 334	Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites	RESOLVE 47 EMERGENCY
LD 836	An Act To Enhance Special Education	PUBLIC 307
LD 1850	An Act To Improve Efficiency and Effectiveness of Early Intervention and Early Childhood Special Education for Children from Birth to Eight Years of Age through Improved Oversight, Accountability and Interagency Coordination	PUBLIC 450
LD 1900	Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education	RESOLVE 138 EMERGENCY
LD 1901	Resolve, To Analyze the Feasibility of Establishing an Education Bill of Rights for Deaf and Hard-of-hearing Children	RESOLVE 94
Not Enacted		
LD 1638	Resolve, To Limit the Department of Education's Rulemaking in the Area of Special Education to Matters Required To Align State Rules with Federal Law	ONTP

Teachers and Administrators

Enacted		
LD 974	Resolve, Requiring the Department of Education To Review the Personnel Preparation and Professional Development Opportunities for Special Purpose School Teachers	RESOLVE 20
LD 1831	Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Educational Personnel Part I and II, Requirements for Specific Certificates and Endorsements, a Major Substantive Rule of the Department of Education	RESOLVE 43 EMERGENCY
Not Enacted		
LD 293	An Act To Address the Evaluations of Certain School Employees	DIED BETWEEN HOUSES
LD 410	An Act To Repeal the Certification and Authorization Fees for School Personnel	ACCEPTED REPORT A (ONTP)
LD 834	Resolve, To Create a Study Commission To Review and Report on the Possibility of Making All Public School Teachers in Maine Employees of the State	ACCEPTED ONTP REPORT
LD 1043	An Act Regarding Requirements for the Issuance and Renewal of Teaching Certificates	ONTP

LD 1367	An Act To Address the Inequities of the Probationary Teacher Laws	ONTP
LD 1608	An Act To Require Legislative Review of Rules Governing the Requirements for Local Support Systems Required as Part of the Certification Process of Educational Personnel	DIED BETWEEN HOUSES

Truants, Dropouts and Homeless Students

Enacted

LD 454	An Act To Amend Truancy Laws Regarding Parent Involvement	PUBLIC 304
LD 468	An Act To Amend the Laws Governing Compulsory School Attendance	PUBLIC 143
LD 1860	An Act To Implement the Recommendations of the Task Force To Engage Maine's Youth Regarding Successful School Completion	PUBLIC 451

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

July 2007

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LD 4 **An Act To Amend the Prescription Privacy Law** **PUBLIC 460**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	OTP-AM MAJ ONTP MIN	H-584 H-594 PERRY A

This bill amends the current law that prohibits the sale by prescription drug intermediaries of prescription drug information that identifies directly or indirectly the patient and designates such a sale or exchange as a violation of the Maine Unfair Trade Practices Act. This bill extends the prohibition in current law to the sale of information that identifies directly or indirectly the health care practitioner who ordered the prescription drug.

Committee Amendment "A" (H-584)

This amendment replaces the bill and is the majority report of the committee. The amendment provides an opt-out mechanism by which prescribers of prescription drugs may protect from marketing uses prescription drug information that identifies the prescriber. The amendment:

1. Adds a definition of "marketing";

2. Adds to the definition of "prescription drug information intermediary" persons or entities employed by or under contract to a prescription drug information intermediary;

3. Provides a statement of findings:

A. That the Legislature finds that enactment of this legislation will: improve the public health, limit annual increases in the cost of health care and protect the privacy of patients and prescribers in Maine's health care system;

B. That the State has a duty to assist in the maintenance of an effective and efficient health care system;

C. That patients and prescribers have requested that the Legislature provide a mechanism for protecting confidentiality;

D. That data companies sell prescriber and patient information to drug manufacturers who use it to influence prescribers to prescribe higher priced drugs, thereby increasing the cost of health care;

E. That restricting the use of prescriber-identifying information will decrease drug detailing and increase the use of lower priced drugs, thus decreasing the cost of health care;

F. That the resulting savings may be used for increased investment in drugs and increased access to health care; and

G. That the legislation is a narrowly and carefully tailored approach to achieving compelling state interests and other purposes;

4. Provides a statement of purposes the Legislature intends to achieve, including improving the public health, limiting annual increases in the cost of health care and protecting the privacy of patients and prescribers in Maine's health care system. Other purposes include protection of personal privacy rights, ending the use of prescriber comparisons and decreasing marketing costs.

In part as a reaction to a Journal of the American Medical Association article, "The Accuracy of Drug Information from Pharmaceutical Sales Representatives," vol. 273, no. 16, pp. 1296-98 (1995), which concluded that 11% of the in-person statements made to physicians by pharmaceutical sales representatives contradicted information that was

readily available to them, the amendment also provides a mechanism to be used in conjunction with academic detailing that is being considered by the Legislature this year and details the efforts of the Legislature in prior years to address problems with cost and access to health care and confidentiality of health information.

It also provides a statement that the provisions of the amendment are narrowly and carefully tailored to address the findings listed in the amendment to achieve the State's purposes listed in the amendment and in conjunction with the following efforts to advance the State's compelling interests:

A. Prior authorization and drug utilization review in the MaineCare program under the Maine Revised Statutes, Title 22, section 3174-M;

B. Reporting of a broad array of prescription drug marketing costs under Title 22, section 2698-A and subsequent reporting by the Department of Health and Human Services to the Legislature and the Attorney General;

C. Prescription drug price disclosure under Title 22, section 2698-B;

D. Generic and therapeutically equivalent substitution of prescription drugs under Title 32, section 13781; andE. Protection of patient prescription drug information held by health care practitioners under Title 22, section 1711-C;

5. Separates the confidentiality provisions applicable to the patient and the prescriber;

6. Beginning January 1, 2008, states that a carrier, pharmacy or prescription drug information intermediary may not license, use, sell, transfer or exchange for value for marketing purposes prescriber-identifying prescription drug information of a prescriber who has filed for confidentiality protection;

7. Establishes a mechanism for confidentiality protection through an opt-out procedure similar to the federal Do Not Call List utilizing the licensing and relicensing process for prescribers. The procedures include information for the prescriber and methods for filing with the Maine Health Data Organization to protect confidentiality of prescriber-identifying information;

8. Grants rule-making authority to the licensing boards and the Maine Health Data Organization, provides them funding through an assessment on manufacturers of prescription drugs dispensed through the MaineCare program and elderly low-cost drug program and requires a report on confidentiality protection activity within the Maine Health Data Organization under the law as part of the organization's annual report to the Legislature;

9. Provides authority to the Department of Health and Human Services to transfer funding to the Maine Health Data Organization and the Department of Professional and Financial Regulation to fund their costs for the mechanism to protect the confidentiality of prescriber-identifying prescription drug information; and

10. Adds an appropriations and allocations section.

House Amendment "A" (H-594)

This amendment removes the provisions that would have 20% of the amount of assessments to cover boards of licensure costs and instead allows the Department of Health and Human Services to use those funds.

Enacted Law Summary

Public Law 2007, chapter 460 does the following:

1. Adds a definition of "marketing";

2. Adds to the definition of "prescription drug information intermediary" persons or entities employed by or under contract to a prescription drug information intermediary;

3. Provides a statement of findings:

A. That the Legislature finds that enactment of this legislation will: improve the public health, limit annual increases in the cost of health care and protect the privacy of patients and prescribers in Maine's health care system;

B. That the State has a duty to assist in the maintenance of an effective and efficient health care system;

C. That patients and prescribers have requested that the Legislature provide a mechanism for protecting confidentiality;

D. That data companies sell prescriber and patient information to drug manufacturers who use it to influence prescribers to prescribe higher priced drugs, thereby increasing the cost of health care;

E. That restricting the use of prescriber-identifying information will decrease drug detailing and increase the use of lower priced drugs, thus decreasing the cost of health care;

F. That the resulting savings may be used for increased investment in drugs and increased access to health care; and

G. That the legislation is a narrowly and carefully tailored approach to achieving compelling state interests and other purposes;

4. Provides a statement of purposes the Legislature intends to achieve, including improving the public health, limiting annual increases in the cost of health care and protecting the privacy of patients and prescribers in Maine's health care system. Other purposes include protection of personal privacy rights, ending the use of prescriber comparisons and decreasing marketing costs.

The law also provides a mechanism to be used in conjunction with academic detailing that is being considered by the Legislature this year and details the efforts of the Legislature in prior years to address problems with cost and access to health care and confidentiality of health information.

It also provides a statement that the law is narrowly and carefully tailored to address the findings to achieve the State's listed purposes and in conjunction with the following efforts to advance the State's compelling interests:

A. Prior authorization and drug utilization review in the MaineCare program under the Maine Revised Statutes, Title 22, section 3174-M;

B. Reporting of a broad array of prescription drug marketing costs under Title 22, section 2698-A and subsequent reporting by the Department of Health and Human Services to the Legislature and the Attorney General;

C. Prescription drug price disclosure under Title 22, section 2698-B;

D. Generic and therapeutically equivalent substitution of prescription drugs under Title 32, section 13781; andE. Protection of patient prescription drug information held by health care practitioners under Title 22, section 1711-C;

5. Separates the confidentiality provisions applicable to the patient and the prescriber;

6. Beginning January 1, 2008, states that a carrier, pharmacy or prescription drug information intermediary may not license, use, sell, transfer or exchange for value for marketing purposes prescriber-identifying prescription drug information of a prescriber who has filed for confidentiality protection;

7. Establishes a mechanism for confidentiality protection through an opt-out procedure similar to the federal Do Not Call List utilizing the licensing and relicensing process for prescribers. The procedures include information for the prescriber and methods for filing with the Maine Health Data Organization to protect confidentiality of prescriber-identifying information;

8. Grants rule-making authority to the licensing boards and the Maine Health Data Organization, provides Maine Health Data Organization funding through an assessment on manufacturers of prescription drugs dispensed through the MaineCare program and elderly low-cost drug program and requires a report on confidentiality protection activity within the Maine Health Data Organization under the law as part of the organization's annual report to the Legislature;

9. Provides authority to the Department of Health and Human Services to transfer funding to the Maine Health Data Organization and the Department of Professional and Financial Regulation to fund their costs for the mechanism to protect the confidentiality of prescriber-identifying prescription drug information.

See also LD 838.

LD 12 **An Act To Establish a Residency Requirement for MaineCare Recipients** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BROWNE	ONTP	

This bill establishes a 30-day residency requirement for applicants for the MaineCare program.

LD 22 **An Act To Require Health Care Practitioners to Distribute Free Samples of Medication in Certain Circumstances** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BEAUDOIN	ONTP	

This bill requires health care practitioners to distribute free samples of medications to patients in order to test the reaction of the patient and the effectiveness in treatment of the disease or condition. The requirement to distribute free samples depends on availability, appropriateness and timeliness.

LD 28 **An Act To Establish a Statewide Residency Requirement for General Assistance** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BROWNE	ONTP	

This bill establishes a 30-day residency requirement for general assistance benefits.

LD 29 **An Act To Amend the Laws Governing Welfare** **PUBLIC 282**

Sponsor(s)	Committee Report	Amendments Adopted
BEAUDOIN	OTP-AM	H-351

This bill, presented as a concept draft pursuant to Joint Rule 208, proposes to amend the current law dealing with welfare recipients. The bill will require able-bodied welfare recipients to work with town officials and municipal officers to seek meaningful employment and will require them to work or volunteer in order to receive their welfare benefits.

Committee Amendment "A" (H-351)

This amendment replaces the bill and requires the Department of Health and Human Services to report to the Legislature a summary of the federal laws enacted in the previous fiscal year that may require changes in the ASPIRE-TANF program. It requires the department to report the potential impact of those federal law changes on the State's TANF program and the ASPIRE-TANF program. It repeals a requirement for the department to provide a report that compares Maine benefits under these programs to the benefits in other New England states.

Enacted Law Summary

Public Law 2007, chapter 282 replaces the bill and requires the Department of Health and Human Services to report to the Legislature a summary of the federal laws enacted in the previous fiscal year that may require changes in the ASPIRE-TANF program. It requires the department to report the potential impact of those federal law changes on the State's TANF program and the ASPIRE-TANF program. It repeals a requirement for the department to provide a report that compares Maine benefits under these programs to the benefits in other New England states.

LD 37 **Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services** **RESOLVE 44 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-217

This resolve provides for legislative review of portions of MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for Persons with Mental Retardation, a major substantive rule of the Department of Health and Human Services, Office of MaineCare Services.

Committee Amendment "A" (H-217)

This amendment amends the resolve to provide approval of the provisionally adopted major substantive rules on reimbursement for intermediate care facilities for persons with mental retardation if certain enumerated changes are made to the rules.

Enacted Law Summary

Resolve 2007, chapter 44 approves major substantive rules on reimbursing ICF-MR's. It allows adoption of rules on an emergency basis.

Resolve 2007, chapter 44 was enacted as an emergency measure effective May 30, 2007.

LD 38 **Resolve, Regarding Legislative Review of Portions of Chapter 250: Rules Relating to Smoking in the Workplace, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Partnership for a Tobacco-free Maine**

RESOLVE 4
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
PIEH	OTP	

This resolve provides for legislative review of portions of Chapter 250: Rules Relating to Smoking in the Workplace, a major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Partnership for a Tobacco-free Maine.

Enacted Law Summary

Resolve 2007, chapter 4 approves major substantive rules on smoking in the workplace.

Resolve 2007, chapter 4 was enacted as an emergency measure effective March 22, 2007.

LD 39 **Resolve, Regarding Legislative Review of Portions of Regulations Governing the Licensing and Functioning of Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services**

RESOLVE 33
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of Regulations Governing the Licensing and Functioning of Intermediate Care Facilities for Persons with Mental Retardation, a major substantive rule of the Department of Health and Human Services.

Enacted Law Summary

Resolve 2007, chapter 33 approves major substantive rules on licensing ICF-MR's.

Resolve 2007, chapter 33 was enacted as an emergency measure effective May 22, 2007.

LD 40 **Resolve, Regarding Legislative Review of Portions of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization**

RESOLVE 17
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of Chapter 100: Enforcement Procedures, a major substantive rule of the Maine Health Data Organization.

Enacted Law Summary

Resolve 2007, chapter 17 approves major substantive rules on the fines applicable to intentional or knowing misuse of MHDO data.

Resolve 2007, chapter 17 was enacted as an emergency measure effective May 14, 2007.

LD 43 **Resolve, To Direct the Department of Health and Human Services To Exclude Veterans Education Assistance from Income in Determining Eligibility for the Food Stamp Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP	

This resolve requires the Department of Health and Human Services to modify all state rules necessary to exclude educational benefits received from the United States Department of Veterans Affairs when calculating household income to determine eligibility for food stamps as allowed by the United States Farm Security and Rural Investment Act of 2002, Section 4102.

LD 48 **An Act To Exempt Training and Educational Research Costs from the Voluntary Spending Cap** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL	ONTP	

This bill removes training and educational research costs from the voluntary spending cap on the State's hospitals and other health care providers.

LD 50 **Resolve, Regarding Costly Computer Processes at the Department of Health and Human Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUPREY PLOWMAN	ONTP	

This resolve directs the Department of Health and Human Services to amend its computer processing procedures for the reimbursement of providers of child care for children of participants in the ASPIRE program by October 1, 2007. The department must simplify the billing procedures and provide reimbursement to a child care provider through one check per month for all children of ASPIRE participants cared for by that provider.

LD 72 **An Act To Improve MaineCare Members' Access to Information** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FARRINGTON BARTLETT	ONTP	

This bill provides that the Department of Health and Human Services shall provide a printed copy of the MaineCare benefits manual to a MaineCare member free of charge at the request of that member. The department may charge the actual cost of postage to a member for a manual that is mailed.

LD 87 **Resolve, Directing the Department of Health and Human Services To Provide Printed Informational Handouts on Child Care Guidelines** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	ONTP	

This resolve requires the Department of Health and Human Services to provide a printed copy of the child care information that is available on the department's website, including, but not limited to, guidance for selecting a child care provider. It requires the department to identify costs associated with providing the printed information and to charge persons requesting the information a fee to cover those costs.

LD 97 **An Act Regarding Prescription Drug Expiration Dates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL BRANNIGAN	ONTP	

This bill directs the Department of Professional and Financial Regulation, Maine Board of Pharmacy to adopt routine technical rules by January 1, 2008 regarding the attachment of expiration dates to prescription drugs dispensed by pharmacists, providing protection for patients and allowing use of the drugs only to the date supported by the highest standards of pharmacology and scientific research.

LD 137 **Resolve, Requiring the Maine Center for Disease Control and Prevention To Report on Activities To Implement the Recommendations of the Task Force To Study Cervical Cancer Prevention, Detection and Education** **RESOLVE 73**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	OTP-AM	S-158

This bill requires the Legislature to provide funding to the Department of Health and Human Services, Maine Immunization Program for purchasing and distributing the human papillomavirus vaccine to all girls 11 and 12 years of age. It requires the Maine Immunization Program to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the status of program funding and vaccination rates, including specific information on the human papillomavirus vaccine, by January 30, 2008 and again by January 30, 2010. It requires the Maine Breast and Cervical Health Program to develop and distribute public education materials on cervical cancer prevention and the human papillomavirus vaccine and to translate the materials into other languages when necessary. It requires the Maine Center for Disease Control and Prevention (CDC) to coordinate with the Department of Education and the University of Maine System to develop educational materials for schools and universities. It requires the Maine CDC to develop an educational pamphlet for 5th grade students and a voluntary speakers group for health education and other classes. It requires the Maine CDC to collaborate with the Maine Medical Association to develop and expand continuing medical education opportunities related to cervical cancer. It requires the Department of Health and Human Services to determine the potential costs and benefits of obtaining a federal Medicaid family planning waiver to

provide cervical cancer screening and services to individuals that do not currently qualify for MaineCare. It requires the department to expand eligibility for the Maine Breast and Cervical Health Program to include women 35 to 39 years of age and to increase cervical cancer screening among women under 35 years of age, expand screening sites and days, update screening guidelines and work with specific stakeholders to explore options for encouraging people to attend cancer screenings. It requires the Maine Quality Forum to identify and assess current initiatives within the state health care system that may enhance delivery of cervical cancer screening and follow-up care. It requires the Department of Health and Human Services' Office of Minority Health to collaborate with other department offices and programs to examine cervical cancer incidence in racial and ethnic minorities in the State and study barriers to screening and treatment and best practices for overcoming those barriers. It requires the Department of Health and Human Services to examine the higher incidence of cervical cancer in Washington County and Somerset County to determine reasons for the variation and develop recommendations for reducing cervical cancer in those counties. It requires the Maine Center for Disease Control and Prevention to monitor and evaluate state progress in implementing the task force's recommendations and report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 30, 2009 and again by January 30, 2011.

Committee Amendment "A" (S-158)

This amendment replaces the bill with a resolve. It removes sections of the bill related to funding for the human papillomavirus vaccine, a statewide public education campaign, school-based education initiatives, continuing medical education, a potential Medicaid waiver and requiring the Maine Quality Forum to review and report on health care system initiatives affecting the delivery of cervical cancer screening services. It retains the provisions in the bill that require the department to report: 1) expenditures and distribution of the human papillomavirus vaccine; 2) public education efforts regarding cervical cancer; 3) recommendations for improving cervical cancer prevention and detection in racial and ethnic minority populations and for reducing incidence of cervical cancer in Washington County and Somerset County; and 4) progress on implementing the recommendations of the Task Force To Study Cervical Cancer Prevention, Detection and Education. It also requires the department to make funding for the immunizing girls from low income families against human papillomavirus vaccination a priority in future budget requests. It requires the department to submit an initial report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 30, 2009 and a second report no later than January 30, 2011. It authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to submit legislation to the 124th Legislature and 125th Legislature.

Enacted Law Summary

Resolve 2007, chapter 73 requires the Department of Health and Human Services to report on: 1) expenditures and distribution of the human papillomavirus vaccine; 2) public education efforts regarding cervical cancer; 3) recommendations for improving cervical cancer prevention and detection in racial and ethnic minority populations and recommendations for reducing incidence of cervical cancer in Washington County and Somerset County; and 4) progress on implementing the recommendations of the Task Force To Study Cervical Cancer Prevention, Detection and Education. It also requires the department to make funding to provide the human papillomavirus vaccination to the population of low-income females in Maine that need the vaccine a priority in future budget requests. It requires the department to submit an initial report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 30, 2009 and a second report no later than January 30, 2011. It authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to submit legislation to the 124th Legislature and 125th Legislature.

LD 168 **Resolve, To End Fraud in Maine's Welfare Benefit Programs** **RESOLVE 31**

Sponsor(s)	Committee Report	Amendments Adopted
WALCOTT	OTP-AM	H-163

This bill, presented as a concept draft pursuant to Joint Rule 208, proposes to enact measures that would address and mitigate fraud in the State's welfare benefit programs, such as, but not limited to, MaineCare and Temporary Assistance for Needy Families.

Committee Amendment "A" (H-163)

This amendment changes the bill to a resolve and attempts to address and mitigate possible fraud in the MaineCare program and in the Temporary Assistance for Needy Families program and in determining eligibility for the federal food stamp program. The amendment requires routine technical rulemaking that would require independent verification of income and residence as part of eligibility determination.

Enacted Law Summary

Resolve 2007, chapter 31 addresses and mitigates possible fraud in the MaineCare program, the Temporary Assistance for Needy Families program and the federal food stamp program by requiring independent verification of income and residence as part of eligibility determination. The resolve makes any rules that the Department of Health and Human Services needs to implement related to this law routine technical rules.

LD 273 **An Act To Help Save the Homes of Some Persons Who Enter Nursing Facilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE MARRACHE	ONTP	

This bill will assist a MaineCare recipient entering a nursing facility to save the recipient's residence by prohibiting estate recovery action against the residence until the recipient has stated in writing that the recipient has no intention of returning to live in the residence.

LD 282 **An Act To Provide Dental Care for Pregnant Women and New Mothers Receiving MaineCare Benefits** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	ONTP	

This bill extends MaineCare dental and oral health services to a woman who is eligible for MaineCare because of pregnancy and for 60 days following the delivery of the child.

LD 283 **An Act To Require Direct Payment to Child Care Centers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUPREY	ONTP	

This bill makes payment for child care benefits for a person transitioning off the ASPIRE-TANF program payable directly to the child care provider or facility that provided the child care and provides a mechanism for paying for child care services for which reimbursement is owed.

LD 306 **An Act To Provide Medically Necessary Speech Therapy Services** **PUBLIC 71**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER MARRACHE	OTP-AM	H-52

This bill allows the provision of speech therapy benefits under MaineCare Basic for members who without a maintenance level of speech therapy services would experience a significant decline in their ability to communicate orally, safely swallow or masticate.

Committee Amendment "A" (H-52)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 71 allows the provision of speech therapy benefits under MaineCare Basic for members who without a maintenance level of speech therapy services would experience a significant decline in their ability to communicate orally, safely swallow or masticate.

LD 339 **Resolve, To Ensure Proper Levels of Care for the Elderly and the Disabled** **RESOLVE 61 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	OTP-AM	S-117

This bill directs the Department of Health and Human Services to amend, by January 1, 2008, the rules for the licensing of long-term care facilities to prevent the inappropriate transfer of a resident to a hospital as a way of accomplishing the discharge of the resident. The rules are routine technical rules.

Committee Amendment "A" (S-117)

This amendment replaces the bill with a resolve. It establishes a process to assess and plan for the medically necessary physical, cognitive and behavioral needs of adult MaineCare members and to implement a training program in positive behavioral support health. It establishes a process for stakeholder involvement and collaboration. It requires the sharing of data, sets a timetable and requires a report to the Joint Standing Committee on Health and Human Services, which is authorized to submit legislation.

Enacted Law Summary

Resolve 2007, chapter 61 establishes a process to assess and plan for the medically necessary physical, cognitive and behavioral needs of adult MaineCare members and to implement a training program in positive behavioral support health. It establishes a process for stakeholder involvement and collaboration. It requires the sharing of data, sets a timetable and requires a report to the Joint Standing Committee on Health and Human Services, which is authorized to submit legislation.

Resolve 2007, chapter 61 was enacted as an emergency measure effective June 6, 2007.

LD 364 **An Act To Stop Misleading Drug Advertisements** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL	ONTP	

This bill prohibits the use of false or misleading prescription drug advertisements in the State by prescription drug manufacturers and also prohibits the use of language recommending the public to ask physicians about the use of any prescription drug.

LD 365 **Resolve, To Promote Community Integration for Individuals with Brain Injuries** **RESOLVE 105**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN	OTP-AM	H-518

This resolve requires the Department of Health and Human Services to apply by January 1, 2008 for a federal waiver to operate a MaineCare waiver program to allow a person with a brain injury who is eligible for services at the nursing facility level to choose to receive services in a home or in a community-based setting. The resolve provides for public information and input from interested parties. The resolve requires reports to the Legislature by April 15, 2008, January 15, 2009 and April 15, 2009 regarding the department's progress in applying for and securing the waiver.

Committee Amendment "A" (H-518)

This amendment replaces the resolve. It directs the Department of Health and Human Services to complete a comprehensive plan to address the needs of persons with disabilities due to brain injuries by January 1, 2008. It provides a process for the development of the plan and the participation of interested persons. It requires reports to the Legislature by January 15, 2008, January 15, 2009 and April 15, 2009 regarding its progress implementing the elements of the plan. The amendment authorizes the Joint Standing Committee on Health and Human Services to submit legislation regarding services to persons with brain injuries to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 105 directs the Department of Health and Human Services to complete a comprehensive plan to address the needs of persons with disabilities due to brain injuries by January 1, 2008. It provides a process for the development of the plan and the participation of interested persons. It requires reports to the Legislature by January 15, 2008, January 15, 2009 and April 15, 2009 regarding its progress implementing the elements of the plan. The resolve authorizes the Joint Standing Committee on Health and Human Services to submit legislation regarding services to persons with brain injuries to the Second Regular Session of the 123rd Legislature.

LD 386 **An Act To Provide for Prescription Monitoring and Protection of Personal Patient Information** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend current law to establish an electronic prescription drug monitoring system to enhance patient safety by providing a means to avoid medication errors. The electronic prescription drug monitoring system will allow pharmacists, physicians and other authorized health care providers to obtain a complete record of all drugs prescribed to a patient, identify the prescribing physician for each drug and list the dates on which each prescription was filled. This information will give health care providers additional means to ensure that patients do not have adverse reactions due to incompatible drug interactions or over-prescription of medications from multiple prescribing physicians.

The bill proposes to direct the Department of Health and Human Services to apply for federal funds and seek other funding sources to develop the electronic prescription drug monitoring system.

This bill also proposes to amend current law to prevent the unauthorized collection, use, sale or exchange of confidential patient prescription drug information for commercial use, financial gain or other unauthorized purposes and to levy penalties that are stringent enough to deter these activities.

LD 405 **An Act To Establish Necessary MaineCare Pharmacy Incentives** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
LEWIN		

This bill directs the Department of Health and Human Services to amend the rules for MaineCare reimbursement to pharmacies for prescription drugs in order to increase the dispensing fee on a basis that is indexed to the Consumer Price Index and to provide other increases in reimbursement. The rules adopted are designated as routine technical rules.

This bill was carried over to any special or regular session of the 123rd Legislature by Joint Order, HP 1369.

LD 414 **An Act To Decrease Cervical Cancer in Maine Girls** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	ONTP	

This bill requires a female child entering grade 6 for the first time to be immunized against the human papillomavirus, the virus that causes cervical cancer. This requirement takes effect with the start of the 2008-2009 school year. The bill provides an exemption from this requirement for a child whose parent states in writing that the parent has received information provided by the Department of Health and Human Services regarding cervical cancer and the human papillomavirus and has chosen for the child not to receive the human papillomavirus vaccine. The bill requires that the department identify that information by January 1, 2008, make it available to family physicians, pediatricians and public and private schools that serve grade 6 and post the material on the department's publicly accessible website.

See also LD 137.

LD 429 **An Act To Improve Access to HIV Testing in Health Care Settings** **PUBLIC 93**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER	OTP-AM	H-90

This bill amends HIV testing law by replacing the requirement for obtaining a patient's written informed consent before an HIV test to requiring a test be undertaken only with a patient's knowledge and understanding that an HIV test is planned, by removing the requirement for pretest counseling and by requiring that a positive test result must be confidentially given through personal contact.

Committee Amendment "A" (H-90)

This amendment adds to the HIV pretest patient information procedures the opportunity for the patient to ask questions and corrects a reference to the person who communicates HIV test results. The amendment integrates certain provisions from LD 568, provisions that correct cross-references and repeal references to required pretest counseling.

Enacted Law Summary

Public Law 2007, chapter 93 amends the laws on HIV testing. It removes the requirement for pre-test counseling. It replaces the requirement of informed consent with a requirement that the patient know of and understand that an HIV test is being administered. It requires that positive test results be communicated confidentially and through personal contact.

See also LD 568.

LD 436 **An Act To Postpone the Expiration of the Required Nonhospital Expenditures Component in the Capital Investment Fund** **PUBLIC 94**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	OTP	

This bill postpones by one year the repeal date established in the Dirigo Health laws for setting aside 12.5% of the capital investment fund, the annual limit established for expenditures approved through the certificate of need program, for nonhospital projects.

Enacted Law Summary

Public Law 2007, chapter 94 postpones by one year the repeal date established in the Dirigo Health laws for setting aside 12.5% of the capital investment fund, the annual limit established for expenditures approved through the certificate of need program, for nonhospital projects.

LD 467 **An Act Regarding the Protection and Advocacy Agency Advisory Council** **PUBLIC 87**

Sponsor(s)	Committee Report	Amendments Adopted
BRANNIGAN	OTP	

This bill repeals the section of law that requires the advisory council of the protection and advocacy agency for persons with disabilities to file a report with the Secretary of State.

Enacted Law Summary

Public Law 2007, chapter 87 repeals the section of law that requires the advisory council of the protection and advocacy agency for persons with disabilities to file a report with the Secretary of State.

LD 487 **An Act Regarding Children in the Child Welfare System** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CANAVAN	ONTP	

This bill requires the Department of Health and Human Services to complete a clinical review upon determination that a child receiving child welfare services requires therapeutic care in a residential or foster care setting or requires other specialized mental health care treatment. It requires the department to assess a child leaving state custody, to evaluate children who have left custody through periodic contact and to collect data on the assessments and make the data available to the public.

LD 500 **An Act To Amend the Definition of Health Care Facility To Include Hospice Facilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	ONTP	

This bill amends the Maine Health and Higher Educational Facilities Authority Act to authorize the financing of hospice facilities.

See also LD 727.

LD 519 **An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL BRANNIGAN		

This bill allows family members, friends or neighbors to receive payment for providing personal care and health maintenance services to persons who receive Medicaid.

This bill was carried over to any special or regular session of the 123rd Legislature by Joint Order, HP 1369.

LD 520 **An Act To Ensure Access to MaineCare Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BEAUDOIN MARTIN	ONTP	

This bill ensures access to MaineCare services by providing incentives for health care practitioners to serve MaineCare members. The incentives, which will be established by routine technical rulemaking that must be completed by January 1, 2008, may include reimbursement or other incentives.

LD 551 **An Act To Create the Maine Health Card Program** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PINKHAM	ONTP MAJ OTP MIN	

This bill establishes the Maine Health Card program to enable uninsured persons to pay the MaineCare price for medically necessary health services and prescribed covered drugs.

LD 568 **An Act To Conform HIV Testing to the Recommendations of the Federal Centers for Disease Control and Prevention** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	ONTP	

This bill repeals the requirement for informed consent for HIV testing and the requirement for counseling prior to testing and upon disclosure of the test results to the tested person effective January 1, 2008. The bill requires a health care provider to notify a person prior to HIV testing and to provide an opportunity for the person to decline the test by signing a written statement, which must be kept in the person's health care file. The bill requires oral and written information regarding HIV testing. The bill corrects cross-references to informed consent and counseling. The bill provides an effective date of January 1, 2008.

See also LD 429, enacted as Public Law 2007, chapter 93.

LD 574 **An Act To Increase Funding for the State's Immunization Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER	ONTP	

The bill provides funding for the State's immunization program so that the program can provide vaccines to adults and children according to guidelines established by the federal Department of Health and Human Services, Centers for Disease Control and Prevention.

LD 596 **An Act To Repeal the Laws Governing Long-term Foster Care** **PUBLIC 46**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	OTP	

This bill repeals the laws that give the Department of Health and Human Services authority to place children in long-term foster care through agreement with the foster parents or pursuant to a court order.

Enacted Law Summary

Public Law 2007, chapter 46 repeals the provision of M.R.S.A Title 22 that gives the Department of Health and Human Services authority to place children in long-term foster care through agreement with the foster parents or pursuant to a court order as the department has implemented a program of permanency in place of long-term foster care.

LD 609 **Resolve, To Preserve and Support Community Treatment Options for Children's Behavioral Health Needs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRANNIGAN	ONTP	

This resolve provides a method of assessing children's community behavioral health needs and the services that are being provided. The resolve directs the Department of Health and Human Services to perform 2 assessments and to impose a moratorium on the elimination of children's community behavioral health services until the assessments have been performed and reviewed.

LD 615 **An Act To Authorize the Use of the Department of Health and Human Services Staff as Hearing Officers** **PUBLIC 80**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER BRANNIGAN	OTP	

This bill eliminates the prohibition that existed in the former Department of Behavioral and Developmental Services against allowing department employees to serve as hearing examiners in grievances filed by clients receiving adult mental health services, adult mental retardation services or children's behavioral health services. Following the merger of that department with the Department of Health and Human Services, the office of administrative hearings operates separately from the program employees and can fairly and impartially hear these matters.

Enacted Law Summary

Public Law 2007, chapter 80 eliminates the prohibition that existed in the former Department of Behavioral and Developmental Services against allowing department employees to serve as hearing examiners in grievances filed by clients receiving adult mental health services, adult mental retardation services or children's behavioral health services. Following the merger of that department with the Department of Health and Human Services, the office of administrative hearings operates separately from the program employees and can fairly and impartially hear these matters.

LD 650 **An Act To Equalize MaineCare Reimbursements to Hospitals** **P & S 19**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP-AM MAJ ONTP MIN	H-162 S-136 GOOLEY

This bill requires the Department of Health and Human Services to pay hospitals the reimbursements owed for MaineCare services for fiscal years 2003 and earlier prior to paying for later years. The department is required to adopt routine technical rules to pay for services in the manner required by the bill.

Committee Amendment "A" (H-162)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-136)

This amendment clarifies that the Department of Health and Human Services may provide relief to hospitals with financial hardship, while at the same time prioritizing final settlements for hospital fiscal years 2003 and earlier.

Enacted Law Summary

Private & Special Law 2007, chapter 19 establishes the priority by which hospitals will be paid under MaineCare for years 2003 and earlier and allows the Department of Health and Human Services to provide relief for hospitals experiencing financial hardship.

See also LD 651.

LD 651 **An Act To Support Small, Local and Efficient Hospitals** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP MAJ OTP MIN	

This bill requires the Department of Health and Human Services to use a formula that gives first preference to smaller hospitals, sole community providers and hospitals with lower than average operating revenues and higher than average percentages of MaineCare member patients when reimbursing for past MaineCare services for hospital fiscal years 2004 to 2006. The department shall adopt routine technical rules to implement this formula.

See also LD 650.

LD 652 **Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BEAUDOIN	OTP-AM	H-237

This resolve provides for amending Department of Health and Human Services rules to provide for increases in the personal needs allowances of residents in nursing facilities and residential care facilities from July 1, 2007 and provides for annual increases after July 1, 2008 that are indexed to the Consumer Price Index for medical services. The rules are designated as routine technical rules. This bill was carried over to the Second Regular Session after adoption of Committee Amendment "A" (H-237) in the House and Senate.

Committee Amendment "A" (H-237)

This amendment limits the resolve to increasing the personal needs allowance for residential care facilities residents to $65 and $85 per month, with no inflation adjustment. This amendment also adds an appropriations and allocations section.

See also LD 880.

This bill was carried over to any general or special session of the 123rd Legislature by Joint Order, HP 1369.

LD 703 **An Act To Repeal the Tax on Private Nonmedical Institutions** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER DOW	ONTP	

This bill repeals the 5% service provider tax imposed on private nonmedical institutions.

LD 704 **Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services** **RESOLVE 16 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of MaineCare Benefits Manual, Chapter III, section 97, Private Non-medical Institution Services, a major substantive rule of the Department of Health and Human Services.

Enacted Law Summary

Resolve 2007, chapter 16 approves major substantive rules regarding licensing of PNMI's.

Resolve 2007, chapter 16 was enacted as an emergency measure effective May 8, 2007.

LD 711 **An Act Regarding Notice That Must Be Provided by a Psychiatric Facility Concerning Certain Patients** **PUBLIC 89**

Sponsor(s)	Committee Report	Amendments Adopted
BRANNIGAN	OTP-AM	S-49

This bill requires that a private psychiatric hospital, psychiatric unit or psychiatric treatment facility notify the protection and advocacy agency for persons with disabilities and provide the agency with access to information whenever an involuntarily admitted patient has died, attempted suicide or sustained a serious injury, which is consistent with the requirements for state mental health institutes.

Committee Amendment "A" (S-49)

This amendment enacts provisions in the law regarding involuntary hospitalization requiring nonstate mental health institutions to provide notice to the Department of Health and Human Services whenever any involuntarily admitted patient has died, attempted suicide or sustained a serious injury. The amendment further requires the department to forward these notices to the federally designated protection and advocacy agency for persons with disabilities.

Enacted Law Summary

Public Law 2007, chapter 89 requires nonstate mental health institutions to notify to the Department of Health and Human Services whenever any involuntarily admitted patient has died, attempted suicide or sustained a

serious injury. It requires the department to forward these notices to the federally designated protection and advocacy agency for persons with disabilities.

LD 722 **An Act To Create the Acquired Brain Injury Fund** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN NUTTING J	ONTP	

This bill establishes the Acquired Brain Injury Fund and the Acquired Brain Injury Advisory Council. This bill makes ongoing General Fund appropriations of $1,400,000 per year for the fund.

LD 723 **Resolve, To Promote Chronic Disease Prevention and Care** **RESOLVE 36**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A BRANNIGAN	OTP-AM	H-215

This bill requires the Commissioner of Health and Human Services to develop and implement a blueprint for health to address chronic care management and prevention of chronic conditions. The bill requires the commissioner to develop and implement a chronic condition prevention and chronic care management program by January 1, 2009 for the MaineCare population and to extend the educational component of the program by January 1, 2010 for all persons statewide who are at risk of requiring or who require chronic care. The bill directs the commissioner to report to the Legislature each year on the blueprint for health, including recommendations for legislation for implementation and improvement.

Committee Amendment "A" (H-215)

This amendment replaces the bill with a resolve that requires the Department of Health and Human Services and the Advisory Council on Health Systems Development to report to the Joint Standing Committee on Health and Human Services by January 15, 2008 on the promotion of chronic disease prevention and care.

Enacted Law Summary

Resolve 2007, chapter 36 requires the Department of Health and Human Services and the Advisory Council of Health Systems Development to report to the Health and Human Services Committee by January 15, 2008, on the promotion of chronic disease prevention and care.

LD 724 **Resolve, To Direct the Department of Health and Human Services To Provide Temporary Assistance for Needy Families Benefits to Certain Guardians of Minors** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HAYES	ONTP	

This resolve directs the Department of Health and Human Services to amend its rules governing the Temporary Assistance for Needy Families program to provide that a guardian of a minor who is not related to the minor may receive a monthly benefit.

LD 725 **An Act To Ensure Retail Tobacco License Compliance** **PUBLIC 172**

Sponsor(s)	Committee Report	Amendments Adopted
RAND	OTP	

This bill requires a tobacco retailer to document a current retail tobacco license before a distributor can ship cigarettes to that retailer. This bill ensures all tobacco retailers are licensed in order to purchase cigarettes from distributors to be sold at retail.

Enacted Law Summary

Public Law 2007, chapter 172 requires tobacco retailers to prove that they are licensed before a distributor ships to the retailer.

LD 726 **An Act To Provide Services for Adults with Diagnoses of Mental Retardation and Other Developmental Disabilities** **PUBLIC 152**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER MARRACHE	OTP-AM	H-161

This bill requires the Department of Health and Human Services to provide mental retardation and other developmental disabilities supports and services to the extent of available funding. It requires reports by January 15th of each year to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters on unmet needs for supports and services and the waiting list for each type of service and support.

Committee Amendment "A" (H-161)

This amendment changes the bill by deleting the requirement that the Department of Health and Human Services report on the unmet needs for supports and services for people with mental retardation and developmental disabilities. It requires the departments represented by the Interdepartmental Committee on Transition to make recommendations on methods to coordinate information and data that would facilitate the identification and tracking of the needs of persons with mental retardation, serious emotional disturbance, pervasive developmental disorder or other developmental disabilities to the Interdepartmental Committee on Transition. It requires the Interdepartmental Committee on Transition to include these recommendations in its annual report to the Legislature. It requires the Maine Developmental Disabilities Council to provide information from the analysis required by the federal government related to the needs of people with disabilities in the State to the Legislature by January 31st of each year.

Enacted Law Summary

Public Law 2007, chapter 152 requires the departments represented by the Interdepartmental Committee on Transition to make recommendations on methods to coordinate information and data that would facilitate the identification and tracking of the needs of persons with mental retardation, serious emotional disturbance, pervasive developmental disorder or other developmental disabilities to the Interdepartmental Committee on Transition. It requires the Interdepartmental Committee on Transition to include these recommendations in its annual report to the Legislature. It requires the Maine Developmental Disabilities Council to provide information from the analysis required by the federal government related to the needs of people with disabilities in the State to the Legislature by January 31st of each year.

LD 727 **An Act To Expand the Definition of Health Care Facility under the Maine Health and Higher Educational Facilities Authority Act** **PUBLIC 72 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER TURNER	OTP-AM	H-55

This bill incorporates health information networks into the definition of "health care facility" so that infrastructure needs of health care facilities are part of the Maine Health and Higher Educational Facilities Authority Act.

Committee Amendment "A" (H-55)

This amendment replaces the bill. It retains the provisions of the bill that add a statewide health information network to the definition of "health care facility" for eligibility for funding through the Maine Health and Higher Educational Facilities Authority and adds to that definition hospice facilities that are or will be licensed by the Department of Health and Human Services. It adds an emergency preamble and an emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 72 adds to the Maine Health and Higher Education Facilities Act law hospice facilities and a statewide health information network.

Public Law 2007, chapter 72 was enacted as an emergency measure effective May 4, 2007.

See also LD 500.

LD 753 **Resolve, To Invest in Children and Families through Family Resource Centers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH EDMONDS	ONTP	

This resolve makes one-time General Fund appropriations of $720,000 in fiscal years 2007-08 and 2008-09 for 6 family resource centers to operate throughout the State and provide an array of services to families.

LD 754 **An Act To Allow Physician Assistants To Sign Death Certificates** **PUBLIC 56**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A	OTP	

This bill allows a physician assistant to sign death certificates.

Enacted Law Summary

Public Law 2007, chapter 56 allows a physician assistant to sign a death certificate.

LD 755 **Resolve, To Create the Commission To Develop a Strategic Priorities Plan for Maine's Young Children** **RESOLVE 136 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH EDMONDS	OTP-AM	H-216

This bill appropriates funds to increase the quality of child care services in Maine by identifying and implementing best practices and by addressing current limits on access to high-quality care based on a parent's ability to pay.

Committee Amendment "A" (H-216)

This amendment changes the legislation from an act to a resolve and makes the resolve emergency legislation. It establishes a 13-member commission that includes 8 Legislators and 3 members of the public representing business, organized labor and child care providers and a 4th public representative with experience as an actuary or economist who has analyzed the relationship between early childhood development and economic development. The commission is charged with: working with experts on the Joint Standing Committee on Education and Cultural Affairs to evaluate existing information from task forces, reports and other scientific data on early childhood and brain development; identifying the current and future economic needs of employers and parents and the links to early child care and education; involving parents, providers of all levels of child care, representatives of business, health experts and economists; evaluating and reviewing, in consultation with the Maine Children's Trust, best practices related to parenting education, coaching and home visit programs; examining the multiple levels of relationship between early childhood brain development and the needs of parents and employers; considering the need for the State to receive its best return on the investment of tax dollars; consulting with people involved in the initiatives "Start ME Right" and "Invest in ME Now!" and considering the recommendations from the Task Force on Early Childhood and from the report entitled "Invest Early in Maine: A Working Plan for Humane Early Childhood Systems." The commission shall develop a 3-year investment strategy that will identify the amount of the investment each year; prioritize programs, both new and existing, to be invested in; identify expected outcomes for children and the economy; develop a timeline for those outcomes; and identify funding sources, including, but not limited to, current resources that need to be shifted, new funds and alternate funding sources that are needed. The commission shall provide a report to the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Business, Research and Economic Development, the Joint Standing Committee on Taxation, the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Appropriations and Financial Affairs, as well as to the Legislative Council. The commission is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on Health and Human Services may submit a bill to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 136 which is titled to "Resolve, To Create the Commission To Develop a Strategic Priorities Plan for Maine's Young Children" establishes a 13-member commission charged with: working with experts on the Joint Standing Committee on Education and Cultural Affairs to evaluate existing information from task forces, reports and other scientific data on early childhood and brain development; identifying the current and future economic needs of employers and parents and the links to early child care and education; involving parents, providers of all levels of child care, representatives of business, health experts and economists; evaluating and reviewing, in consultation with the Maine Children's Trust, best practices related to parenting education, coaching and home visit programs; examining the multiple levels of relationship between early childhood brain development and the needs of parents and employers; considering the need for the State to receive its best return on the investment of tax dollars; consulting with people involved in the initiatives "Start ME Right" and "Invest in ME Now!" and considering the recommendations from the Task Force on Early Childhood and from the report entitled "Invest Early in Maine: A Working Plan for Humane Early Childhood Systems." The commission shall develop a 3-year investment strategy that will identify the amount of the investment each year; prioritize programs, both new and existing, to be invested in; identify expected outcomes and a timeline for those outcomes; and identify funding

sources. The commission shall provide a report to 5 Joint Standing Committees as well as to the Legislative Council. The Joint Standing Committee on Health and Human Services may submit a bill to the Second Regular Session of the 123rd Legislature.

Resolve 2007, chapter 136 was enacted as an emergency measure effective June 27, 2007.

LD 770 **An Act To Clarify Application of the Medical Marijuana Law (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HARLOW	ONTP	

This bill amends the medical marijuana law to extend it to cover persons suffering from Crohn's disease and agitation from Alzheimer's disease.

See also LD 148.

LD 792 **Resolve, To Direct the Department of Health and Human Services To Review and Report on Efforts Concerning Postpartum Mental Health Education** **RESOLVE 58**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP-AM	S-111

This bill requires health care practitioners and facilities to provide information on and screening for prenatal and postpartum mental health issues to pregnant women and mothers of children under one year of age. It also requires them to provide information to the partners, spouses or fathers and family members, as appropriate.

Committee Amendment "A" (S-111)

This amendment changes the legislation to a resolve and requires the Department of Health and Human Services to convene, in coordination with the Maine Primary Care Association, a work group that will review existing efforts in Maine and projects in other states concerning education and screening for postpartum depression. The bill specifies some projects that must be included in the review and requires the work group to report findings and recommendations including legislation by January 15, 2008. The resolve authorizes the Joint Standing Committee on Health and Human Services to submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 58 requires the Department of Health and Human Services to convene, in coordination with the Maine Primary Care Association, a work group that will review existing efforts in Maine and projects in other states concerning education and screening for postpartum depression. It specifies some projects that must be included in the review and requires the work group to report findings and recommendations including legislation by January 15, 2008. The bill authorizes the Joint Standing Committee on Health and Human Services to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 807 **An Act To Prevent Overcharging for Prescription Drug Copayments** **PUBLIC 431**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	OTP-AM MAJ ONTP MIN	H-482 H-593 PERRY A

This bill requires pharmacists to notify patients when the cost of filling a prescription without insurance is less than the patient's insurance copayment and requires the pharmacist to charge the patient the lower amount.

Committee Amendment "A" (H-482)

This amendment replaces the bill. It provides that a pharmacy benefits manager or insurer shall require a contracted pharmacy to charge to an enrollee or insured person the pharmacy's usual and customary price of filling the prescription or the contracted copayment, whichever is less.

House Amendment "A" (H-593)

This amendment adds an application clause and repeals an outdated provision of law.

Enacted Law Summary

Public Law 2007, chapter 431 provides that a pharmacy benefits manager or insurer shall require a contracted pharmacy to charge to an enrollee or insured person the pharmacy's usual and customary price of filling the prescription or the contracted copayment, whichever is less.

LD 808 **Resolve, To Establish the Study Group To Examine Strategies for Integrating Nutritional Wellness and Prevention Measures into Maine's Health Care System** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BOLAND	ONTP	

This resolve establishes the Study Group To Examine Strategies for Integrating Nutritional Wellness and Prevention Measures into Maine's Health Care System. The study group will examine and develop strategies for integrating incentives for healthy personal nutrition choices, including dietary supplements that have been shown to be beneficial to wellness, for the purposes of improving dietary intake and general health, supporting strong immune systems to resist disease and reducing the cost and the use of the health care system.

LD 837 **An Act To Prevent Infant Exposure to Harmful Hormone-disrupting Substances** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK DOW	ONTP MAJ OTP-AM MIN	

This bill prohibits the manufacture, sale and distribution of toys and child care products made with the endocrine-disrupting chemicals bisphenol A or di (2-ethylhexyl) phthalate, di butyl phthalate, benzyl butyl phthalate, diisononyl phthalate, diisodecyl phthalate and di-n-octyl phthalate, requires a manufacturer to replace a prohibited chemical with the least toxic alternative not including a likely carcinogenic substance or substance that may cause

birth defects, reproductive or developmental harm and directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to study ways to eliminate infant exposure to these chemicals and report back to the Legislature by December 15, 2007.

LD 838 **An Act Protecting the Confidentiality of Prescription Information** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	ONTP MAJ OTP-AM MIN	

This bill extends the privacy of prescription drug information from individuals to prescribers and clarifies that privacy applies to certain regulated transactions. In addition it extends the law to cover transfers of information by pharmacies and administrators for health plans. The bill provides exceptions for transfers related to dispensing prescription drugs, patient care, pharmacy reimbursement, utilization review, formulary and prior authorization compliance, care management, changes in pharmacy ownership, the Controlled Substances Prescription Monitoring Program and data that cannot be used to identify the individual or the provider. It removes the exception for disclosures expressly permitted by the Maine Revised Statutes, Title 22, section 1711-C; Title 24; Title 24-A; and the federal Health Insurance Portability and Accountability Act.

See also LD 4, enacted as Public Law 2007, chapter 460.

LD 839 **An Act To Establish a Prescription Drug Academic Detailing Program** **PUBLIC 327**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT SCHNEIDER	OTP-AM	H-549

This bill establishes within the Department of Health and Human Services the prescription drug academic detailing program to enhance the health of residents of the State, to improve the quality of decisions regarding drug prescribing, to encourage better communication between the department and health care practitioners participating in publicly funded health programs and to reduce the health complications and unnecessary costs associated with inappropriate drug prescribing. The bill requires the department to investigate initially establishing the program collaboratively with the states of New Hampshire and Vermont. The bill requires the department to review and evaluate use of the educational and assessment materials developed by the Commonwealth of Pennsylvania for the prescription drug academic detailing program that involved the cooperative work of that state and Harvard Medical School and to consider adopting the Pennsylvania program as a starting point for the program. The bill coordinates the prescription drug academic detailing program with the department's public education initiative on prescription drug clinical trials and drug safety information and transfers one half of the annual revenues under the Maine Revised Statutes, Title 22, section 2700-A, subsection 4 for the use of the prescription drug academic detailing program.

Committee Amendment "A" (H-549)

This amendment is the majority report of the committee. The amendment clarifies that the basis for academic detailing is peer-reviewed scientific, medical and academic research publications. The amendment adds the requirement that academic detailers observe standards of conduct consistent with certain federal Food and Drug Administration and Office of the Inspector General requirements. The amendment clarifies that the Department of Health and Human Services may adopt routine technical rules to implement the prescription drug academic detailing program. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2007, chapter 327 directs the Department of Health and Human Services to establish a program to provide a scientifically-based drug information program to drug prescribers. The program will be coordinated within the clinical trials and drug safety programs in DHHS.

LD 859 **An Act To Restrict the Smoking Exemption for Tobacco Specialty Stores** **PUBLIC 180**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	OTP	

This bill limits the exemption granted to tobacco specialty stores from the public place smoking prohibition. The bill provides that the on-premises service, preparation or consumption of food or drink, if the tobacco specialty store is not licensed for such service or consumption prior to January 1, 2007, is prohibited in such a store. It also provides that smoking a waterpipe or hookah is prohibited in a tobacco specialty store that is newly licensed or that requires a new license after January 1, 2007.

Enacted Law Summary

Public Law 2007, chapter 180 limits the exemption granted to tobacco specialty stores from the public place smoking prohibition. The law provides that the on-premises service, preparation or consumption of food or drink, if the tobacco specialty store is not licensed for such service or consumption prior to January 1, 2007, is prohibited in such a store. It also provides that smoking a waterpipe or hookah is prohibited in a tobacco specialty store that is newly licensed or that requires a new license after January 1, 2007.

LD 880 **An Act To Increase the Amount of Money a Resident in a Nursing Home May Spend on Personal Expenses** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	OTP-AM	S-39

This bill increases the amount of money a nursing home resident may retain for personal expenses.

Committee Amendment "A" (S-39)

This amendment adds a section to the bill, providing a General Fund appropriation for the state share of MaineCare costs and an allocation for matching federal funds.

This bill died in the Senate on adjournment.

See also LD 652.

LD 883 **An Act To Allow a Self-pay Patient To Choose between Generic and Brand-name Medications** **PUBLIC 85**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	OTP-AM	S-40

This bill allows a patient who pays for prescription drugs to choose between a brand-name drug and a generic and therapeutically equivalent drug.

Committee Amendment "A" (S-40)

This amendment retains the provisions of the bill that allow a self-pay patient to purchase prescribed brand-name drugs even if the prescriber has not indicated that the prescription is for brand-name only. The amendment excludes from this provision drugs that are listed as Schedule II drugs on the federal drug schedule.

Enacted Law Summary

Public Law 2007, chapter 85 allows a self-pay patient to choose between generic and brand-name drugs, except in the case of Schedule II drugs. The law requires the generic be dispensed unless the prescriber has indicated that the brand-name must be dispensed.

LD 899 **Resolve, To Establish a Committee To Examine the Impacts of the 1993 Amendments to General Assistance Program Eligibility** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

This resolve directs the Commissioner of Health and Human Services to convene the General Assistance Program Committee to examine the impact that the standard of income eligibility for general assistance, which is based on 110% of the United States Department of Housing and Urban Development Fair Market Rent values, has had on homelessness and poverty in Maine. Members of the committee include general assistance program administrators, advocates of low-income clients, a representative from the Maine Municipal Association and a representative from the Maine Equal Justice Partners. The committee must submit a report of its findings and recommendations to the Joint Standing Committee on Health and Human Services by January 14, 2008.

LD 902 **An Act To Amend the Maine Health Data Organization Laws** **PUBLIC 136**

Sponsor(s)	Committee Report	Amendments Adopted
BRANNIGAN	OTP-AM	S-59

This bill makes a number of modifications to the laws governing the operation of the Maine Health Data Organization, including adding Medicare prescription drug sponsors, pharmacy benefits managers and nonlicensed carriers to the definition of "payor"; modifying the appointment process for employer representatives on the Board of Directors of the Maine Health Data Organization; expanding the contract authority of the board; and changing the major substantive rule designation for the organization's enforcement and quality data rules to routine technical rulemaking.

Committee Amendment "A" (S-59)

The amendment clarifies that the United States Department of Health and Human Services certifies federally qualified health centers and corrects the name of the Division of Licensing and Regulatory Services within the Department of Health and Human Services. It clarifies that one member of the board must be chosen from a list provided by a statewide chamber of commerce. It removes 2 sections of the bill that would have changed rulemaking related to enforcement and quality data from major substantive to routine technical rules.

Enacted Law Summary

Public Law 2007, chapter 136 makes a number of modifications to the laws governing the operation of the Maine

Health Data Organization, including adding Medicare prescription drug sponsors, pharmacy benefits managers and nonlicensed carriers to the definition of "payor"; modifying the appointment process for employer representatives on the Board of Directors of the Maine Health Data Organization; and expanding the contract authority of the board. It clarifies that the United States Department of Health and Human Services certifies federally qualified health centers and corrects the name of the Division of Licensing and Regulatory Services within the Department of Health and Human Services. It clarifies that one member of the board must be chosen from a list provided by a statewide chamber of commerce.

LD 931 **Resolve, To Examine Eligibility for MaineCare Long-term Care Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

This resolve directs the long-term care ombudsman program to examine the eligibility requirements for MaineCare long-term care services and to report back to the Joint Standing Committee on Health and Human Services by December 1, 2007. The Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 123rd Legislature.

LD 943 **Resolve, To Create a Look-back Rule for Residential Care Facilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GOOLEY	ONTP	

This resolve directs the Department of Health and Human Services to amend the MaineCare eligibility manual to provide that the 36-month look-back period for the transfer of assets that applies to residents of nursing homes apply to residents of residential care private nonmedical institutions.

LD 957 **An Act To Enact a Five-point Welfare Reform Plan** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
LANSLEY SNOWE-MELLO	ONTP	

This bill enacts a five-point welfare reform package that imposes a 90-day residency requirement for general assistance, provides a tax credit for employers hiring recipients of welfare benefits, changes the 20-hour work participation requirement in the ASPIRE-TANF program, adjusts benefits to reflect earned income and imposes a 60-month lifetime limitation on ASPIRE-TANF benefits for adults. This bill specifies that the tax credit applies to tax years beginning on or after January 1, 2008.

LD 970 **An Act to Repeal Delayed Estate Recovery** **PUBLIC 423**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	OTP-AM	H-325

This bill eliminates the current exemption for estate recovery of MaineCare expenditures for the surviving spouses, children or disabled children over the age of 21. The federal Department of Health and Human Services, Centers for Medicare and Medicaid Services has informed the Department of Health and Human Services, Office of MaineCare Services that this provision is in violation of the Deficit Reduction Act of 2005.

Committee Amendment "A" (H-325)

This amendment changes the title of the bill and eliminates delayed estate recovery of MaineCare benefits.

Enacted Law Summary

Public Law 2007, chapter 423 eliminates delayed estate recovery of MaineCare benefits.

LD 973 **An Act To Require the Maine Center for Disease Control and Prevention To Publish Abortion Statistics** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NASS J	ONTP	

This bill requires the Maine Center for Disease Control and Prevention to republish, update and maintain the State's annual abortion vital statistics and make the vital statistics available on its website. The report must include information on the categories of abortion performed and the number of weeks of gestation.

LD 975 **Resolve, To Provide Reimbursement for Residential Care Facilities for Rising Heating Costs and Cost-of-living Adjustments** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A	OTP-AM	H-599

This resolve directs the Department of Health and Human Services to amend the rules for reimbursing certain private non-medical institutions to provide for full reimbursement of heating costs in facilities and to provide cost-of-living adjustments in state fiscal years 2007-08 and 2008-09. The rules are designated major substantive rules.

Committee Amendment "A" (H-599)

This amendment changes the reimbursement for heating costs from payment for actual heating costs to a separate cost-of-living adjustment for heating cost reimbursement that is reflected in the overall cap on costs in the routine cost component or the cap on room and board reimbursement. The amendment also adds an appropriations and allocations section.

This bill died on adjournment on the Appropriations Table in the Senate.

LD 977 **Resolve, To Address the Funding Needs of Air and Ground Emergency and Critical Care Emergency Medical Services** **RESOLVE 140**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM	H-249

This bill is a concept draft pursuant to Joint Rule 208.

The purpose of this bill is to address the funding needs for the provision of air and ground emergency medical services in the State to provide for reimbursement of services provided by emergency and critical care emergency medical service providers.

Committee Amendment "A" (H-249)

This amendment replaces the concept draft with a resolve. It directs the Department of Health and Human Services, if outside funding is obtained, to convene a working group to review the costs and revenues and growing gap between costs and revenues of providers of air and ground emergency and critical care emergency medical services. The department is required to report to the Joint Standing Committee on Health and Human Services, which is authorized to submit legislation.

Enacted Law Summary

Resolve 2007, chapter 140 directs the Department of Health and Human Services, if outside funding is obtained, to convene a working group to review the costs and revenues and growing gap between costs and revenues of providers of air and ground emergency and critical care emergency medical services. The department is required to report to the Joint Standing Committee on Health and Human Services, which is authorized to submit legislation.

See also the biennial budget, Public Law 2007, chapter 240, page 722 for a contingent appropriation of $200,000 in Fiscal Year 2008.

LD 980 **An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons** **PUBLIC 411**

Sponsor(s)	Committee Report	Amendments Adopted
CROSTHWAITE	OTP-AM	H-366

This bill removes siblings from the list of relatives who are responsible for the burial or cremation costs for a person who was eligible to receive municipal general assistance at the time of that person's death.

Committee Amendment "A" (H-366)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 411 removes siblings from the list of relatives who are responsible for the burial or cremation costs for a person who was eligible to receive municipal general assistance at the time of that person's death.

LD 981 **An Act Concerning the Supervision of Nursing Support Staff** **PUBLIC 197**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A	OTP	

This bill allows a certified nurse practitioner to delegate certain activities relating to advanced practice registered nursing to employees or support staff when those activities are carried out by custom and usage and are under the

control of the certified nurse practitioner, who is legally liable for their activities.

Enacted Law Summary

Public Law 2007, chapter 197 allows a certified nurse practitioner to delegate certain activities relating to advanced practice registered nursing to employees or support staff when those activities are carried out by custom and usage and are under the control of the certified nurse practitioner, who is legally liable for their activities.

LD 984 **Resolve, To Evaluate MaineCare Finances** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	ONTP	

This bill makes a one-time General Fund appropriation of $1,000,000 in fiscal year 2007-08 to provide funds to the Office of Program Evaluation and Government Accountability to commission a study to analyze MaineCare's finances through a subcontract with an independent analyst that has no direct connection to State Government.

LD 987 **An Act To Provide Gambling Addiction Counseling Services through the Office of Substance Abuse** **PUBLIC 116 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A	OTP-AM	H-110

This bill gives the Department of Health and Human Services, Office of Substance Abuse the authority to establish standards governing the provision of gambling addiction counseling services, as well as to administer contracts with community service providers who meet those standards and are funded with money administered by the office.

Committee Amendment "A" (H-110)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 116 gives the Department of Health and Human Services, Office of Substance Abuse the authority to establish standards governing the provision of gambling addiction counseling services, as well as to administer contracts with community service providers who meet those standards and are funded with money administered by the office.

Public Law 2007, chapter 116 was enacted as an emergency measure effective May 14, 2007.

LD 990 **An Act To Assist Children Who Are Not Receiving Court-ordered Child Support Payments** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	

This bill requires the Department of Health and Human Services to exclude unpaid court-ordered child support payments from the calculation of income in determining eligibility for public assistance.

LD 995 **An Act To Reduce the Expense of Health Care Treatment and Protect the Health of Maine Citizens by Providing Early Screening, Detection and Prevention of Cancer** **PUBLIC 341**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	OTP-AM	S-262

This bill makes ongoing General Fund appropriations for a comprehensive cancer program to augment the reach and success of cancer screening, detection and prevention programs in the State.

Committee Amendment "A" (S-262)

This amendment replaces the bill and provides for the implementation of the comprehensive cancer screening, detection and prevention program, as recommended by the Maine Cancer Consortium for The Maine Comprehensive Cancer Control Plan 2006-2010, contingent upon availability of funding. It establishes the Comprehensive Cancer Screening, Detection and Prevention Fund to finance or assist in funding the comprehensive cancer screening, detection and prevention program and gives the Department of Health and Human Services, Bureau of Health rule-making authority. The amendment also adds an appropriation and allocation section to the bill.

Enacted Law Summary

Public Law 2007, chapter 341 provides for the implementation of the comprehensive cancer screening, detection and prevention program recommended by the Maine Cancer Consortium for the "Maine Comprehensive Cancer Control Plan 2006-2010" contingent upon availability of funding. It establishes the Comprehensive Cancer Screening, Detection and Prevention Fund to fund or assist in funding the comprehensive cancer screening, detection and prevention program and gives the Department of Health and Human Services, Bureau of Health rule-making authority.

LD 996 **An Act To Support Medical Practice Protocols in Patient Care** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	ONTP	

This bill authorizes the Maine Quality Forum to develop practice protocols in any medical specialty area and permits compliance with those practice protocols to be asserted in medical malpractice actions as a presumption that the applicable standard of care has been met.

The bill also allows an insurer to decline to provide coverage for treatment that is not consistent with those practice protocols and that is not documented as a reasonable deviation from those practice protocols by a health care practitioner or a health care provider.

LD 1016 **An Act Regarding Residential Care Facilities for Children** **PUBLIC 320 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM MAJ ONTP MIN	S-250

This bill authorizes the Department of Health and Human Services to license residential parenting facilities for families in need of supportive and rehabilitative parenting services. The services relate to prenatal and postnatal needs of children and their parents, including nutrition, parenting skills and life skills counseling.

Committee Amendment "A" (S-250)

This amendment replaces the bill. It adds an emergency preamble and clause to the bill. The amendment provides a mechanism for an adult parent to live with a child in a licensed residential child care facility when it is in the best interest of the child and grants the Department of Health and Human Services rule-making authority with regard to child welfare placement exceptions.

Enacted Law Summary

Public Law 2007, chapter 320 provides a mechanism for an adult parent to live with a child in a licensed residential child care facility when it is in the best interest of the child and grants the Department of Health and Human Services rule-making authority with regard to child welfare placement exceptions.

Public Law 2007, chapter 320 was enacted as an emergency measure effective June 19, 2007.

LD 1033 An Act Regarding Involuntary Treatment of Mental Health Patients — PUBLIC 446

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM	H-620 PERRY A
		S-332

This bill amends the law with regard to inpatient psychiatric treatment as follows.

1. It ensures that a full District Court hearing is held before a person can be involuntarily committed to a psychiatric hospital. At this hearing the examiners report to the District Court as to whether the person is a mentally ill person or is a person with a serious and persistent mental illness, as appropriate to the proceeding, and as to whether the person poses a likelihood of serious harm and the hospital staff and family are able to testify.

2. It enacts new law on mandatory administration of medication that provides protections for the person through a hearing process that uses a panel of 2 psychiatrists and 1 mental health professional. The process also includes a written decision by the panel and an appeal to the Superior Court under the Maine Administrative Procedure Act.

3. It directs the Department of Health and Human Services to amend its rules entitled "Rights of Recipients of Mental Health Services" to reflect the new law on mandatory administration of medication.

Committee Amendment "A" (S-332)

This amendment replaces the bill. The amendment adds to the court procedure for involuntary commitment the option of a request for involuntary treatment. The amendment amends the law on rules adopted by the Department of Health and Human Services regarding standards for treatment of a client absent informed consent. The amendment requires the department to amend those rules to include a clinical review and decision within 4 days of a request by the primary treating physician by a clinical review panel, to specify that orders for involuntary treatment are for the term of commitment and pending any appeal where appropriate and to require the offer of the assistance of a lay advisor and to amend the rules regarding the rights of recipients of mental health services. The rules, which are designated routine technical rules, must be adopted by January 1, 2008 for use beginning on that date. The amendment provides an effective date of January 1, 2008, except that rulemaking begins prior to that date. This

amendment also adds an appropriations and allocations section.

House Amendment "A" (H-620)

This amendment incorporates changes made to the Maine Revised Statutes, Title 34-B, section 3864, subsection 4 by a recently chaptered law in order to prevent a conflict.

Enacted Law Summary

Public Law 2007, chapter 446 adds to the court procedure for involuntary commitment the option of a request for involuntary treatment. The law amends the law on rules adopted by the Department of Health and Human Services regarding standards for treatment of a client absent informed consent. The law requires the department to amend those rules to include a clinical review and decision within 4 days of a request by the primary treating physician by a clinical review panel, to specify that orders for involuntary treatment are for the term of commitment and pending any appeal where appropriate and to require the offer of the assistance of a lay advisor and to amend the rules regarding the rights of recipients of mental health services. The rules, which are designated routine technical rules, must be adopted by January 1, 2008 for use beginning on that date. The law provides an effective date of January 1, 2008, except that rulemaking begins prior to that date.

See also LD 1855.

LD 1044 An Act To Address Eating Disorders in Maine **P & S 20**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	OTP-AM	H-359

This bill requires the Department of Health and Human Services, through the Maine Center for Disease Control and Prevention, to create an initiative to provide education and assistance to residents suffering from eating disorders and submit a report to the Joint Standing Committee on Health and Human Services by May 1, 2008. This bill also provides funding of $138,000 per year for an eating disorder initiative to provide education and assistance to Maine residents suffering from eating disorders.

Committee Amendment "A" (H-359)

This amendment removes the appropriations and allocations section and instead requires the Department of Health and Human Services to undertake the initiative using existing resources.

Enacted Law Summary

Private and Special Law 2007, chapter 20 requires the Department of Health and Human Services to use existing resources to provide education and assistance on eating disorders. The law requires a report to the Health and Human Services Committee by May 1, 2008.

LD 1110 An Act To Create the Maine Council on Poverty and Economic Security **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS		

This bill creates the Maine Council on Poverty and Economic Security, which is comprised of 11 members including the Commissioner of Health and Human Services and the Commissioner of Labor or the commissioners'; designees and 9 members appointed by the Governor representing the business community,

nonprofit agencies, faith-based organizations and the general public to advise the Governor on ending poverty and providing economic security to disadvantaged citizens in the State.

LD 1118 **An Act To Provide Certain Requirements for Rules Related to Rate Setting for Mental Retardation Services** **PUBLIC 237 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	OTP-AM	S-126

This bill requires the Department of Health and Human Services to adopt nonemergency major substantive rules for rate setting for providers of mental retardation community services. The bill requires the department, in implementing the pilot program and subsequent rate setting for all providers under the mental retardation waiver, to establish methodology that includes resource allocation plans based on uniform standards for assessing the service needs of each person receiving services, adjustments for regional housing cost variations, employee-related expenses, operation expenses and transportation costs. It requires the department to adopt nonemergency major substantive rules for implementing managed behavioral health care services.

Committee Amendment "A" (S-126)

The amendment changes the title and removes the section pertaining to a methodology for provider rate setting under the mental retardation waiver as well as the section pertaining to rulemaking for managed behavioral health care services. It retains the section that requires the rules for the standardization of rates for providers of care to persons with mental retardation under the waiver to be major substantive rules and adds an emergency preamble and clause. The amendment removes from the bill the restriction that major substantive rules adopted by the Department of Health and Human Services with regard to rate setting for providers of services to persons with mental retardation be nonemergency rules and authorizes the Department of Health and Human Services to adopt major substantive rules on an emergency basis during calendar year 2007.

Enacted Law Summary

Public Law 2007, chapter 237 requires the rules for the standardization of rates for providers of care to persons with mental retardation under the waiver to be major substantive rules. The law authorizes the Department of Health and Human Services to adopt major substantive rules on an emergency basis during calendar year 2007.

Public Law 2007, chapter 237 was enacted as an emergency measure effective June 6, 2007.

LD 1120 **An Act To Amend MaineCare Benefits as Allowed by the Federal Deficit Reduction Act of 2005** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill imposes cost sharing in the form of premiums and copayments for services, items and prescription drugs in the MaineCare program consistent with the provisions of the federal Deficit Reduction Act of 2005.

LD 1130 **Resolve, To Increase Fairness in Medical Payments** **RESOLVE 48**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP-AM	H-250

This resolve directs the Department of Health and Human Services to implement a system to pay all hospital MaineCare reimbursements based on the diagnosis-related group, or DRG, method that is used by the federal Medicare system.

Committee Amendment "A" (H-250)

This amendment replaces the resolve. It directs the Department of Health and Human Services, with the Edmund S. Muskie School of Public Service, to proceed with its review of the possibility of basing hospital reimbursement under MaineCare on a methodology derived from the federal diagnosis-related group method. The amendment requires a report to the Joint Standing Committee on Health and Human Services and authorizes the committee to submit legislation.

Enacted Law Summary

Resolve 2007, chapter 48 directs the Department of Health and Human Services, with the Edmund S. Muskie School of Public Service, to proceed with its review of the possibility of basing hospital reimbursement under MaineCare on a methodology derived from the federal diagnosis-related group method. The resolve requires a report to the Joint Standing Committee on Health and Human Services and authorizes the committee to submit legislation.

LD 1137 **An Act To Provide Payment for Homeless Respite Care Services through the MaineCare Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUNN	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to have the MaineCare program pay for homeless respite care services.

LD 1142 **An Act To Enhance the Newborn Hearing Program** **PUBLIC 236**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS	OTP	

This bill authorizes the Department of Health and Human Services to collect data necessary to evaluate the effectiveness of services provided to newborns and children up to 3 years of age, including all screening, evaluation and diagnoses made for such children with, or at risk of, hearing loss. The bill also makes uniform the references to newborn infants and children up to 3 years of age.

Enacted Law Summary

Public Law 2007, chapter 236 authorizes the Department of Health and Human Services to collect data necessary to evaluate the effectiveness of services provided to newborns and children up to 3 years of age, including all screening, evaluation and diagnoses made for such children with, or at risk of, hearing loss.

LD 1146 An Act To Promote Healthy Practices for MaineCare Members **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J MARTIN	ONTP	

This bill requires increased copayments that are mandatory for the MaineCare program beginning January 1, 2008 for members who smoke tobacco products, who miss appointments with health care practitioners without just cause or who misuse prescription drugs. The copayments are double the normal amount and are mandatory for the member to obtain MaineCare services. The bill requires the Department of Health and Human Services to adopt routine technical rules to impose the new copayments.

LD 1162 An Act To Remove Disparities in the Administration of Emergency Aid **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	

This bill increases the emergency assistance program's allocation from $750,000 to $2,250,000 and expands coverage to include childless adults, including seniors and people with disabilities.

LD 1170 An Act To Exempt Nationally Accredited Child Welfare and Behavioral Health Care Organizations from State Licensing Requirements **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
NASS R	ONTP MAJ OTP-AM MIN	

This bill requires the Department of Health and Human Services to approve and license substance abuse treatment, child and adult welfare and behavioral health agencies, programs and facilities that receive and maintain accreditation by nationally recognized accrediting bodies. The department shall include such an agency, program or facility on any list of approved and licensed agencies, programs and facilities maintained by the department. The agencies, programs and facilities that have been approved and licensed are not subject to inspection or examination by the department unless there is a critical incident that warrants investigation. Notwithstanding a substance abuse treatment program's or facility's maintenance of accreditation, the department may revoke the certificate of approval and remove a treatment program or facility from the department's list of approved programs and facilities for failure to provide data, statistics, schedules and other information reasonably required by the department pursuant to the Maine Revised Statutes, Title 5, section 20024. All agencies, programs and facilities may have approval and licensing revoked or modified by the department for findings resulting from the investigation of a critical incident.

Committee Amendment "A" (S-194)

This amendment, which is the minority report, incorporates a fiscal note. This amendment was not adopted.

LD 1176 **An Act Regarding MaineCare Prescription Drug and Tobacco Sales (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINKHAM	ONTP	

This bill prohibits Medicaid drug formulary decisions from being based solely on the amount of the anticipated prescription drug rebate or financial benefits that the State would receive as a result of adding or deleting the drug to the list of drugs subject to reimbursement and coverage under the MaineCare program. It also repeals the restrictions on delivery sales and illegal delivery of tobacco products in the State.

LD 1179 **An Act To Provide Regional Coordination and Planning for Public Health Programs and Activities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	ONTP	

This bill authorizes county commissioners to set up regional public health coordinating councils based on county boundaries. County commissioners may appoint members to the councils, or authorize municipal officers to do so, and must include representatives of the counties, municipalities and the local health community. If county commissioners do not choose to set up councils, then a caucus of municipal officers from at least one-third of the municipalities in a region may do so. If neither county commissioners nor municipal officers set up a council, then the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services shall do so. The councils are responsible for conducting a health needs assessment of the region, developing a health plan for the region and providing annual reports to the county commissioners. The councils are authorized to seek funding sources through grants and may enter into contracts with the State or health-related organizations.

See also LD 1812.

LD 1184 **Resolve, To Establish a Commission To Study the Possibility of Implementing the Proposed Healthy Americans Act** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PRIEST	ONTP	

This resolve establishes the Commission to Study the Possibility of Implementing the Healthy Americans Act proposed by Senator Ron Wyden of Oregon, which would establish a centrally financed system of private health insurance for those not covered by Medicare.

LD 1187 **An Act To Recoup Health Care Funds through the Maine False Claims Act** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	ONTP	

This bill enacts the Maine False Claims Act in order to protect the state and federal governments against false and fraudulent claims under the Medicaid program known in the State as the MaineCare program under the Maine Revised Statutes, Title 22, chapter 855. This bill provides authorization for actions, referred to as qui tam actions, brought by a person for the person and for the State in the name of the State. This bill designates the person who brings the qui tam action as the relator. This bill provides protection from discrimination for an employee who participates in a qui tam action in furtherance of the action. This bill provides possible recoveries for the relator in addition to recoveries for the State. This bill establishes the False Claims Act Fund to receive the proceeds payable to the State as a result of false claims litigation.

LD 1198 **Resolve, Regarding the Provision of Over-the-counter Medications in the MaineCare Program** **RESOLVE 75**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	OTP-AM	S-134

This bill discontinues MaineCare coverage for over-the-counter drugs beginning October 1, 2007 and directs the Department of Health and Human Services to amend the rules of the MaineCare program for coverage of medically necessary medication to carry out the provisions of this bill. The rules are designated as routine technical rules.

Committee Amendment "A" (S-134)

This amendment replaces the bill and makes it a resolve. It directs the Department of Health and Human Services, Office of MaineCare Services to undertake an educational initiative for health care practitioners who prescribe medications under the MaineCare program to provide information on prescription medications and any available over-the-counter equivalents and to remind practitioners that MaineCare will reimburse for over-the-counter medications only when they are medically necessary.

Enacted Law Summary

Resolve 2007, chapter 75 directs the Department of Health and Human Services, Office of MaineCare Services to undertake an educational initiative for health care practitioners who prescribe medications under the MaineCare program to provide information on prescription medications and any available over-the-counter equivalents and to remind practitioners that MaineCare will reimburse for over-the-counter medications only when they are medically necessary.

LD 1209 **An Act To License Weekly Housing Programs (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to direct the Department of Health and Human Services to adopt rules to license housing programs for weekly tenancies by October 1, 2007. The rules, which must be designated as routine technical rules, must provide for weekly payment of rent and appropriate procedures for the landlord or tenant to give notice to terminate the tenancy.

LD 1217 **An Act To Improve Health Standards in Piercing Procedures** **PUBLIC 184**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	OTP-AM	S-104

This bill includes in the laws concerning body piercing the piercing of an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

Committee Amendment "A" (S-104)

This amendment replaces the bill. It improves health standards for body piercing by classifying all piercing of the ear except for the earlobe as body piercing.

Enacted Law Summary

Public Law 2007, chapter 184 improves health standards for body piercing by classifying all piercing of the ear except for the earlobe as body piercing.

LD 1239 **Resolve, To Establish a Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine** **RESOLVE 133 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
FARRINGTON	OTP-AM	H-365
		H-566 PERRY A

This resolve establishes the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine. The working group shall submit a report that includes its findings and recommendations, including suggest legislation, to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-365)

This amendment changes the working group membership, decreasing it from 18 to 13, and strikes the language that allows for an extension to complete the study and the language that allows the working group to seek outside funding.

House Amendment "B" (H-566)

This amendment adds four members to the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine. It adds back language requiring the working group to seek outside funding that was mistakenly removed by the committee amendment and changes the date that funding must be received from September 15, 2007 to October 1, 2007. It also changes the appropriations and allocations section.

Enacted Law Summary

Resolve 2007, chapter 133 establishes the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine. The working group shall submit a report that includes its findings and recommendations, including suggest legislation, to the Second Regular Session of the 123rd Legislature. The working group consisting of 17 members, requires outside funding to be secured by October 1, 2007.

Resolve 2007, chapter 133 was passed as an emergency measure effective June 27, 2007.

LD 1250 **An Act To Implement an Oral Health Capitation System for Children on MaineCare** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill enacts a capitated comprehensive oral health program for children under the MaineCare program. The program must provide 4 levels of oral health treatment: diagnostic, preventive and disease management services, including health promotion, risk assessment, primary prevention and disease suppression; basic restorative care; advanced restorative care; and catastrophic care, including orthodontia. The program must provide market-based fee-for-service reimbursement for dentists and other providers. The bill requires the Department of Health and Human Services to adopt rules for implementation and designates the rules as routine technical rules.

LD 1252 **An Act To Amend State Funding Reimbursement under the General Assistance Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	ONTP	

This bill makes two changes to the general assistance state reimbursement system. First, the bill amends the calculation used to trigger 90% state reimbursement for general assistance expenses from .0003% of state valuation to .00025% of state valuation. Second, the bill requires the State to reimburse municipalities 60% of the total direct general assistance related expense, rather than 50% as required by current law.

LD 1280 **Resolve, Regarding the Training Curriculum and Skills of Certified Nursing Assistants** **RESOLVE 50**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	OTP-AM A OTP-AM B ONTP C	S-108

This bill expands the scope of practice of certified nursing assistants to include the management of feeding tubes, suction machines and cough-assist devices.

Committee Amendment "A" (S-108)

The amendment replaces the bill with a resolve. It directs the State Board of Nursing to review the training curriculum and skills of certified nursing assistants and to report to the Joint Standing Committee on Health and Human Services by January 15, 2008.

Enacted Law Summary

Resolve 2007, chapter 50 directs the State Board of Nursing to review the training curriculum and skills of certified nursing assistants and to report to the Joint Standing Committee on Health and Human Services by January 15, 2008.

LD 1286 **An Act To Impose Tighter Controls over Addictive Prescription Drugs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill amends the law governing the Controlled Substances Prescription Monitoring Program to provide a mechanism for pharmacists and other dispensers of prescription drugs to delay filling a prescription for a controlled substance of a person whose pattern of use exceeds the standards of use, to dispense only part of the prescription or to refuse to dispense any of the prescription. The bill directs the Maine Board of Pharmacy and the Department of Health and Human Services, Office of Substance Abuse to adopt routine technical rules to implement the provisions of the bill.

LD 1288 **An Act To Limit Recertification of Nursing Facility Residents to One Regulatory Organization** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	ONTP	

This bill requires the Department of Health and Human Services to accept assessments of eligibility for nursing facility services completed for federal purposes for persons with end-stage diseases and persons who are terminally ill.

LD 1289 **An Act To Provide Oversight for Crematoriums** **PUBLIC 225**

Sponsor(s)	Committee Report	Amendments Adopted
HANLEY S	OTP-AM	H-276

This bill transfers licensing and regulation responsibility for crematoriums from the Department of Health and Human Services to the Department of Professional and Financial Regulation and allows a licensed funeral home to conduct cremations.

Committee Amendment "A" (H-276)

This amendment removes provisions of the bill that included "cremation" in the definitions of "funeral establishment" and "practice of funeral service." It also maintains the requirement that crematoriums be licensed by the Department of Health and Human Services and requires the payment of a licensing fee. It designates rules adopted pursuant to the law as routine technical rules. It updates the grammar in current law on crematoriums.

Enacted Law Summary

Public Law 2007, chapter 225 requires paying of a licensing fee to the Department of Health and Human Services for a crematorium license and designates the licensing rules as routine technical rules. Also it updates the grammar in the laws on licensing crematoriums.

LD 1308 Resolve, Regarding the Use of Restraints in Nursing Facilities **RESOLVE 60**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM	S-120

This bill allows a nursing home to place side rails on the bed of a patient upon request of the patient or the patient's family or legal guardian.

Committee Amendment "A" (S-120)

This amendment replaces the bill with a resolve. The amendment requires the Department of Health and Human Services to adopt rules to ensure that prospective residents of nursing facilities and their families or guardians are provided information about restraint policies. The amendment also requires reports from the Department of Health and Human Services to the Health and Human Services Committee once a year for three years regarding the use of bed side rails as restraints.

Enacted Law Summary

Resolve 2007, chapter 60 requires the Department of Health and Human Services to adopt rules to ensure that prospective residents of nursing facilities and their families or guardians are provided information about restraint policies. The resolve also requires reports from the Department of Health and Human Services to the Health and Human Services Committee once a year for three years regarding the use of bed side rails as restraints.

LD 1309 An Act To Provide Equity in Funding for Women's Health Services **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	

This bill provides financial assistance to eligible women for abortion services.

LD 1354 Resolve, To Direct the Department of Health and Human Services To Establish a Physician Specialist Program **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	ONTP	

This resolve directs the Department of Health and Human Services to evaluate and establish a program that facilitates the process by which physicians further their education to become specialists in a field of medicine.

LD 1361 **An Act Concerning Certain Flavored Cigarettes and Flavored Cigars and Hard Snuff** **PUBLIC 467**

Sponsor(s)	Committee Report	Amendments Adopted	
MILLS P	OTP-AM	H-544	FITTS
		S-180	
		S-230	MILLS P
		S-354	ROTUNDO

This bill prohibits the sale or distribution of certain flavored cigarettes and cigars in the State.

Committee Amendment "A" (S-180)

This amendment removes from the bill the provisions concerning promotional materials and provides a beginning date of July 1, 2009 for the restrictions on selling flavored cigarettes and cigars. The amendment provides a process for certain flavored cigarettes and cigars to be sold, including an exemption granted by the Attorney General. It restricts purchases of flavored cigarettes and cigars by tobacco distributors. It requires the Attorney General to maintain on a publicly accessible website a list of flavored cigarettes and cigars that are authorized for sale in the State. It provides a transition time period for flavored tobacco products held in stock before July 1, 2009. It also bans the sale of the smokeless tobacco product called "hard snuff."

Senate Amendment "A" (S-230)

This amendment requires the Attorney General to verify the statement by the manufacturer that a flavored cigarette or flavored cigar was on the market prior to January 1, 1985. The amendment also requires the Attorney General to establish and administer a process by rule for granting exemptions for flavored cigarettes and flavored cigars that were first on the market after January 1, 1985 based on a determination by the Attorney General that the characterizing flavor and the associated packaging, promotion and brand style do not directly or indirectly target youth or encourage the initiation of smoking. This amendment makes the rules adopted by the Attorney General major substantive rather than routine technical.

House Amendment "A" (H-544)

This amendment requires that the Attorney General adopt rules no later than January 15, 2008 and report to the Joint Standing Committee on Health and Human Services on the preliminary implementation of the law no later than February 1, 2008. This amendment authorizes the committee to report out legislation to the Second Regular Session of the 123rd Legislature.

Senate Amendment "B" (S-354)

This amendment provides for the transfer of funds from the Fund for a Healthy Maine to the General Fund to offset the revenue loss to the General Fund from the prohibition on the sale of certain flavored cigarettes and cigars.

Enacted Law Summary

Public Law 2007, chapter 467 bans the sale of certain flavored cigarettes and cigars beginning January 1, 2009. It provides for adoption of major substantive rules by the Attorney General and a report on preliminary implementation of the law to the Health and Human Services Committee by February 1, 2008. The law authorizes the committee to report out legislation to the Second Regular Session of the 123rd Legislature. The law provides for a transfer of funds from the Fund for a Healthy Maine to offset revenue loss. The law bans the sale of "hard snuff" beginning September 20, 2007.

LD 1369 **Resolve, To Promote High-quality Before-school and After-school Programs** **RESOLVE 41**

Sponsor(s)	Committee Report	Amendments Adopted
GROSE	OTP-AM	H-200

This resolve, a concept draft pursuant to Joint Rule 208, proposes to create a study group to review and make recommendations for administrative or legislative action, or both, concerning ways to promote high-quality before-school and after-school programs through child care licensing and quality rating if those programs are "custodial" in nature as opposed to special purpose programs, such as a swimming team or other sports teams, which would be exempt from child care licensure under the proposals from the study group. The study group would also explore ways in which the State can maximize the effect of available funding on the broad community needs of school-age children and families to determine whether federal grants administered by the State can be instrumental in meeting the broader needs of children and families in the community, such as the social growth of children and the needs of working families, and effectively promoting cooperation with existing community programs serving school-age children and their families.

Committee Amendment "A" (H-200)

This amendment replaces the concept draft. It requires the Department of Health and Human Services to convene a working group to review information and make recommendations on ways to provide high-quality before-school and after-school programs. It requires the department to invite specific groups and other interested parties to participate in the working group and to appoint a representative of the Maine After School Network as the chair of the working group. It charges the working group with reviewing the rules, standards and policies for the range of before-school and after-school programs for school-age children and making recommendations on standardizations, adjustments and needed collaboration to best serve the broad range of the needs of children and families within existing support systems for children and families.

Enacted Law Summary

Public Law 2007, chapter 41 requires the Department of Health and Human Services to convene a working group to review information and make recommendations on ways to provide high-quality before-school and after-school programs. It requires the department to invite specific groups and other interested parties to participate in the working group and to appoint a representative of the Maine After School Network as the chair of the working group. It charges the working group with reviewing the rules, standards and policies for the range of before-school and after-school programs for school-age children and making recommendations on standardizations, adjustments and needed collaboration to best serve the broad range of the needs of children and families within existing support systems for children and families.

LD 1370 **An Act Requiring Public Disclosure of Health Care Prices** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	ONTP MAJ OTP MIN	

This bill requires health care practitioners to provide the same consumer price information required of hospitals and ambulatory surgical centers effective January 1, 2008.

LD 1371 **Resolve, To Study the Impact of Social Services and Corrections Policies on Homeless People in Maine** **RESOLVE 131 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
DUNN	OTP-AM MAJ ONTP MIN	H-201

This resolve provides funding for emergency homeless shelters. The resolve establishes the Commission To Study the Funding Issues Regarding Emergency Homeless Shelters. The commission shall submit a report to the Joint Standing Committee on Health and Human Services and to the Legislative Council by December 1, 2007. The commission shall examine the issues concerning affordable housing for the homeless, the causes of and solutions for homelessness, how the money designated for homeless shelters is used and whether the funding formula for distributing funds to the homeless shelters should be amended.

Committee Amendment "A" (H-201)

This amendment replaces the resolve and changes the title. It directs the Statewide Homeless Council to coordinate a study of the connection between the increasing numbers of homeless persons in the State and the existing policies and procedures employed by the Department of Health and Human Services and the Department of Corrections that may affect homeless persons. The study must include a review of best practices for homeless shelters and current practices used by social services and corrections agencies and facilities, including discharge practices, the rights and responsibilities of persons with mental illness and co-occurring disorders and best practices for housing and supportive services. The Statewide Homeless Council shall invite the participation of representatives of the Department of Health and Human Services including the Office of Substance Abuse, the Department of Corrections, the Maine State Housing Authority, representatives of hospitals in the State, statewide organizations representing homeless persons, representatives of community mental health provider agencies, homeless service providers and persons with mental illness, persons with substance abuse issues and other interested parties. The Statewide Homeless Council is required to report to the Joint Standing Committee on Health and Human Services by January 15, 2008.

Enacted Law Summary

Resolve 2007, chapter 131, which is entitled "Resolve, To Study the Impact of Social Services and Corrections Policies on Homeless People in Maine," directs the Statewide Homeless Council to coordinate a study of the connection between the increasing numbers of homeless persons in the State and the existing policies and procedures employed by the Department of Health and Human Services and the Department of Corrections. The study must include a review of best practices for homeless shelters and current practices used by social services and corrections agencies and facilities, including discharge practices, the rights and responsibilities of persons with mental illness and co-occurring disorders and best practices for housing and supportive services. The Statewide Homeless Council shall invite the participation of interested parties specified in the resolve. The Statewide Homeless Council is required to report to the Joint Standing Committee on Health and Human Services by January 15, 2008.

Resolve 2007, chapter 131 was passed as an emergency measure effective June 27, 2007.

LD 1386 **An Act To Make Criminal Background Checks and Department of Health and Human Services Child Protective Substantiation Checks on Volunteers More Affordable** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
WALCOTT	ONTP MAJ OTP-AM MIN	

This bill limits to $3 the fee that the Department of Health and Human Services may charge for a check of its records to see if a person is named as substantiated child abuser and that the Department of Public Safety, State Bureau of Identification may charge for a criminal history record check of a person if the requestor is a nonprofit corporation and the person is a volunteer who may be working with a minor for the nonprofit corporation.

Committee Amendment "A" (H-582)

This amendment, which was not adopted, is the minority report and incorporates a fiscal note.

LD 1396 **Resolve, To Provide for an Independent Evaluation of the Procedures and Programs of the Department of Health and Human Services for Promoting Permanency and Safety for Children** **RESOLVE 137**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	OTP MAJ ONTP MIN	S-119

This resolve requires the Department of Health and Human Services, within existing resources, to contract with an independent expert or organization to study the effects of recent child care program reforms to ensure that each child's best interests are being protected and that adequate provision for each child's safety and well-being is made in the plans developed for each placement, discharge or other transition resulting from a decision made regarding the child by or on behalf of the department. The department is directed to submit its findings and any necessary implementing legislation to the Joint Standing Committee on Health and Human Services.

Committee Amendment "A" (S-119)

This amendment changes the date by which the Department of Health and Human Services must report to the Joint Standing Committee on Health and Human Services from July 15, 2007 to December 1, 2007 and specifies that the committee may submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 137 requires the Department of Health and Human Services to contract with an independent expert or organization to study the effects of recent child care program reforms to ensure that each child's best interests are being protected and that adequate provision for each child's safety and well-being is made in the plans developed for each placement, discharge or other transition resulting from a decision made regarding the child by or on behalf of the department. The department is directed to submit its findings and any necessary implementing legislation to the Joint Standing Committee on Health and Human Services by December 1, 2007, which is authorized to submit legislation to the Second Session of the 123rd Legislature.

LD 1398 **An Act To Enable Restaurants To Allow Dogs In Outdoor Portions of Those Establishments** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	ONTP	

This bill allows a municipality to pass an ordinance to allow an eating establishment to allow a patron to bring a dog into a designated outdoor area of the establishment. The municipal ordinance must require the eating establishment to provide detailed information regarding the designated area and follow rules concerning the handling and conduct of dogs in the designated area, including posting the rules for employees and patrons to see. This bill also provides for cooperation and communication between the municipality and the Department of Health and Human Services.

LD 1418 An Act To Provide Patients with Their Medication **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP MAJ OTP-AM MIN	

This bill:

1. Increases the usable amount of marijuana for medical use to up to 12 plants and exempts seeds, stems and roots from the weight limitations;

2. Changes a person who may document the need for a person to use marijuana for medical purposes from a physician to a person who is licensed to prescribe medicine;

3. Directs the Department of Health and Human Services to create a registry system with identification cards for patients eligible to receive marijuana for medical use and their care givers;

4. Immunizes patients eligible to receive marijuana for medical use and their care givers from search, arrest or prosecution or from civil penalty for using marijuana for medical use;

5. Prohibits a law enforcement officer from cooperating with federal authorities in investigating, searching, arresting or prosecuting patients eligible to receive marijuana for medical use and their care givers and registered dispensaries; and

6. Directs the Department of Health and Human Services to create a registry of nonprofit corporations that may become registered dispensaries to acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply or dispense marijuana, marijuana seeds, marijuana cultivation equipment and marijuana-related supplies and educational materials to patients eligible to receive marijuana for medical use and their care givers.

Committee Amendment "A" (S-88)

This amendment is the minority report of the committee. It changes the definition of "usable amount of marijuana for medical use" from 2 1/2 ounces or less to 3 1/2 ounces or less and strikes all other provisions of the bill.

See also LD 770.

LD 1421 Resolve, Regarding Tobacco Cessation and Treatment **RESOLVE 34**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM MAJ ONTP MIN	S-89

This resolve:

1. Directs the Department of Health and Human Services to adopt rules to implement for MaineCare the best practice treatment as delineated by the United States Department of Health and Human Services, Public Health

Service to reduce the barriers to effective tobacco cessation treatment;

2. Directs the Department of Professional and Financial Regulation, Bureau of Insurance to adopt rules to mandate that an insurer providing health insurance provide a standard insurance benefit for tobacco cessation treatment that is the same as that provided by MaineCare; and

3. Directs the Department of Health and Human Services and the Department of Professional and Financial Regulation, Bureau of Insurance to collaborate with the Maine Center for Disease Control and Prevention, Partnership for a Tobacco-Free Maine to develop a design of a model tobacco cessation treatment program and to ensure the effective implementation of the tobacco cessation treatment insurance benefit.

Committee Amendment "A" (S-89)

This amendment replaces the resolve and substitutes a new title. The amendment directs the Department of Health and Human Services, through the Partnership for a Tobacco-Free Maine, Maine Center for Disease Control and Prevention and the Office of MaineCare Services, to undertake a study of best practice treatment and clinical practice guidelines for tobacco cessation treatment. The amendment requires the department to report to the Joint Standing Committee on Health and Human Services by January 15, 2008 and authorizes the committee to submit legislation.

Enacted Law Summary

Resolve 2007, chapter 34 directs the Department of Health and Human Services, through the Partnership for a Tobacco-Free Maine, Maine Center for Disease Control and Prevention and the Office of MaineCare Services, to undertake a study of best practice treatment and clinical practice guidelines for tobacco cessation treatment. The resolve requires the department to report to the Joint Standing Committee on Health and Human Services by January 15, 2008 and authorizes the committee to submit legislation.

LD 1437 **An Act To Review Prescription Drug Prior Authorization under MaineCare** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill adds language regarding prior authorization to the MaineCare drug formulary statute and, beginning October 1, 2007, requires an annual review of the drugs subject to prior authorization, the clinical and scientific basis for prior authorization and analysis of the economic implications to the MaineCare program.

LD 1440 **An Act To Prohibit the Sale or Distribution of Software That Contains Inappropriate Advertising of Prescription Drugs** **PUBLIC 362**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT MARRACHE	OTP-AM MAJ ONTP MIN	H-481

This bill prohibits computer software that assists a health care practitioner in prescribing drugs from influencing the prescribing decision of the health care practitioner through any means, including, but not limited to, advertising, instant messaging and pop-up advertisements.

Committee Amendment "A" (H-481)

This amendment is the majority report of the committee. The amendment adds to the bill a definition of "prescriber," clarifies that the prohibition is on the sale or distribution of certain software, provides a starting date of

January 1, 2008 and provides exceptions for in-house equipment in a hospital and for information provided to a prescriber about prescription drug formulary compliance, patient care management or pharmacy reimbursement.

Enacted Law Summary

Public Law 2007, chapter 362 prohibits the sale or distribution of computer software beginning January 1, 2008, that attempts to influence a prescribing decision of a prescriber. The law includes an exception for hospital systems and for information about formularies, care management and for pharmacy reimbursements.

LD 1446 **An Act To Protect Children from Mercury and Thimerosal Toxicity in Immunizing Agents** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS NUTTING J	ONTP	

Beginning January 1, 2008, this bill prohibits the use of more than trace amounts of mercury or thimerosal in any immunizing agent for administration to children under 8 years of age and to pregnant women. It imposes requirements for labeling and written information packaged with the immunizing agent. It provides for an exemption if the Commissioner of Health and Human Services determines that an immunizing agent containing more than a trace amount is necessary due to an actual or potential bioterrorist incident or public health emergency. The bill also directs the department to develop a plan to ensure that all immunizing agents are mercury-free and thimerosal-free, including considering the requirement of the use of single-dose immunizing agents.

LD 1450 **An Act To Create Equity in Hospital Charges** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WALCOTT	ONTP	

This bill requires a hospital to apply the same allowance or discount against the medical expenses of a self-pay patient as the hospital would apply to MaineCare or Medicare, whichever is less. A self-pay patient is a patient who does not have insurance coverage and whose family income is less than 400% of the federal poverty guidelines.

LD 1451 **An Act To Promote the Health and Safety of Maine Consumers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M	ONTP	

This bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to publish on a publicly accessible Internet site the inspection ratings, including violations and fines assessed, of all eating establishments inspected by the Department of Health and Human Services.

LD 1463 **An Act To Prevent Elder Prescription Drug Abuse** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP-AM	S-159

This bill makes a one-time General Fund appropriation of $100,000 in fiscal year 2007-08 to the University of Maine Center on Aging to study and devise an action plan to prevent prescription drug abuse by the elderly and requires the University of Maine Center on Aging to report to the Joint Standing Committee on Health and Human Services no later than September 15, 2008 on the results of the study to prevent prescription drug abuse by the elderly and recommendations for future actions.

Committee Amendment "A" (S-159)

This amendment changes the University of Maine Center on Aging's study to an educational campaign.

This bill died on adjournment on the Appropriations Table.

LD 1501 **An Act To Set Standards for Interviewing Children Who Are Subjects of a Child Protective Intervention** **PUBLIC 132**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	OTP-AM MAJ ONTP MIN	H-140

This bill clarifies that the Department of Health and Human Services may interview a child at a school if necessary to carry out the department's child protection activities. It clarifies that school officials must cooperate with the conduct of such an interview under penalty of law.

Committee Amendment "A" (H-140)

The amendment requires a department caseworker to discuss a child's circumstances with school officials as necessary for the provision of emotional support to the child prior to and following a child protective intervention interview. It adds the word "guardian" to the provision of the bill that prohibits school officials from requiring notice or consent from a parent.

Enacted Law Summary

Public Law 2007, chapter 132 clarifies that the Department of Health and Human Services may interview a child at a school if necessary to carry out the department's child protection activities. School officials must cooperate with the conduct of such an interview under penalty of law. It requires a department caseworker to discuss a child's circumstances with school officials as necessary for the provision of emotional support to the child prior to and following a child protective intervention interview. It prohibits school officials from requiring notice be sent to parents or guardians or that consent from a parent or guardian be given before a child is interviewed.

LD 1509 **Resolve, To Protect Nursing Facilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	ONTP	

This resolve directs the Department of Health and Human Services to amend its principles of reimbursement for nursing facilities to provide that a nursing facility that receives reimbursement from MaineCare for more than 70% of its residents must receive an additional 0.5% in reimbursement for each 5% increment that its percentage of MaineCare patients exceeds 70%, rounded to the nearest 5% increment.

LD 1523 **An Act Requiring Heavy Metal-free Immunizing Agents** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP	

Beginning January 1, 2008, this bill prohibits the use of more than trace amounts of a heavy metal, including mercury or thimerosal, in any immunizing agent for administration to a person in this State. It imposes requirements for labeling and written information packaged with the immunizing agent. It provides for an exemption if the Commissioner of Health and Human Services determines that an immunizing agent containing more than a trace amount is necessary due to an actual or potential bioterrorist incident or public health emergency. The bill also directs the Department of Health and Human Services to develop a plan to ensure that all immunizing agents are free of heavy metals, including mercury and thimerosal, including considering the requirement of the use of single-dose immunizing agents.

LD 1527 **An Act To Set Maximum Allowable Television Viewing Hours for State-licensed Child Care Facilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	ONTP	

This bill requires a child care facility that provides day care to not allow any television for a child under 2 years of age and to allow only one hour of television a day for a child 2 to 5 years of age.

LD 1535 **Resolve, To Study the Certificate of Need Program** **RESOLVE 110**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER	OTP-AM MAJ ONTP MIN	H-519 H-553 PERRY A

This resolve creates the 12-member Work Group to Review and Recommend Improvements for the Certificate of Need Program, which includes 6 members appointed by the President of the Senate and the Speaker of the House, 4 members appointed by the Governor, a nonvoting ex officio member from the Governor's Office of Health Policy and Finance and a nonvoting ex officio member from the Department of Health and Human Services. The work group may hold up to 4 meetings to prioritize and examine some or all of 11 issues that are listed in the resolve and then, based on findings from the examination of the prioritized issues, identify improvements and make recommendations for changes in law or rule. The resolve requires the Department of Health and Human Services to provide a certificate of need background report to the work group no later than 45 days after the effective date of this resolve. The resolve also requires the work group to submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 123rd Legislature by December 1, 2007 and authorizes the work group to introduce legislation related to its report.

Committee Amendment "A" (H-519)

This amendment is the majority report of the committee. The amendment replaces the resolve, but retains many of the original provisions. In addition, it directs the Department of Health and Human Services to convene a work group on the certificate of need program and to report to the Joint Standing Committee on Health and Human Services by January 15, 2008. The amendment authorizes the committee to submit legislation to the Second Regular Session of the 123rd Legislature.

House Amendment "A" (H-553)

This amendment adds 4 members to the work group on the certificate of need program.

Enacted Law Summary

Resolve 2007, chapter 110 directs the Department of Health and Human Services to convene a work group on the certificate of need program and to report to the Joint Standing Committee on Health and Human Services by January 15, 2008. The resolve authorizes the committee to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 1536 **Resolve, Directing the Department of Health and Human Services To Reform Maine's Noncategorical Medicaid Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOLMAN	ONTP	

This resolve requires the Department of Health and Human Services to make reforms to the state Medicaid program for noncategorical Medicaid recipients that will contain costs until the State can sustain a more generous system. It would require the department to evaluate the program and propose reforms to the Second Regular Session of the 123rd Legislature and any legislation needed to implement reforms. The resolve requires the department to limit the eligibility and benefits for noncategorical Medicaid recipients during fiscal years when the state and local tax burden ranks in the highest 1/3 of all states as determined by the Revenue Forecasting Committee, the State Tax Assessor and nongovernmental organizations that represent differing viewpoints, including the Maine Center for Economic Policy and the Maine Economic Research Institute. It would allow the department to increase benefits only when the state and local tax burden ranks in the middle 1/3 of all states as determined by the Revenue Forecasting Committee, the State Tax Assessor and nongovernmental organizations that represent differing viewpoints.

LD 1537 **Resolve, To Review Remote Access Medicine, Hospice and Home Health Care under MaineCare** **RESOLVE 111**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM	H-484

This resolve requires the Department of Health and Human Services to adjust the rates for home health agencies providing care under the MaineCare program and to add an annual review and adjustment. The rules, which are designated as routine technical rules, must be amended by October 1, 2007. The resolve also directs the department to assess the impact of providing home care and hospice benefits to MaineCare members enrolled under the noncategorical adult waiver and to report to the Joint Standing Committee on Health and Human Services by December 1, 2007.

Committee Amendment "A" (H-484)

This amendment provides a new title and replaces the resolve. The amendment directs the Department of Health and Human Services to review certain aspects of the MaineCare program and to report to the Joint Standing Committee on Health and Human Services by January 15, 2008 with recommendations for legislation and rule and funding changes. The aspects that must be reviewed include MaineCare reimbursement for remote access medicine and hospice and home health care benefits for noncategorical adults. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 111 directs the Department of Health and Human Services to review certain aspects of the MaineCare program and to report to the Joint Standing Committee on Health and Human Services by January 15, 2008 with recommendations for legislation and rule and funding changes. The aspects that must be reviewed include MaineCare reimbursement for remote access medicine and hospice and home health care benefits for noncategorical adults. The joint standing committee is authorized to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 1566 **An Act To Allow the State Timely Opportunity To Participate in Settlement Negotiations for MaineCare Benefits** **PUBLIC 381**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	OTP-AM	S-306 BRANNIGAN

Current Maine law requires recipients or their attorneys to notify the Department of Health and Human Services when they make a claim to recover the medical costs that were paid by MaineCare. The current law does not specify when the notification must be made. A recent U.S. Supreme Court decision, Arkansas v. Ahlborn, requires states to further refine their laws to allow states to participate in negotiations in a timely manner. This bill grants the State that authority by requiring that notification be made prior to when settlement negotiations begin.

Senate Amendment "A" (S-306)

This amendment clarifies the obligation to provide notice to the Department of Health and Human Services when a MaineCare recipient has received benefits paid for by the MaineCare program.

Enacted Law Summary

Public Law 2007, chapter 381 clarifies the obligation to notify the Department of Health and Human Services when a MaineCare recipient's claim for medical expenses paid by MaineCare is negotiated to settlement or paid.

LD 1567 **Resolve, To Demonstrate Cost Savings by Preventing the Onset of Severe Mental Illness in Youth** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
EBERLE	OTP-AM	H-204

This resolve directs the Department of Health and Human Services to initiate a demonstration program to determine whether the methods used by the Portland Identification and Early Referral Program (PIER) can have the effect of preventing a substantial number of new cases of psychosis and psychotic disorders in young people from 12 years of age to 25 years of age. The demonstration program would provide financial resources to PIER to continue to prevent new cases of psychosis and psychotic disorders in the greater Portland area and would provide training and consultation necessary to ensure that a new program developed in the State will be as effective and reliable as PIER.

Committee Amendment "A" (H-204)

This amendment adds a calculation and transfer section allowing the State Budget Officer to distribute costs associated with this program among various accounts within the Department of Health and Human Services and adds an appropriations and allocations section to the resolve.

This bill was carried over to any special or regular session of the 123rd Legislature by Joint Order, HP 1369.

LD 1574 **Resolve, To Address Drug Abuse and Addiction** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	ONTP	

This bill directs the Department of Health and Human Services to conduct an objective study of the State's ability to respond to its current drug abuse and addiction crisis and to prepare for future addiction treatment needs.

LD 1639 **Resolve, Directing the Commissioner of Health and Human Services To Implement Representative Payee and Disability Specialists Programs** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SCHATZ	ONTP MAJ OTP-AM MIN	

This resolve directs the Commissioner of Health and Human Services to create and implement, by July 1, 2008, a representative payee program to provide assistance to recipients of social security or supplemental security income benefits who cannot manage or direct the management of their funds. This resolve also directs the Commissioner of Health and Human Services to create and implement, by July 1, 2008, a disability specialist program to provide assistance to homeless individuals in applying for supplemental security income or social security disability income benefits.

Committee Amendment "A" (H-408)

This amendment, which was not adopted, is the minority report and adds an appropriations and allocations section.

LD 1660 **An Act To Provide One-time Funds To Leverage Private Funds To Strengthen Children and Families in Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	ONTP	

This bill makes a one-time General Fund appropriation of $250,000 in fiscal year 2007-08 for Youth Alternatives' family-focused services initiative to provide funds to complete the requirements of a private challenge grant for providing secure space at the former Maine Youth Center.

LD 1661 **Resolve, To Support Community Planning for the Aging of the Population** **RESOLVE 29**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL	OTP-AM	H-160

This resolve directs the Commissioner of Health and Human Services to convene a stakeholders group to study community plans in Maine and to ensure the plans include a component addressing the elder population.

Committee Amendment "A" (H-160)

The amendment changes the resolve to clarify that the Commissioner of Health and Human Services should encourage and promote community planning that includes components addressing the elder population, corrects the name of the Office of Elder Services' Area Agencies on Aging and allows the commissioner to include other interested parties in the group created by this legislation.

Enacted Law Summary

Resolve 2007, chapter 29 directs the Department of Health and Human Services to convene a stakeholders' group to review and encourage planning activities by Maine communities that address the older population. The group must include representatives of the Area Agencies on Aging, the University of Maine Center on Aging, the Maine Municipal State Planning Office and the Public Health Work Group.

LD 1669 **An Act To Amend the Laws Governing Reimbursement of Nursing Facilities** — **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	OTP-AM MAJ ONTP MIN	H-292

This bill makes ongoing General Fund appropriations of $6,000,000 in fiscal year 2007-08 and $12,000,000 in fiscal year 2008-09 and ongoing Federal Expenditure Fund allocations of $12,000,000 in fiscal year 2007-08 and $24,000,000 in fiscal year 2008-09 for the costs of rebasing nursing facility costs to a base year determined by audited allowable costs for a facility's fiscal year ending between July 1, 2004 and June 30, 2005.

This bill requires the Department of Health and Human Services to fully reimburse a nursing home's actual heating costs and adjusts the administration and policy-planning ceiling and requires the ceiling to be adjusted quarterly according to inflation. This bill also requires the Department of Health and Human Services to reimburse a nursing facility for actual additional medical director expenses up to $10,000.

Committee Amendment "A" (H-292)

This amendment replaces the appropriations and allocations section of the bill, decreasing the total General Fund Appropriation to $7,602,434 in Fiscal Year 2008 and $7,822,280 in Fiscal Year 2009 and adjusting the matching federal funds.

This bill died on adjournment on the Appropriations Table. Public Law 2007, chapter 240, page 395 includes funding for rebasing of $1,900,000 in Fiscal Year 2008 and $6,000,000 in Fiscal Year 2009.

LD 1676 **An Act To Ensure the Effective Management of the Behavioral Health Care Services System in Maine** — **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	

This bill codifies the development of a managed behavioral health care services system pursuant to Public Law 2005, chapter 457, Part PP; Public Law 2005, chapter 519, Part ZZZ; and Resolve 2005, chapter 203. It provides specific information designed to guide the development of the system.

LD 1686 **An Act To Reduce Administrative Costs in Programs Delivered to People with Mental Retardation** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	ONTP	

This bill requires the Department of Health and Human Services to eliminate duplicative and unnecessary administrative procedures and practices in the system of care for mentally retarded persons by eliminating duplicate data entry, reducing paperwork, streamlining the survey program, requiring programs to meet one set of state accreditation standards and reducing mailing costs through use of technology and electronic transmission of data. It requires that the department assess the fiscal impact of proposed laws or rules prior to enactment and publish the fiscal analysis on its website. It requires that programs be exempt from certain certified medication staffing requirements and exempts experienced direct support staff from specific employee training under certain circumstances. It limits employee training requirements to those relevant to the condition of individuals served.

It requires the department to conduct eligibility assessments and reclassification of clients every 5 years and not earlier than 5 years unless there is a substantial change in the client's abilities, condition and needs. It requires the department to publish an annual document for community rehabilitation programs that describes practices that are acceptable to the department, specific documentation standards for all services required by the federal government or the department and information on current best practices for administering those programs. It requires the department to create an advisory group of providers to provide input into the process of developing a plan and to work with the advisory group to review business practices and requirements and identify additional cost-efficiency practices. It requires that the department identify savings that can be returned to providers to fund additional services and defray business expenses related to regulatory requirements. It requires the department to facilitate the development of residential accommodations for adults with mental retardation by creating a plan that identifies appropriate mechanisms for developing affordable housing, including but not limited to the creation of a nonprofit organization, state bonding and other methods for financing affordable housing.

LD 1687 **An Act To Increase Health Insurance Coverage for Front-line Direct Care Workers Providing Long-term Care** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS		

This bill amends the definition of "eligible business" for the Dirigo Health Program to allow providers of long-term care services with more than 50 employees to participate in the DirigoChoice health insurance plan. The bill also allows uninsured direct care workers who work an average of 10 or more hours per week to participate in the DirigoChoice health insurance plan. The bill directs the Board of Directors of Dirigo Health to develop a marketing and outreach program to enroll those newly eligible direct care workers and to design a targeted DirigoChoice health coverage plan that allows multiple long-term care employers to contribute monthly premium assistance to direct care employees eligible to enroll in Dirigo as an individual. The bill limits the costs to Dirigo Health for subsidies to direct care workers in the targeted DirigoChoice plan to $400,000.

The bill also requires the Department of Health and Human Services to establish a demonstration project for long-term care providers who provide health insurance coverage to their full-time and part-time employees. The bill requires the department to provide financial assistance to allow those providers to start or expand health care coverage for their direct care employees. The bill limits the funding of the demonstration project to no more than $500,000.

This bill was carried over to any special or regular session of the 123rd Legislature by Joint Order, HP 1369.

LD 1699 **Resolve, To Improve Maine's Homemaker Services Program** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-299

This resolve directs the Department of Health and Human Services to increase the pay rate of the homemaker services providers who assist lower income senior citizens from $17.00 to $18.75 per hour.

Committee Amendment "A" (S-299)

The amendment directs the Department of Health and Human Services, Office of Elder Services to review the services provided in long-term care programs, reimbursement in long-term care programs and training, skills, pay and benefits for persons working in long-term care and to report by January 15, 2008 to the Joint Standing Committee on Health and Human Services. The amendment also adds an appropriations and allocations section.

This bill died on adjournment on the Appropriations Table.

See also the biennial budget, Public Law 2007, chapter 240, page 351 for appropriation of $279,000 in Fiscal Year 2008 for homemaker program wage increases.

LD 1714 **Resolve, To Expand the Maine Registry of Certified Nursing Assistants** **RESOLVE 87**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM	H-485

This bill requires that the Department of Health and Human Services develop a plan to improve and expand the Maine Registry of Certified Nursing Assistants, established in the Maine Revised Statutes, Title 22, section 1812-G to include unlicensed assistive personnel, and present the plan to the Joint Standing Committee on Health and Human Services no later than December 1, 2007.

Committee Amendment "A" (H-485)

This amendment clarifies the actions that must be taken by the Department of Health and Human Services in developing a plan to improve and expand the Maine Registry of Certified Nursing Assistants and the issues that must be considered in developing the plan. The amendment requires the department to convene a working group to consider issues that were required to be implemented in the resolve.

Enacted Law Summary

Resolve 2007, chapter 87 requires the Department of Health and Human Services to develop a plan to improve and expand the Maine Registry of Certified Nursing Assistants. The plan must include listing unlicensed assistive personnel. The resolve requires the Department of Health and Human Services to convene a working group and to report to the Health and Human Services Committee by December 1, 2007.

LD 1745 **An Act To Improve Continuity of Care within Maine's Community-based Mental Health Services** **PUBLIC 286**

Sponsor(s)	Committee Report	Amendments Adopted
BRANNIGAN	OTP-AM	S-143

This bill clarifies references to the area quality improvement councils in the mental health laws. The bill also renames the local service networks as the community service networks and requires them to be established in each of the geographical areas that were previously covered by area quality improvement councils. The bill requires each community service network to participate in the delivery of mental health services in a system that ensures continuity of care to adults experiencing psychiatric crises. The bill also describes the circumstances when client information can be shared during a crisis situation or when necessary to protect the consumer's health and safety.

Committee Amendment "A" (S-143)

This amendment adds a reporting section to the bill. Under the reporting section, by January 15, 2008 the Department of Health and Human Services must report to the Joint Standing Committee on Health and Human Services regarding the operation of the community service networks in the geographic areas designated in the Maine Revised Statutes, Title 34-B, section 3608, subsection 1-A and the state health regions designated by the Maine Center for Disease Control and Prevention and the possibilities for coordination among the regions or for redesignation.

Enacted Law Summary

Public Law 2007, chapter 286 changes the structure of the community mental health system. It establishes community service networks and maintains quality improvement councils for the two state psychiatric hospitals. The law requires community service networks to participate in the delivery of services and allows limited sharing of client mental health information.

The law requires a report to the Health and Human Services Committee by January 1, 2008, on the operation of the community service networks in the geographic regions, on the state health regions and on the possibilities for coordination among the regions or for redesignation of the regions.

LD 1746 **An Act To Improve MaineCare and Promote Employment** **PUBLIC 448**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	OTP-AM	S-319

This bill requires the court, hearing officers or applicable administrative agency to consider, when determining new or modified orders for child support, a means to provide support for a child's health care expenses, including but not limited to enrollment in employer-sponsored group health insurance plans, purchase of private health insurance plans, participation in public health insurance plans and cash payments of premiums, copayments, deductibles and routine and extraordinary medical expenses not otherwise covered by health insurance plans. It requires plaintiffs and defendants to provide information related to their ability to provide medical child support including information on employer-sponsored group health insurance and private health insurance available to the plaintiff and defendant as part of the affidavits, medical child support and child support worksheets and other relevant information that the parties are required to file with the court. It requires the court or hearing officer to review the information submitted by the plaintiff and defendant and to determine the amount of medical child support to be contributed by each and how that support is to be payable. The bill

exempts parties with incomes below 200% of the federal poverty guidelines from purchasing employer-sponsored group or private health insurance as part of their medical child support obligation unless such coverage is available at no cost. It allows the court or hearing officers to order parties with incomes between 150% and 200% of the federal poverty guidelines to make payments toward the cost of public insurance based on a sliding scale pursuant to the Maine Revised Statutes, Title 22, section 18 and chapter 855. It requires any amount of medical support payment that a noncustodial parent whose income is above 200% of the federal poverty guidelines is ordered by a court or administrative agency to pay to a custodial parent whose income is below 200% of federal poverty guidelines to first be used by the custodial parent to offset the premium for public health insurance coverage for the child. It requires the Department of Health and Human Services to maximize enrollment in the Private Health Insurance Premium Program pursuant to Title 22, section 18 and allows persons enrolled in the Private Health Insurance Premium Program with children eligible for Medicaid under Title 22, section 3174-G to be eligible for MaineCare benefits not otherwise provided by the private or employer-sponsored group health plan. It requires the Department of Health and Human Services to establish a sliding scale for applicable premiums and cost-sharing amounts that do not exceed the amounts established under Title 22, section 3174-T to the extent that participation in Title 22, section 18 is the result of a medical child support order under Title 19-A, section 2004. It allows people who have received Medicaid for their children for the past 3 months whose income exceeds limits pursuant to Title 22, section 3174-G, subsection 1, paragraph E-1 to purchase coverage for up to 18 months at premiums not to exceed those under the Katie Beckett program and limits contributions toward administrative costs to the maximum amount allowed under COBRA. It makes working disabled persons with unearned income that is equal to or below 150% of the nonfarm income official poverty line and with a combined total earned and unearned income that does not exceed 250% of the nonfarm income official poverty line eligible for Medicaid. It makes young adults who are 19 years of age or 20 years of age when the household income is equal to or below 200% of the nonfarm income official poverty line eligible for Medicaid. It requires the Department of Health and Human Services to ensure that the parents of children eligible for Medicaid under Title 22, section 3174-G provide medical child support as defined in Title 19-A, section 2001, subsection 11 to the extent authorized under Title 19-A, section 2006, to the extent possible through the Private Health Insurance Premium Program pursuant to Title 22, section 18 and in accordance with the guidelines in this section. It prohibits the department from petitioning the court in any new or modified medical child support order to require a parent with an income below 200% of the nonfarm income official poverty line to purchase private health insurance or enroll in an employer-sponsored group health plan unless such enrollment is available at no cost or the parent is eligible for assistance under Title 22, section 18 or from making an administrative determination with the same effect. It prohibits the department from petitioning the court in any new or modified medical child support order to require a parent with an income between 150% and 200% of the nonfarm income official poverty line to include cash medical support or any extraordinary medical expenses as defined at Title 19-A, section 2001 or from making an administrative determination with the same effect. It requires the Department of Health and Human Services to establish a centralized 3rd-party liability unit that will work to maximize the use of private health insurance coverage pursuant to Title 22, section 18 and to adopt routine technical rules.

Committee Amendment "A" (S-319)

This amendment replaces the bill. It enacts provisions of child support law establishing medical support requirements and expands the option of buying into MaineCare coverage for parents and children who lose MaineCare eligibility due to increased income. It incorporates the assignment of rights of recovery and honoring of assignments applicable to members in the MaineCare program as those provisions were enacted in the biennial budget, PL 2007, chapter 240, Part JJJ, sections 1, 2 and 4 and applies them retroactively to the extent authorized by law. It maximizes use of the Private Health Insurance Premium Program in MaineCare. It allows persons eligible for MaineCare and for coverage through an employer to enroll in group health insurance plans and health maintenance organization coverage without waiting for the next open enrollment period.

Enacted Law Summary

Public Law 2007, chapter 448 establishes medical child support, expands MaineCare buy-in, maximizes use of the Private Health Insurance Premium Program, allows enrollment in employer-based coverage without waiting for the open enrollment period for persons eligible for MaineCare and amends assignment of rights of recovery consistent with the biennial budget, applying those rights retroactively as allowed by law.

LD 1751 **An Act To Address Smoking in Senior Housing** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	ONTP	

This bill prohibits smoking in assisted housing or within 100 yards of assisted housing. "Assisted housing" is defined as a facility for senior citizens that is an assisted living program or that is funded, licensed or otherwise regulated by the Department of Health and Human Services. The prohibition takes effect January 1, 2008.

LD 1762 **An Act To Increase MaineCare Reimbursement for Speech and Language Therapists and Provide Treatment for Adults with Developmental Disabilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN	ONTP	

This bill allows members of MaineCare who are adults with developmental disabilities to receive an initial speech and language therapy evaluation and at least 2 reevaluations per year and be provided with coverage for outpatient therapy. It also directs the Department of Health and Human Services to increase the rate of reimbursement for speech and language therapists used by the MaineCare program by 5%.

LD 1763 **An Act To Amend the Maine Certificate of Need Act of 2002** **PUBLIC 440 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER	OTP-AM	H-569

This bill makes the following changes to the Maine Certificate of Need Act of 2002.

1. Current law exempts from review replacement of major medical equipment. This bill requires review when a certificate of need had not been obtained for the equipment that is being replaced.

2. It requires review of an increase in bed complement or bed category of less than 10% if it results in 3rd fiscal year operating costs or capital expenditures in excess of applicable thresholds or results in the addition of a new health service.

3. It allows the aggregation of capital expenditures in determining whether projects are related.

4. It improves the ability of the Department of Health and Human Services to monitor the implementation of projects that were determined not subject to review.

5. It requires that communication between applicants and the Bureau of Insurance goes through the Department of Health and Human Services and becomes part of the official record.

6. It exempts both the Bureau of Insurance assessment of impact and the health assessment impact from the Maine Center for Disease Control and Prevention for nursing facility projects.

7. It clarifies that prior to an application's being certified as complete, the record is not a pubic document. After it is certified as complete, it is governed by the freedom of access laws.

8. It clarifies when additional time may be taken to complete a review.

9. It prohibits any state agency or other 3rd-party payor from reimbursing a provider or making payments or providing other financial assistance to a provider who fails to meet the conditions established by the Commissioner of Health and Human Services.

10. It allows the Department of Health and Human Services to publish revised thresholds using a specified index without having to adopt new rules.

Committee Amendment "A" (H-569)

This amendment replaces the bill. It amends the certificate of need law with regard to acquisitions of major medical equipment, the funding of new nursing facility beds, nursing facility bed banking, subsequent review of certificate of need projects and determinations of nonapplicability of certificate of need, the description of what constitutes the record in a certificate of need proceeding and the maintenance of the record and the authorization of the Department of Health and Human Services to withhold funds with regard to a project for which a certificate of need was approved.

Enacted Law Summary

Public Law 2007, chapter 440 amends the certificate of need law. It amends the certificate of need law with regard to acquisitions of major medical equipment, the funding of new nursing facility beds, nursing facility bed banking, subsequent review of certificate of need projects and determinations of nonapplicability of certificate of need, the description of what constitutes the record in a certificate of need proceeding and the maintenance of the record and the authorization of the Department of Health and Human Services to withhold funds with regard to a project for which a certificate of need was approved.

Public Law 2007, chapter 440 was enacted as an emergency measure effective June 27, 2007.

LD 1764 **An Act To Increase the Wages of Direct Support Professional Staff Based on Increases in the State Minimum Wage** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	ONTP	

This bill requires the Department of Health and Human Services to increase the rate of reimbursement for direct support professional staff costs by 3.8% effective October 1, 2007. It also requires the department to increase the wage component for direct support professional staff whenever the State's minimum wage is increased.

LD 1765 **An Act To Ensure End-of-life Care for Children with Terminal Illnesses** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	OTP-AM	H-301

This bill makes a one-time General Fund appropriation of $75,000 in fiscal year 2007-08 to contract with an organization that provides pediatric palliative care statewide to children with life-threatening conditions.

Committee Amendment "A" (H-301)

This amendment incorporates a fiscal note.

This bill died on adjournment on the Appropriations Table.

See also the biennial budget, Public Law 2007, chapter 240, page 421 for appropriation of $50,000 in Fiscal Year 2008 for pediatric palliative care.

LD 1774 **An Act To Provide Greater Information Pertaining to the Health of Maine Children** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	ONTP	

This bill requires the following initiatives with regard to the health of Maine children:

1. A report on the percentage of funding from the Fund for a Healthy Maine that is being used and could be used to effectively address obesity in Maine children and recommendations for increasing funding;

2. A study and report on marketing food to children through on-package marketing;

3. A study to determine the requirements for developing a system to monitor the cardiovascular health of Maine children;

4. A requirement that certain restaurants provide caloric information regarding foods and drinks listed on menus and menu boards; and

5. A requirement for standards for food and beverages sold or distributed on school grounds but outside of school.

LD 1775 **An Act To Ensure Safe Drinking Water from Private Wells** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MOORE G	ONTP	

This bill enacts the Private Well Testing Act. The bill requires that a water test be done on a private well before a property may be sold. The bill also designates who may perform the water tests. The bill also requires the

Department of Health and Human Services to provide a copy of a failed test result to the municipality, health agency, local health officer and any other governmental entity in the area that the private well is located. The bill requires a lessor to have a private well tested every 5 years beginning in 2009. The bill also requires the department to establish a public information and education program to inform the public of the enactment of the Private Well Testing Act and the substance of its provisions and requirements. The department is required to submit a report to the joint standing committee of the Legislature having jurisdiction over agriculture matters by January 15, 2012.

LD 1780 Resolve, To Convene a Working Group To Review Statutory Language and Propose Standards To Ensure the Use of Respectful Language **RESOLVE 62**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	OTP-AM	H-275

This resolve directs the Maine Developmental Disabilities Council to convene a working group to review the terminology that is currently contained in the Maine Revised Statutes to refer to persons with disabilities and authorizes the council to propose standards to be used prospectively by the Revisor of Statutes when preparing bills that enact or amend legislative language referring to persons with disabilities.

Committee Amendment "A" (H-275)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2007, Chapter 62 directs the Maine Developmental Disabilities Council to convene a working group to review the terminology that is currently contained in the Maine Revised Statutes to refer to persons with disabilities and authorizes the council to propose standards to be used prospectively by the Revisor of Statutes when preparing bills that enact or amend legislative language referring to persons with disabilities.

LD 1781 An Act To Prevent Duplication in Certification of Hospitals **PUBLIC 314**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP-AM	H-401

This bill exempts a health care facility from Department of Health and Human Services inspection requirements if the health care facility is certified to participate in the federal Medicare program and accredited by a recognized health care accrediting agency. If the health care facility is certified for participation in the Medicare program but not accredited, then the facility must be inspected by the department every 3 years. This bill does not exempt health care facilities from Department of Health and Human Services inspection in response to complaints or suspected violations or by other agencies or municipalities for purposes unrelated to health care facility licensing.

Committee Amendment "A" (H-401)

This amendment narrows the scope of the bill to apply to hospitals only and makes the law effective July 1, 2008.

Enacted Law Summary

Public Law 2007, chapter 314 exempts hospitals from DHHS inspection requirements if the hospital is certified to participate in the federal Medicare program and accredited by a recognized health care accrediting agency. If the hospital is certified for participation in the Medicare program but not accredited, then the hospital must be inspected by the department every 3 years. This bill does not exempt hospitals from Department of Health and Human Services inspection in response to complaints or suspected violations or by other agencies or municipalities for

purposes unrelated to hospital licensing. The law is effective July 1, 2008.

LD 1782 **Resolve, To Clarify the Rules of Reimbursement for Personnel Working in Homes Providing Services to Persons with Brain Injuries** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN	ONTP	

This resolve provides that, with respect to 6-bed Level III residential care facilities for residents who suffer from brain injury that are not affiliated with a larger or parent organization, administrators are not limited solely to the performance of administrative duties.

LD 1786 **An Act To Reduce the Spread of Infectious Disease through Shared Hypodermic Apparatuses** **PUBLIC 346**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER	OTP-AM	H-486

This bill prohibits the Department of Health and Human Services, Maine Center for Disease Control and Prevention from limiting the number of hypodermic apparatuses that a certified hypodermic apparatus program may provide to enrolled participants or the number that enrolled participants may legally possess, transport or exchange. The bill requires the Maine Center for Disease Control and Prevention to adopt rules for measures to discourage the utilization of used hypodermic apparatuses and makes rules adopted or amended routine technical rules. It authorizes persons to lawfully possess, furnish or transport hypodermic apparatuses or residual amounts of scheduled drugs that may be present in the hypodermic apparatuses or a residual amount of any scheduled drug that is contained in one or more hypodermic apparatuses to the extent authorized under the Maine Revised Statutes, Title 22, chapter 252-A. The bill provides an affirmative defense for the furnishing, transporting or possession of hypodermic apparatuses or a residual amount of any scheduled drug that is contained in one or more hypodermic apparatuses by a person enrolled in a hypodermic apparatus exchange program that is certified by the Maine Center for Disease Control and Prevention under Title 22, section 1341 when the person is transporting the hypodermic apparatuses to the certified program.

Committee Amendment "A" (H-486)

This amendment strikes section 2 from Part A of the bill, which attempted to clarify protections for employees of the needle exchange programs with affirmative defenses, but was unnecessary and confusing. The law will stay as it is with regard to employees of needle exchange programs without the removed section.

Enacted Law Summary

Public Law 2007, chapter 346 removes the limit of 10 needles in the needle exchange law. It directs the Department of Health and Human Services to adopt routine technical rules to discourage reuse of used needles. It allows possession of the residual amount of drugs that may be present on used needles.

LD 1797 **An Act To Fund Maine's HealthInfoNet Program** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE		

This bill appropriates $2,000,000 to Maine's HealthInfoNet program to fund the creation of a health information exchange and to facilitate the use of electronic medical records. See also the biennial budget, Public Law 2007, chapter 240, page 27 that provides $265,000 in Fiscal Year 2008 for Maine HealthInfo Net.

This bill is carried over to the Second Regular Session of the 123rd Legislature.

LD 1800 An Act To Amend Licensing and Certification Requirements **PUBLIC 324**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
LEWIN	OTP-AM	H-552

This bill makes the following changes to licensing and certification requirements of Department of Health and Human Services. It creates penalties, including injunctive relief, for operating an unregistered personal care agency. The bill creates a cap on civil monetary penalties that the Department of Health and Human Services may impose on unlicensed, uncertified or unregistered entities in response to a decision of the Maine Superior Court in a similar but unrelated case. It creates a maximum 2-year license renewal term for hospitals, nursing facilities, ambulatory surgical facilities and related institutions. It creates penalties, including injunctive relief, for operating without a license or certificate by a long-term care facility, a child care facility, and a family child care provider. It places a time limit on reapplication after denial or revocation of a license for a child care facility or revocation of a certificate for a family child care provider. It defines children in the Department of Health and Human Services laws governing facilities for children and adults as being under 21 years of age to make the provisions consistent with those governing MaineCare, the department's Office of Child and Family Services and special education. It adds to the list of confidential information pursuant to 22 M.R.S.A §7703, sub-§2 information that identifies, directly or indirectly a reference, complainant or reported of suspected licensing violations.

Committee Amendment "A" (H-552)

The amendment defines "placement agency" and "home care services." It requires a placement agency to register with the Department of Health and Human Services. It gives the Department of Health and Human Services the same right of entry and applies the same administrative inspection and license suspension and revocation provisions with respect to placement agencies as apply to personal care agencies. It clarifies that the department's right of entry may extend to any premises and documents of a person, firm, partnership, association, corporation or other entity that the department has reason to believe is operating without a license or a certificate. It clarifies that an owner or person in charge of an unlicensed long-term care facility or child care facility or an uncertified family child care provider may not interfere with or prohibit the interviewing by the department of residents or consumers of services. It clarifies that an owner or operator of an unregistered personal care agency or placement agency may not interfere with, impede or obstruct an investigation by the department, including but not limited to interviewing persons receiving services or persons with knowledge of the agency. It changes the word "subtitle" to "section" and corrects statutory language to clarify that a child care facility license is required before the Department of Education grants approval for a program to contract with one or more Child Development Services System sites.

Enacted Law Summary

Public Law 2007, chapter 324 makes changes to licensing and certification requirements of the Department of Health and Human Services. It requires a placement agency to register with DHHS and defines placement agency and home care services. It creates penalties, including injunctive relief, for operating an unregistered personal care agency or placement agency. The bill creates a cap on civil monetary penalties that the DHHS may impose on unlicensed, uncertified or unregistered entities. The bill creates a maximum 2-year license renewal term for hospitals, nursing facilities, ambulatory surgical facilities and related institutions and allows an initial license to be issued for up to 12 months. It creates penalties, including injunctive relief, for operating without a license or certificate by a long-term care facility, a child care facility, and a family child care provider. The bill places a time limit on reapplication after denial or revocation of a license for a child care facility or revocation of a certificate for

a family child care provider. The bill defines children in laws governing facilities for children and adults as being under 21 years of age to make the provisions consistent with those governing MaineCare, the department's Office of Child and Family Services and special education. It clarifies that the department's right of entry may extend to any premises and documents of a person, firm, partnership, association, corporation or other entity that the department has reason to believe is operating without a license or a certificate. It clarifies that an owner or person in charge of an unlicensed long-term care facility, child care facility, family child care provider, personal care agency or placement agency may not interfere with or prohibit the interviewing by the department of residents or consumers of services.

Public Law, chapter 324 was enacted as an emergency measure effective June 19, 2007.

The bill was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to MRSA Title 1, §434, which requires review and evaluation of new exceptions to laws governing public records.

LD 1801 **An Act To Clarify the Definition of Autism** **PUBLIC 309**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN	OTP-AM	H-381

This bill updates the definition of autism by adopting the most recent version of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders in which "pervasive developmental disorders" are described as including 5 separate conditions and by application of a test to assess the applicant's level of adaptive functional abilities.

Committee Amendment "A" (H-381)

This amendment replaces the bill. The amendment defines autism with respect to adults by reference to the Diagnostic and Statistical Manual of Mental Disorders and by an adaptive behavior score that is at a level of functional impairment as determined by the Department of Health and Human Services.

Enacted Law Summary

Public Law 2007, chapter 309 defines autism with respect to adults by reference to the Diagnostic and Statistical Manual and to an adoptive behavior score that is at a level of functional impairment as determined by the Department of Health and Human Services.

LD 1805 **An Act To Preserve Home Care Coordination Services for Long-term Care Consumers Served in the Community** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL	OTP-AM	H-309

This bill appropriates and allocates funds on an ongoing basis for home care coordination services for consumers of state-funded and MaineCare-funded home-based care programs.

Committee Amendment "A" (H-309)

This amendment makes minor technical corrections to the format of the appropriations and allocations section.

This bill died on adjournment on the Appropriations Table.

See also the biennial budget, Public Law 2007, chapter 240, page 376 for appropriations of $125,273 a year for home care coordination.

LD 1812 **Resolve, Regarding the Role of Local Regions in Maine's Emerging Public Health Infrastructure** **RESOLVE 114 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	OTP-AM	H-458

This resolve directs the Public Health Work Group to establish the Regional Coordinating Councils Subcommittee to develop recommendations for a general framework for Regional Coordinating Councils in the 8 public health regions. The Regional Coordinating Councils Subcommittee is directed to report to the Public Health Work Group, which is directed to transmit the subcommittee's reports to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on State and Local Government. The Joint Standing Committee on Health and Human Services is authorized to submit legislation regarding the Regional Coordinating Councils to the Second Regular Session of the 123rd Legislature. The resolve also requires changes to the membership of the Public Health Work Group.

Committee Amendment "A" (H-458)

This amendment replaces the resolve, which originally established the Regional Coordinating Councils Subcommittee under the Public Health Work Group to make recommendations to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on State and Local Government related to the regional coordinating councils and authorized the Joint Standing Committee on Health and Human Services to report out legislation. The amendment directs the Governor to expand the membership of the Public Health Work Group and specifies the groups that must be represented. It requires representation from the 8 public health regions. It limits the size of the work group to 40. It requires the Public Health Work Group to submit a report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on State and Local Government by December 1, 2007 that includes current plans for the development of a statewide public health infrastructure, including the status of plans related to regional coordinating councils in the 8 public health regions, recommendations for a statewide public health infrastructure to be developed within existing resources over the next 5 years and necessary changes to public health duties, financing and governance and the roles of public, private, grassroots and nonprofit organizations as well as the scope of functions they perform in the public health system. It also requires the group to submit any draft legislation necessary and authorizes the Public Health Work Group to form subcommittees as necessary to achieve these purposes. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation.

Enacted Law Summary

Resolve 2007, chapter 114 directs the Governor to expand the membership of the Public Health Work Group and specifies the groups that must be represented. It requires representation from the 8 public health regions. It limits the size of the work group to 40. It requires the Public Health Work Group to submit a report to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on State and Local Government by December 1, 2007 that includes current plans for the development of a statewide public health infrastructure, including the status of plans related to regional coordinating councils in the 8 public health regions, recommendations for a statewide public health infrastructure to be developed within existing resources over the next 5 years and necessary changes to public health duties, financing and governance and the roles of public, private, grassroots and nonprofit organizations as well as the scope of functions they perform in the public health system. It also requires the group to submit any draft legislation necessary and authorizes the Public Health Work Group to form subcommittees as necessary to achieve these purposes. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation.

Resolve 2007, chapter 114 was passed as an emergency measure effective June 21, 2007.

See also LD 1179.

LD 1820 **An Act To Create a Program To Implement Choice of Health Plans in the MaineCare Program and Amend the MaineCare Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	ONTP	

This bill amends the MaineCare program consistent with the federal Deficit Reduction Act of 2005. The bill expands the operation of the private health insurance premium program, changes the structure of copayment requirements, adds premiums for certain members and establishes the MaineCare Choice program and the enhanced benefits program.

LD 1843 **An Act To Improve the Quality of Health Care in Maine** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE		

This bill requires that all commercial health insurance claims for all professional services provided by physicians who are employed by hospital systems or affiliates of hospital systems and other health care facilities be submitted on the standard federal professional paper claim form, CMS 1500, used by noninstitutional providers and suppliers. This requirement ensures that the Department of Health and Human Services, the Maine Quality Forum and the Maine Health Data Organization are able to accurately attribute particular health care services to individual physicians.

This bill was carried over to any special or regular session of the 123rd Legislature by Joint Order, HP 1369.

LD 1849 **An Act To Protect Consumers from Rising Health Care Costs** **PUBLIC 441 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	OTP-AM	S-237

Part A of this bill establishes, effective September 1, 2008, the Maine Hospital Cost Commission, whose purpose is to appropriately limit the rate increase in the cost of hospital care while protecting the quality and accessibility of care available to the people of the State and without unduly compromising the ability of hospitals to decide how the resources made available to them are to be used.

Part B of this bill establishes the Blue Ribbon Commission To Study the Regulation of Health Care Expenditures and directs the commission to undertake a full scale study of the health care system and recommend the most appropriate form of health care regulation necessary to ensure the provision of quality care, the accessibility to care and the affordability of care. As part of its recommendations, the commission is directed to develop proposed legislation detailing the hospital regulation system to be implemented by the Maine Hospital Cost Commission pursuant to the Maine Revised Statutes, Title 22, chapter 1701. The commission is directed to submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Health and Human Services no later than

November 1, 2007. Following receipt and review of the report, the Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (S-237)

This amendment replaces the bill. Unlike the bill, which proposes establishing the Blue Ribbon Commission To Study the Regulation of Health Care Expenditures, this amendment instead expands the membership and duties of the Advisory Council on Health Systems Development, updates statutory language and authorizes the council to seek grants and other funding to support its work. The amendment also adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 441 expands the membership and duties of the Advisory Council on Health Systems Development. It authorizes the council to seek outside funding.

Public Law 2007, chapter 441 was enacted as an emergency measure effective June 27, 2007.

LD 1855 An Act To Clarify Involuntary Admissions for Psychiatric Hospitalizations **PUBLIC 319**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM	S-266

This bill makes the following changes to the Maine Revised Statutes, Title 34-B provisions governing hospitalization of psychiatric patients.

1. It deletes the definition of "hospital," and adds the definition of "psychiatric hospital." The definition of "patient" is also expanded so that it describes not only persons receiving care in inpatient beds, but also persons being assessed in hospital emergency departments.

2. It gives the Commissioner of Health and Human Services power to investigate complaints not only of patients in psychiatric hospitals but also of patients in general hospital emergency rooms who are being evaluated for certification for commitment. It gives the commissioner clear authority to visit nonpsychiatric hospitals that are involved in the certification process in order to review procedures related to the early steps of commitment.

3. It places the phrase "psychiatric hospital" where the word "hospital" was used in the past to retain the meaning under the new definitions.

4. It amends the law concerning a certification outside the hospital emergency room to permit a physician's assistant, certified psychiatric clinical nurse specialist or nurse practitioner, as well as a licensed physician or licensed clinical psychologist, to make the certification.

5. It clarifies that a judicial officer can review a faxed certification. It clarifies that a patient may be held in any hospital for up to 18 hours while a placement and judicial endorsement are being sought. It amends the law so that the person seeking a patient's admission, rather than the law enforcement officer or ambulance service transporting the patient, is responsible for ensuring that the certification is judicially endorsed.

6. It clarifies that a regular hospital may see a person in the emergency room and decide that the person needs to be involuntarily committed to a psychiatric hospital to receive the best care for that person. It clarifies that both kinds of hospitals are involved in this commitment process.

7. It deletes the requirement that an application be dismissed if the 2 examiners report that the person is not

mentally ill or does not pose a likelihood of serious harm. Instead, it provides that a hearing must be held on every application to give others a chance to testify, even if the examiners do not support the application.

Committee Amendment "A" (S-266)

This amendment:

1. Removes the language concerning a certification outside the hospital emergency room permitting a physician's assistant, certified psychiatric clinical nurse specialist or nurse practitioner, as well as a licensed physician or licensed clinical psychologist, to make the certification;

2. Removes the requirement of a hearing in every involuntary commitment proceeding; and

3. Reduces the notice period for continued involuntary hospitalization from 30 days to 21 days.

Enacted Law Summary

Public Law 2007, chapter 319 updates the language in the laws on involuntary mental health commitment. It shortens the notice requirements for continued involuntary commitment from 30 to 21 days. It clarifies that a judicial officer can review a faxed certification. It clarifies that a patient may be held in any hospital for up to 18 hours while a placement and judicial endorsement are being sought. It amends the law so that the person seeking a patient's admission, rather than the law enforcement officer or ambulance service transporting the patient, is responsible for ensuring that the certification is judicially endorsed. It clarifies that a community hospital may see a person in the emergency room and decide that the person needs to be involuntarily committed to a psychiatric hospital to receive the best care for that person. It clarifies that both kinds of hospitals are involved in this commitment process.

See also LD 1033.

LD 1868 **Resolve, To Review Statutes, Rules and Policies Regarding Mental Retardation, Pervasive Developmental Disorders and Other Cognitive and Developmental Disorders** — **RESOLVE 78 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
GROSE	OTP-AM	H-358

This bill defines "developmental disability" and requires the Department of Health and Human Services to change the criteria that it currently uses to determine the eligibility of persons with a developmental disability for services. It requires the department to use methods that are not based on an intelligence quotient test and include criteria for the assessment of functional abilities. It requires the department to accomplish this goal in a manner that is cost neutral.

Committee Amendment "A" (H-358)

This amendment replaces the bill. The amendment changes the bill to a resolve. It directs the Department of Health and Human Services to convene a working group of stakeholders and other interested parties to undertake a review of current statutes, rules and policies regarding services, definitions, limitations, eligibility and levels of care for adults with mental retardation, pervasive developmental disorders and other cognitive and developmental disorders and to report to the Joint Standing Committee on Health and Human Services. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation related to the recommendations of the working group to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 78 directs the Department of Health and Human Services to convene a working group of stakeholders and other interested parties to undertake a review of current statutes, rules and policies regarding services, definitions, limitations, eligibility and levels of care for adults with mental retardation, pervasive developmental disorders and other cognitive and developmental disorders and to report to the Joint Standing Committee on Health and Human Services. It authorizes the Joint Standing Committee on Health and Human Services to submit legislation related to the recommendations of the working group to the Second Regular Session of the 123rd Legislature.

Resolve 2007, chapter 78 was enacted as an emergency measure effective June 14, 2007.

See also LD 1780.

LD 1874 **Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting Systems for Maine Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization** **RESOLVE 77 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-352

This resolve provides for legislative review of portions of Chapter 270: Uniform Reporting Systems for Maine Quality Data Sets, a major substantive rule of the Maine Health Data Organization.

Committee Amendment "A" (H-352)

This amendment authorizes final adoption of Chapter 270: Uniform Reporting Systems for Maine Quality Data Sets, a provisionally adopted major substantive rule of the Maine Health Data Organization, provided certain changes to the rule are made.

Enacted Law Summary

Resolve 2007, chapter 77 authorizes final adoption of Chapter 270: Uniform Reporting Systems for Maine Quality Data Sets, a provisionally adopted major substantive rule of the Maine Health Data Organization, provided certain changes to the rule are made.

Resolve 2007, chapter 77 was enacted as an emergency measure effective June 12, 2007.

LD 1880 **Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Safety of Children at Day Care Facilities with Swimming Pools** **RESOLVE 53**

Sponsor(s)	Committee Report	Amendments Adopted
DRISCOLL BRANNIGAN	OTP-AM	H-284

This resolve requires the Department of Health and Human Services to adopt major substantive rules to govern the safety of children at day care facilities that contain swimming pools.

Committee Amendment "A" (H-284)

This amendment adds authorization for the Department of Health and Human Services to adopt major substantive rules on an emergency basis during calendar year 2007 with regard to the use of swimming pools at day care facilities.

Enacted Law Summary

Resolve 2007, chapter 53 requires the Department of Health and Human Services to adopt major substantive rules on an emergency basis during calendar year 2007 to govern the safety of children at day care facilities that contain swimming pools.

LD 1899 **An Act To Include Institutions Providing an Educational Program among Entities Eligible To Borrow from the Maine Health and Higher Educational Facilities Authority** **PUBLIC 354**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	OTP-AM	H-533

This bill allows eligible institutions providing an educational program that meet underwriting requirements of the Maine Health and Higher Educational Facilities Authority to borrow from the authority.

Committee Amendment "A" (H-533)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 354 authorizes the use of the Maine Health and Higher Educational Facilities Authority funding for certain nonprofit institutions providing educational programs.

LD 1907 **An Act To Clarify and Affirm the Scope of Services Available to Persons with Mental Retardation or Autism** **PUBLIC 356**

Sponsor(s)	Committee Report	Amendments Adopted
BRANNIGAN	OTP-AM	S-297

This bill incorporates into the Maine Revised Statutes, Title 34-B some of the provisions required for compliance with the consent judgment in Consumer Advisory Board et al. v. Glover, No. 91-321-P-C (D. Me., September 28, 1994) by specifying the Department of Health and Human Services' obligation to persons with mental retardation or autism to provide personal planning, case management services, crisis and respite services and quality assurance activities. This bill clarifies the role of the Office of Advocacy within the department and the processes applicable to client grievances and appeals. This bill also sets out the principles guiding delivery of services to persons with mental retardation or autism and establishes the requirement that the ratio of individual support coordinators to clients must be one individual support coordinator to 35 persons with mental retardation or autism. It repeals the Maine Advisory Committee on Mental Retardation and establishes the Maine Developmental Services Oversight and Advisory Board.

Committee Amendment "A" (S-297)

This amendment:

1. Specifies that all members of the Maine Development Services Oversight and Advisory Board are entitled to expenses for attending board meetings and that noncompensated members are entitled to per diem, as specified by board rule or policy;

2. Amends and adds an alternative date for the repeal of the Consumer Advisory Board;

3. Specifies that at least 4 members of the Maine Developmental Services Oversight and Advisory Board must be self-advocates;

4. Clarifies language regarding the referral of individual cases for investigation or action;

5. Specifies that eligibility for services begins upon diagnosis of mental retardation or autism;

6. Provides that the initial appointments to the Maine Developmental Services Oversight and Advisory Board be made by the Consumer Advisory Board and the Maine Advisory Committee on Mental Retardation rather than by the Governor;

7. Provides transition language with regard to the budgets of the Maine Developmental Services Oversight and Advisory Board;

8. Provides effective dates that are connected to the repeal of the Consumer Advisory Board for several specific sections of the bill and a general effective date of November 1, 2007; and

9. Specifies that the Department of Health and Human Services must include in its estimate of expenditure and appropriation requirements funds for the board as a separate line item.

Enacted Law Summary

Public Law 2007, chapter 356 incorporates into the Maine Revised Statutes, Title 34-B some of the provisions required for compliance with the consent judgment in Consumer Advisory Board et al. v. Glover, No. 91-321-P-C (D. Me., September 28, 1994) by specifying the Department of Health and Human Services' obligation to persons with mental retardation or autism to provide personal planning, case management services, crisis and respite services and quality assurance activities. This law clarifies the role of the Office of Advocacy within the department and the processes applicable to client grievances and appeals. This law also sets out the principles guiding delivery of services to persons with mental retardation or autism and establishes the requirement that the ratio of individual support coordinators to clients must be one individual support coordinator to 35 persons with mental retardation or autism. It repeals the Maine Advisory Committee on Mental Retardation and establishes the Maine Developmental Services Oversight and Advisory Board.

It provides transition language for the ending of the Consumer Advisory Board and the beginning of the Maine Developmental Services Oversight and Advisory Board. It provides a general effective date of November 1, 2007. It provides specific requirements for budgeting and funding the new board.

LD 1909 An Act To Establish the Acquired Brain Injury Advisory Council **PUBLIC 239**

Sponsor(s)	Committee Report	Amendments Adopted

This bill establishes the Acquired Brain Injury Advisory Council to provide oversight and advice and to make recommendations to the Commissioner of Health and Human Services and the Director of the Office of Adults with Cognitive and Physical Disability Services, the Director of the Maine Center for Disease Control and Prevention and the Director of the Office of MaineCare Services within the Department of Health and Human Services.

Enacted Law Summary

Public Law 2007, chapter 237 establishes the Acquired Brain Injury Advisory Council to provide oversight and advice and to make recommendations to the Commissioner of Health and Human Services and the Director of

the Office of Adults with Cognitive and Physical Disability Services, the Director of the Maine Center for Disease Control and Prevention and the Director of the Office of MaineCare Services within the department.

Joint Standing Committee on Health and Human Services

SUBJECT INDEX

Aging and Long-term Care

Enacted

LD 1308	Resolve, Regarding the Use of Restraints in Nursing Facilities	RESOLVE 60
LD 1661	Resolve, To Support Community Planning for the Aging of the Population	RESOLVE 29

Not Enacted

LD 519	An Act To Provide Assistance to Family Members, Friends and Neighbors Who Provide Home Health Care for Senior Citizens	CARRIED OVER
LD 931	Resolve, To Examine Eligibility for MaineCare Long-term Care Services	ONTP
LD 943	Resolve, To Create a Look-back Rule for Residential Care Facilities	ONTP
LD 1699	Resolve, To Improve Maine's Homemaker Services Program	DIED ON ADJOURNMENT
LD 1751	An Act To Address Smoking in Senior Housing	ONTP
LD 1805	An Act To Preserve Home Care Coordination Services for Long-term Care Consumers Served in the Community	DIED ON ADJOURNMENT

Child Care

Enacted

LD 1369	Resolve, To Promote High-quality Before-school and After-school Programs	RESOLVE 41
LD 1880	Resolve, Directing the Department of Health and Human Services To Adopt Rules Governing the Safety of Children at Day Care Facilities with Swimming Pools	RESOLVE 53

Not Enacted

LD 87	Resolve, Directing the Department of Health and Human Services To Provide Printed Informational Handouts on Child Care Guidelines	ONTP
LD 283	An Act To Require Direct Payment to Child Care Centers	ONTP

LD 1527	An Act To Set Maximum Allowable Television Viewing Hours for State-licensed Child Care Facilities	ONTP

Children's Mental Health

Not Enacted

LD 609	Resolve, To Preserve and Support Community Treatment Options for Children's Behavioral Health Needs	ONTP
LD 1567	Resolve, To Demonstrate Cost Savings by Preventing the Onset of Severe Mental Illness in Youth	CARRIED OVER

Children's Services

Enacted

LD 596	An Act To Repeal the Laws Governing Long-term Foster Care	PUBLIC 46
LD 755	Resolve, To Create the Commission To Develop a Strategic Priorities Plan for Maine's Young Children	RESOLVE 136 EMERGENCY
LD 1396	Resolve, To Provide for an Independent Evaluation of the Procedures and Programs of the Department of Health and Human Services for Promoting Permanency and Safety for Children	RESOLVE 137
LD 1501	An Act To Set Standards for Interviewing Children Who Are Subjects of a Child Protective Intervention	PUBLIC 132

Not Enacted

LD 487	An Act Regarding Children in the Child Welfare System	ONTP
LD 753	Resolve, To Invest in Children and Families through Family Resource Centers	ONTP
LD 1660	An Act To Provide One-time Funds To Leverage Private Funds To Strengthen Children and Families in Maine	ONTP
LD 1765	An Act To Ensure End-of-life Care for Children with Terminal Illnesses	DIED ON ADJOURNMENT

Departmental Organization and Administration

Enacted

LD 615	An Act To Authorize the Use of the Department of Health and Human Services Staff as Hearing Officers	PUBLIC 80
LD 1016	An Act Regarding Residential Care Facilities for Children	PUBLIC 320 EMERGENCY

LD 1289	An Act To Provide Oversight for Crematoriums	PUBLIC 225
LD 1535	Resolve, To Study the Certificate of Need Program	RESOLVE 110
LD 1763	An Act To Amend the Maine Certificate of Need Act of 2002	PUBLIC 440 EMERGENCY
LD 1800	An Act To Amend Licensing and Certification Requirements	PUBLIC 324 EMERGENCY

Not Enacted

LD 1170	An Act To Exempt Nationally Accredited Child Welfare and Behavioral Health Care Organizations from State Licensing Requirements	ACCEPTED ONTP REPORT
LD 1209	An Act To License Weekly Housing Programs (by request)	ONTP
LD 1288	An Act To Limit Recertification of Nursing Facility Residents to One Regulatory Organization	ONTP
LD 1386	An Act To Make Criminal Background Checks and Department of Health and Human Services Child Protective Substantiation Checks on Volunteers More Affordable	ACCEPTED ONTP REPORT
LD 1451	An Act To Promote the Health and Safety of Maine Consumers	ONTP
LD 1686	An Act To Reduce Administrative Costs in Programs Delivered to People with Mental Retardation	ONTP

Disabilities

Enacted

LD 365	Resolve, To Promote Community Integration for Individuals with Brain Injuries	RESOLVE 105
LD 467	An Act Regarding the Protection and Advocacy Agency Advisory Council	PUBLIC 87
LD 1868	Resolve, To Review Statutes, Rules and Policies Regarding Mental Retardation, Pervasive Developmental Disorders and Other Cognitive and Developmental Disorders	RESOLVE 78 EMERGENCY
LD 1909	An Act To Establish the Acquired Brain Injury Advisory Council	PUBLIC 239

Health Care

Enacted

LD 727	An Act To Expand the Definition of Health Care Facility under the Maine Health and Higher Educational Facilities Authority Act	PUBLIC 72 EMERGENCY

LD 981	An Act Concerning the Supervision of Nursing Support Staff	PUBLIC 197
LD 1280	Resolve, Regarding the Training Curriculum and Skills of Certified Nursing Assistants	RESOLVE 50
LD 1714	Resolve, To Expand the Maine Registry of Certified Nursing Assistants	RESOLVE 87
LD 1849	An Act To Protect Consumers from Rising Health Care Costs	PUBLIC 441 EMERGENCY
LD 1899	An Act To Include Institutions Providing an Educational Program among Entities Eligible To Borrow from the Maine Health and Higher Educational Facilities Authority	PUBLIC 354

Not Enacted

LD 500	An Act To Amend the Definition of Health Care Facility To Include Hospice Facilities	ONTP
LD 770	An Act To Clarify Application of the Medical Marijuana Law (by request)	ONTP
LD 996	An Act To Support Medical Practice Protocols in Patient Care	ONTP
LD 1354	Resolve, To Direct the Department of Health and Human Services To Establish a Physician Specialist Program	ONTP
LD 1370	An Act Requiring Public Disclosure of Health Care Prices	ACCEPTED ONTP REPORT
LD 1418	An Act To Provide Patients with Their Medication	ACCEPTED ONTP REPORT

Health Care Workforce

Not Enacted

LD 1687	An Act To Increase Health Insurance Coverage for Front-line Direct Care Workers Providing Long-term Care	CARRIED OVER
LD 1764	An Act To Increase the Wages of Direct Support Professional Staff Based on Increases in the State Minimum Wage	ONTP

Health Data

Enacted

LD 40	Resolve, Regarding Legislative Review of Portions of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization	RESOLVE 17 EMERGENCY

LD 902	An Act To Amend the Maine Health Data Organization Laws	PUBLIC 136
LD 1874	Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting Systems for Maine Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization	RESOLVE 77 EMERGENCY

Not Enacted

LD 1797	An Act To Fund Maine's HealthInfoNet Program	CARRIED OVER
LD 1843	An Act To Improve the Quality of Health Care in Maine	CARRIED OVER

Hospitals

Enacted

LD 436	An Act To Postpone the Expiration of the Required Nonhospital Expenditures Component in the Capital Investment Fund	PUBLIC 94
LD 1781	An Act To Prevent Duplication in Certification of Hospitals	PUBLIC 314

Not Enacted

LD 48	An Act To Exempt Training and Educational Research Costs from the Voluntary Spending Cap	ONTP
LD 1450	An Act To Create Equity in Hospital Charges	ONTP

Medicaid/MaineCare

Enacted

LD 37	Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 50, Principles of Reimbursement for Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare Services	RESOLVE 44 EMERGENCY
LD 39	Resolve, Regarding Legislative Review of Portions of Regulations Governing the Licensing and Functioning of Intermediate Care Facilities for Persons with Mental Retardation, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 33 EMERGENCY
LD 306	An Act To Provide Medically Necessary Speech Therapy Services	PUBLIC 71
LD 339	Resolve, To Ensure Proper Levels of Care for the Elderly and the Disabled	RESOLVE 61 EMERGENCY
LD 650	An Act To Equalize MaineCare Reimbursements to Hospitals	P & S 19

LD 704	Resolve, Regarding Legislative Review of Portions of MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services	RESOLVE 16 EMERGENCY
LD 723	Resolve, To Promote Chronic Disease Prevention and Care	RESOLVE 36
LD 970	An Act to Repeal Delayed Estate Recovery	PUBLIC 423
LD 1130	Resolve, To Increase Fairness in Medical Payments	RESOLVE 48
LD 1198	Resolve, Regarding the Provision of Over-the-counter Medications in the MaineCare Program	RESOLVE 75
LD 1421	Resolve, Regarding Tobacco Cessation and Treatment	RESOLVE 34
LD 1537	Resolve, To Review Remote Access Medicine, Hospice and Home Health Care under MaineCare	RESOLVE 111
LD 1566	An Act To Allow the State Timely Opportunity To Participate in Settlement Negotiations for MaineCare Benefits	PUBLIC 381
LD 1746	An Act To Improve MaineCare and Promote Employment	PUBLIC 448

Not Enacted

LD 12	An Act To Establish a Residency Requirement for MaineCare Recipients	ONTP
LD 50	Resolve, Regarding Costly Computer Processes at the Department of Health and Human Services	ONTP
LD 72	An Act To Improve MaineCare Members' Access to Information	ONTP
LD 273	An Act To Help Save the Homes of Some Persons Who Enter Nursing Facilities	ONTP
LD 282	An Act To Provide Dental Care for Pregnant Women and New Mothers Receiving MaineCare Benefits	ONTP
LD 405	An Act To Establish Necessary MaineCare Pharmacy Incentives	CARRIED OVER
LD 520	An Act To Ensure Access to MaineCare Services	ONTP
LD 551	An Act To Create the Maine Health Card Program	ACCEPTED ONTP REPORT
LD 651	An Act To Support Small, Local and Efficient Hospitals	ACCEPTED ONTP REPORT

LD 652	Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities	CARRIED OVER
LD 880	An Act To Increase the Amount of Money a Resident in a Nursing Home May Spend on Personal Expenses	DIED ON ADJOURNMENT
LD 975	Resolve, To Provide Reimbursement for Residential Care Facilities for Rising Heating Costs and Cost-of-living Adjustments	DIED ON ADJOURNMENT
LD 984	Resolve, To Evaluate MaineCare Finances	ONTP
LD 1120	An Act To Amend MaineCare Benefits as Allowed by the Federal Deficit Reduction Act of 2005	ONTP
LD 1137	An Act To Provide Payment for Homeless Respite Care Services through the MaineCare Program	ONTP
LD 1146	An Act To Promote Healthy Practices for MaineCare Members	ONTP
LD 1176	An Act Regarding MaineCare Prescription Drug and Tobacco Sales (by request)	ONTP
LD 1187	An Act To Recoup Health Care Funds through the Maine False Claims Act	ONTP
LD 1250	An Act To Implement an Oral Health Capitation System for Children on MaineCare	ONTP
LD 1437	An Act To Review Prescription Drug Prior Authorization under MaineCare	ONTP
LD 1509	Resolve, To Protect Nursing Facilities	ONTP
LD 1536	Resolve, Directing the Department of Health and Human Services To Reform Maine's Noncategorical Medicaid Program	ONTP
LD 1669	An Act To Amend the Laws Governing Reimbursement of Nursing Facilities	DIED ON ADJOURNMENT
LD 1762	An Act To Increase MaineCare Reimbursement for Speech and Language Therapists and Provide Treatment for Adults with Developmental Disabilities	ONTP
LD 1820	An Act To Create a Program To Implement Choice of Health Plans in the MaineCare Program and Amend the MaineCare Program	ONTP

Mental Health

Enacted

LD 711	An Act Regarding Notice That Must Be Provided by a Psychiatric Facility Concerning Certain Patients	PUBLIC 89
LD 792	Resolve, To Direct the Department of Health and Human Services To Review and Report on Efforts Concerning Postpartum Mental Health Education	RESOLVE 58
LD 1033	An Act Regarding Involuntary Treatment of Mental Health Patients	PUBLIC 446
LD 1745	An Act To Improve Continuity of Care within Maine's Community-based Mental Health Services	PUBLIC 286
LD 1855	An Act To Clarify Involuntary Admissions for Psychiatric Hospitalizations	PUBLIC 319

Not Enacted

LD 1676	An Act To Ensure the Effective Management of the Behavioral Health Care Services System in Maine	ONTP

Mental Retardation and Developmental Disabilities

Enacted

LD 726	An Act To Provide Services for Adults with Diagnoses of Mental Retardation and Other Developmental Disabilities	PUBLIC 152
LD 1118	An Act To Provide Certain Requirements for Rules Related to Rate Setting for Mental Retardation Services	PUBLIC 237 EMERGENCY
LD 1780	Resolve, To Convene a Working Group To Review Statutory Language and Propose Standards To Ensure the Use of Respectful Language	RESOLVE 62
LD 1801	An Act To Clarify the Definition of Autism	PUBLIC 309
LD 1907	An Act To Clarify and Affirm the Scope of Services Available to Persons with Mental Retardation or Autism	PUBLIC 356

Not Enacted

LD 722	An Act To Create the Acquired Brain Injury Fund	ONTP
LD 1782	Resolve, To Clarify the Rules of Reimbursement for Personnel Working in Homes Providing Services to Persons with Brain Injuries	ONTP

Poverty and Homelessness

Enacted

LD 1371	Resolve, To Study the Impact of Social Services and Corrections Policies on Homeless People in Maine	RESOLVE 131 EMERGENCY

Not Enacted

LD 1110	An Act To Create the Maine Council on Poverty and Economic Security	CARRIED OVER

LD 1639	Resolve, Directing the Commissioner of Health and Human Services To Implement Representative Payee and Disability Specialists Programs	ACCEPTED ONTP REPORT

Prescription Drugs

Enacted

LD 4	An Act To Amend the Prescription Privacy Law	PUBLIC 460
LD 807	An Act To Prevent Overcharging for Prescription Drug Copayments	PUBLIC 431
LD 839	An Act To Establish a Prescription Drug Academic Detailing Program	PUBLIC 327
LD 883	An Act To Allow a Self-pay Patient To Choose between Generic and Brand-name Medications	PUBLIC 85
LD 1440	An Act To Prohibit the Sale or Distribution of Software That Contains Inappropriate Advertising of Prescription Drugs	PUBLIC 362

Not Enacted

LD 22	An Act To Require Health Care Practitioners to Distribute Free Samples of Medication in Certain Circumstances	ONTP
LD 97	An Act Regarding Prescription Drug Expiration Dates	ONTP
LD 364	An Act To Stop Misleading Drug Advertisements	ONTP
LD 386	An Act To Provide for Prescription Monitoring and Protection of Personal Patient Information	ONTP
LD 838	An Act Protecting the Confidentiality of Prescription Information	ACCEPTED ONTP REPORT
LD 1286	An Act To Impose Tighter Controls over Addictive Prescription Drugs	ONTP
LD 1463	An Act To Prevent Elder Prescription Drug Abuse	DIED ON ADJOURNMENT
LD 1523	An Act Requiring Heavy Metal-free Immunizing Agents	ONTP

Public Assistance

Enacted

LD 29	An Act To Amend the Laws Governing Welfare	PUBLIC 282

LD 168	Resolve, To End Fraud in Maine's Welfare Benefit Programs	RESOLVE 31

Not Enacted

LD 28	An Act To Establish a Statewide Residency Requirement for General Assistance	ONTP
LD 43	Resolve, To Direct the Department of Health and Human Services To Exclude Veterans Education Assistance from Income in Determining Eligibility for the Food Stamp Program	ONTP
LD 724	Resolve, To Direct the Department of Health and Human Services To Provide Temporary Assistance for Needy Families Benefits to Certain Guardians of Minors	ONTP
LD 899	Resolve, To Establish a Committee To Examine the Impacts of the 1993 Amendments to General Assistance Program Eligibility	ONTP
LD 957	An Act To Enact a Five-point Welfare Reform Plan	ONTP
LD 990	An Act To Assist Children Who Are Not Receiving Court-ordered Child Support Payments	ONTP
LD 1162	An Act To Remove Disparities in the Administration of Emergency Aid	ONTP
LD 1252	An Act To Amend State Funding Reimbursement under the General Assistance Program	ONTP

Public Health

Enacted

LD 137	Resolve, Requiring the Maine Center for Disease Control and Prevention To Report on Activities To Implement the Recommendations of the Task Force To Study Cervical Cancer Prevention, Detection and Education	RESOLVE 73
LD 429	An Act To Improve Access to HIV Testing in Health Care Settings	PUBLIC 93
LD 754	An Act To Allow Physician Assistants To Sign Death Certificates	PUBLIC 56
LD 977	Resolve, To Address the Funding Needs of Air and Ground Emergency and Critical Care Emergency Medical Services	RESOLVE 140
LD 980	An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons	PUBLIC 411
LD 995	An Act To Reduce the Expense of Health Care Treatment and Protect the Health of Maine Citizens by Providing Early Screening, Detection and Prevention of Cancer	PUBLIC 341
LD 1044	An Act To Address Eating Disorders in Maine	P & S 20

LD 1142	An Act To Enhance the Newborn Hearing Program	PUBLIC 236
LD 1217	An Act To Improve Health Standards in Piercing Procedures	PUBLIC 184
LD 1239	Resolve, To Establish a Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine	RESOLVE 133 EMERGENCY
LD 1786	An Act To Reduce the Spread of Infectious Disease through Shared Hypodermic Apparatuses	PUBLIC 346
LD 1812	Resolve, Regarding the Role of Local Regions in Maine's Emerging Public Health Infrastructure	RESOLVE 114 EMERGENCY

Not Enacted

LD 414	An Act To Decrease Cervical Cancer in Maine Girls	ONTP
LD 568	An Act To Conform HIV Testing to the Recommendations of the Federal Centers for Disease Control and Prevention	ONTP
LD 574	An Act To Increase Funding for the State's Immunization Program	ONTP
LD 808	Resolve, To Establish the Study Group To Examine Strategies for Integrating Nutritional Wellness and Prevention Measures into Maine's Health Care System	ONTP
LD 837	An Act To Prevent Infant Exposure to Harmful Hormone-disrupting Substances	ACCEPTED ONTP REPORT
LD 973	An Act To Require the Maine Center for Disease Control and Prevention To Publish Abortion Statistics	ONTP
LD 1179	An Act To Provide Regional Coordination and Planning for Public Health Programs and Activities	ONTP
LD 1184	Resolve, To Establish a Commission To Study the Possibility of Implementing the Proposed Healthy Americans Act	ONTP
LD 1309	An Act To Provide Equity in Funding for Women's Health Services	ONTP
LD 1398	An Act To Enable Restaurants To Allow Dogs In Outdoor Portions of Those Establishments	ONTP
LD 1446	An Act To Protect Children from Mercury and Thimerosal Toxicity in Immunizing Agents	ONTP
LD 1774	An Act To Provide Greater Information Pertaining to the Health of Maine Children	ONTP
LD 1775	An Act To Ensure Safe Drinking Water from Private Wells	ONTP

Substance Abuse

Enacted

LD 987	An Act To Provide Gambling Addiction Counseling Services through the Office of Substance Abuse	PUBLIC 116 EMERGENCY

Not Enacted

LD 1574	Resolve, To Address Drug Abuse and Addiction	ONTP

Tax and Match

Not Enacted

LD 703	An Act To Repeal the Tax on Private Nonmedical Institutions	ONTP

Tobacco Sale and Use

Enacted

LD 38	Resolve, Regarding Legislative Review of Portions of Chapter 250: Rules Relating to Smoking in the Workplace, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention, Partnership for a Tobacco-free Maine	RESOLVE 4 EMERGENCY
LD 725	An Act To Ensure Retail Tobacco License Compliance	PUBLIC 172
LD 859	An Act To Restrict the Smoking Exemption for Tobacco Specialty Stores	PUBLIC 180
LD 1361	An Act Concerning Certain Flavored Cigarettes and Flavored Cigars and Hard Snuff	PUBLIC 467

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON INLAND FISHERIES AND WILDLIFE

July 2007

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LD 11 **An Act To Create a 10-chance Moose Hunting Permit Application for Residents** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
HAMPER	ONTP A OTP-AM B	

LD 11 creates a 10-chance application for moose hunting permits for residents and allows a resident to purchase multiple 10-chance applications.

Committee Amendment "A" (H-185)

This committee amendment limits the number of 10-chance moose hunting permit applications a resident may purchase to one instead of unlimited.

LD 15 **An Act Imposing a Horsepower Restriction for Boat Motors on Muddy Pond** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE	ONTP	

LD 15 prohibits the operation of a motorboat equipped with a motor greater than 25 horsepower on Muddy Pond in the Town of Damariscotta in Lincoln County.

LD 51 **An Act To Provide Native Americans with Lifelong Licenses and Permits to Hunt, Fish and Trap** **PUBLIC 195**

Sponsor(s)	Committee Report	Amendments Adopted
SOCTOMAH RAYE	OTP-AM	H-228

LD 51 provides a lifetime tribal license for hunting, trapping and fishing to certified members of Maine's recognized Indian tribes.

Committee Amendment "A" (H-228)

This committee amendment replaces the bill and amends the law regarding complimentary licenses for Native Americans to provide that these licenses are valid for the life of the Native American and include all permits, stamps and other permissions that may be needed to hunt, fish and trap in the State. These complementary licenses are subject to any lottery or drawing system used for issuing a license or permit such as the lottery system for moose hunting permits.

Enacted Law Summary

Public Law 2007, chapter 195 provides that complimentary licenses for Native Americans are valid for the life of the Native American and include all permits, stamps and other permissions needed to hunt, fish and trap in the State subject to any lottery or drawing system used to issue a license or permit such as the lottery system for moose hunting permits.

LD 98 **An Act To Require Alien Big Game Hunters To Be Accompanied by a Guide** **PUBLIC 454**

Sponsor(s)	Committee Report	Amendments Adopted
THERIAULT MARTIN	OTP-AM MAJ ONTP MIN	H-159 S-367 ROTUNDO

LD 98 makes it illegal for a person who is not a citizen of the United States to hunt big game without being accompanied by a licensed guide.

Committee Amendment "A" (H-159)

This committee amendment replaces the bill and requires a person who is not a citizen of the United States to be accompanied by a licensed guide if that person wants to hunt moose, deer or bear.

Senate Amendment "A" (S-367)

This Senate amendment authorizes the transfer of $41,216 in each of fiscal years 2007-08 and 2008-09 from the Carrying Balances, General Fund account within the Department of Inland Fisheries and Wildlife to the unappropriated surplus of the General Fund.

Enacted Law Summary

Public 2007, chapter 454 requires a person who is not a citizen of the United States to be accompanied by a licensed guide if that person wants to hunt moose, deer or bear.

LD 99 **An Act To Allow an All-terrain Vehicle To Operate on Snow without Being Registered as a Snowmobile** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MCLEOD GOOLEY	ONTP MAJ OTP MIN	

LD 99 provides that a registered ATV that has been converted to operate on snow is not required to also be registered as a snowmobile.

LD 116 **An Act To Adjust Fees for Certain Resident and Nonresident Licenses, Registrations and Permits Issued by the Department of Inland Fisheries and Wildlife** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SIROIS SNOWE-MELLO	ONTP	

LD 116 adjusts certain fees charged by the Department of Inland Fisheries and Wildlife. It increases certain nonresident license, permit and registration fees by approximately 20% and reduces the resident hunting license and the resident combination hunting and fishing license by $3 each.

LD 117 **An Act To Prohibit Hunting at Range Ponds State Park** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN BRANNIGAN	ONTP	

LD 117 prohibits hunting in Range Ponds State Park.

LD 126 **Resolve, To Increase Public Access to Glazier Lake** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THERIAULT MARTIN	ONTP	

LD 126 directs the Department of Inland Fisheries and Wildlife to negotiate with a private owner of land that has access to Conners Cove on Glazier Lake in Aroostook County for public access to Glazier Lake.

LD 152 **An Act To Restrict the Use of Personal Watercraft on Crescent Lake and Tenney River in Raymond (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON	ONTP	

LD 152 prohibits the use of personal watercraft on Crescent Lake and Tenney River in Raymond.

LD 153 **An Act To Improve the Control and Prevention of Invasive Plant Species** **PUBLIC 44**

Sponsor(s)	Committee Report	Amendments Adopted
EBERLE	OTP-AM	H-28

LD 153 incorporates the existing lake and river protection sticker fee for Maine registered boats, $10, with the watercraft registration fee. This eliminates the need for producing and administering a lake and river protection sticker for Maine-registered watercraft. It also revises the watercraft registration fee structure to include the $10 lake and river protection fee for watercraft operating on inland waters of the State. LD 153 provides that only watercraft registered outside Maine must continue to display a separate lake and river protection sticker.

Committee Amendment "A" (H-28)

This committee amendment clarifies that the current lake and river protection sticker requirement still applies to nonresidents.

Enacted Law Summary

Public Law 2007, chapter 44 incorporates the existing lake and river protection sticker and fee structure for Maine-registered boats with the watercraft registration eliminating the need to produce and administer a

separate lake and river protection sticker for watercraft registered in Maine. Watercraft registered outside of Maine will still be required to display the separate lake and river protection sticker when operating in the inland waters of the state.

LD 162 **An Act To Require the Department of Inland Fisheries and Wildlife To Track All Stocking and Transfers of Fish** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	ONTP	

LD 162 requires the Commissioner of Inland Fisheries and Wildlife to track and record all stocking and transfers of fish in inland waters and to make that information publicly available.

LD 163 **An Act To Prohibit the Use of Blackchin Shiners as Baitfish** **PUBLIC 159**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	OTP-AM MAJ OTP MIN	H-66

LD 163 prohibits the use of the eastern silvery minnow, the emerald shiner, the spottail shiner and the blackchin shiner as bait fish in inland waters of the state.

Committee Amendment "A" (H-66)

This committee amendment prohibits only the use of blackchin shiners as baitfish in inland waters.

Enacted Law Summary

Public Law 2007, chapter 159 prohibits the use of blackchin shiners as baitfish in the inland waters of the state.

LD 164 **An Act To Require the Department of Inland Fisheries and Wildlife To Fin-clip All Stocked Fish** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	ONTP	

LD 164 requires that all fish stocked by the Department of Inland Fisheries and Wildlife in the inland waters be fin-clipped prior to release.

LD 165 **An Act To Designate the Arctic Charr as a State Heritage Fish** **PUBLIC 21**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	OTP-AM	H-14

LD 165 establishes Salvelinus alpinus oquassa, a distinct subspecies of the arctic charr known in Maine as the blueback charr, as a state heritage fish. It also requires the Commissioner of Inland Fisheries and Wildlife to adopt by rule a list of all state heritage fish waters and requirements.

Committee Amendment "A" (H-14)

This committee amendment provides that each fish listed as a state heritage fish has a list of state heritage fish waters specific to that fish. It also clarifies that a person may not use in or possess on a state heritage fish water live fish as bait.

Enacted Law Summary

Public Law 2007, chapter 21 establishes Salvelinus alpinus oquassa, a distinct subspecies of the arctic charr known in Maine as the blueback charr, as a state heritage fish. It requires the Commissioner of Inland Fisheries and Wildlife to adopt by rule a list of all artic charr waters and prohibits a person from possessing or using live fish as bait in or on state heritage fish waters.

LD 166 **An Act To Require the Standardization of Fishing Rules** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	ONTP	

LD 166 requires the Commissioner of Inland Fisheries and Wildlife to adopt a coding system for the department's annual fishing regulations abstract that assigns codes for all fishing regulations.

LD 167 **An Act To Allow Military Personnel Stationed in Maine To Register All-terrain Vehicles As Residents** **PUBLIC 70**

Sponsor(s)	Committee Report	Amendments Adopted
LANSLEY	OTP-AM	H-58

LD 167 allows a member of the Armed Forces of the United States who is permanently stationed at a military or naval post, station or base in Maine or the spouse or child of that member to register an ATV in Maine at the cost of a resident registration. The registration fees attributable to such a registration are allocated to the municipality in which the military or naval post, station or base is located.

Committee Amendment "A" (H-58)

This committee amendment adds clarifying language to the bill and removes the requirement that ATV registration fees be allocated to the municipality in which the post, station or base is located.

Enacted Law Summary

Public Law 2007, chapter 70 allows a member of the Armed Forces of the United States who is permanently stationed at a military or naval post, station or base in Maine or the spouse or child of that member to register an ATV in Maine at the cost of a resident registration.

LD 175 **An Act To Fund Youth Conservation Education** **PUBLIC 161**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM	S-61
		S-79 BRYANT B

LD 175 raises the number of moose permits auctioned by the Department of Inland Fisheries and Wildlife from 5 to 10 permits and states that the purpose of the auction is to benefit conservation education for youth. It provides the Commissioner of Inland Fisheries and Wildlife the option of not issuing permits to bidders if the bids present a financial return insufficient to reflect the public value of the permits. It also provides that unissued permits are to be drawn in the public chance drawing.

Committee Amendment "A" (S-61)

This committee amendment adds an emergency preamble and emergency clause to the bill, removes language that would restrict the current use of funds raised by the auction of moose hunting permits and makes the bill effective upon approval.

Senate Amendment "A" (S-79)

This amendment provides the appropriations and allocations section that was inadvertently omitted from the committee amendment.

Enacted Law Summary

Public Law 2007, chapter 161 raises the number of moose permits auctioned by the Department of Inland Fisheries and Wildlife from 5 to 10 permits and gives the Commissioner of Inland Fisheries and Wildlife the option of not issuing permits to bidders if the bids present a financial return insufficient to reflect the public value of the permits.

Public Law 2007, chapter 161 was enacted as an emergency measure effective May 23, 2007.

LD 197 **An Act To Prevent the Domestication of Wild Turkey and Deer** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
LANSLEY	ONTP	

LD 197 prohibits a person from feeding a wild turkey or deer.

LD 250 **An Act To Change Snowmobile Registration Requirements** **PUBLIC 165**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	OTP-AM	S-70

LD 250 streamlines snowmobile registration by eliminating the current use of permanent registration numbers.

Committee Amendment "A" (S-70)

This committee amendment strikes all the provisions of the bill except the language that removes the requirement that resident-owned snowmobile registration numbers remain with the snowmobile until that snowmobile is destroyed, abandoned or permanently removed from the state.

Enacted Law Summary

Public Law 2007, chapter 165 removes the requirement that resident-owned snowmobile registration numbers remain with the snowmobile until that snowmobile is destroyed, abandoned or permanently removed from the state.

LD 251 **An Act To Authorize the Bureau of Warden Service To Provide Assistance to Other Entities** **PUBLIC 20**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	OTP-AM	S-8

LD 251 authorizes the Department of Inland Fisheries and Wildlife, Bureau of Warden Service, with approval of the Commissioner of Inland Fisheries and Wildlife, to provide assistance to other entities, including county and state agencies, municipalities and private organizations, and persons. The bill allows the director of the Bureau of Warden Service to charge the entities or individuals for these services. LD 251 requires the Bureau of Warden Service to report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters no later than January 15th of each year concerning the assistance provided to other entities and persons during the previous calendar year. It provides that the report must contain information about the types of services provided, the number of services and the fees charged by the director of the Bureau of Warden Service.

Committee Amendment "A" (S-8)

This committee amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 20 authorizes the Department of Inland Fisheries and Wildlife, Bureau of Warden Service, with approval of the Commissioner of Inland Fisheries and Wildlife, to provide assistance to other entities, including county and state agencies, municipalities and private organizations, and persons. It authorizes the Director of the Bureau of Warden Service to charge the entities or individuals for these services. Public Law 2007, chapter 20 requires the Bureau of Warden Service to report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters no later than January 15th of each year concerning the assistance provided to other entities and persons during the previous calendar year. It provides that the report must contain information about the types of services provided, the number of services and the fees charged by the director of the Bureau of Warden Service.

LD 252 **An Act To Establish Emergency Response to Illegal Introductions of Invasive Fish Species** **PUBLIC 73**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	OTP-AM	S-38

LD 252 allows the Commissioner of Inland Fisheries and Wildlife, when an illegal introduction of invasive fish species has occurred, to authorize licensed anglers to assist in the taking and destruction of that invasive fish species.

Committee Amendment "A" (S-38)

This committee amendment authorizes the Commissioner of Inland Fisheries and Wildlife to use methods that would otherwise be prohibited by law or rule to take fish that have been illegally introduced.

Enacted Law Summary

Public Law 2007, chapter 73 provides that the Commissioner of Inland Fisheries and Wildlife, when an illegal introduction of invasive fish species has occurred, may authorize licensed anglers to assist in the taking and destruction of that invasive fish species using methods that may otherwise be prohibited by law or rule.

LD 274 **An Act To Promote Mandatory Assignments and Training for Assistant Game Wardens** **PUBLIC 421**

Sponsor(s)	Committee Report	Amendments Adopted
EBERLE	OTP-AM	

LD 274 authorizes the Department of Inland Fisheries and Wildlife, Bureau of Warden Service to compensate assistant game wardens for mandatory assignments and their attendance at mandatory training, classes or meetings and reimburse assistant game wardens for approved expenses.

Committee Amendment "A" (H-15)

This committee amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2007, chapter 421 authorizes the Department of Inland Fisheries and Wildlife, Bureau of Warden Service to compensate assistant game wardens for mandatory assignments and their attendance at mandatory training, classes or meetings and reimburse assistant game wardens for approved expenses.

LD 284 **An Act To Permit Archery Hunters the Opportunity To Take an Additional Deer** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
CLEARY	ONTP MAJ OTP MIN	

LD 284 allows a person who takes a deer with a bow and arrow during the special archery season to take one additional deer with a firearm during the regular firearm deer hunting season.

LD 285 **An Act To Designate Additional Wild Trout Waters for Recognition and Protection** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN	ONTP	

LD 285 directs the Commissioner of Inland Fisheries and Wildlife to create and maintain a list of secondary brook trout waters that have not been stocked in at least 20 years with the same restrictions as the law requires for native brook trout waters.

LD 307 **An Act To Enhance Land Use Opportunities for Landowners** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS BRYANT B	ONTP MAJ OTP MIN	

LD 307 allows landowners to hunt on Sunday on their own land if they own 20 or more acres and the land is open to hunting by the public. It requires a participating landowner to register with the Department of Inland Fisheries and Wildlife.

LD 347 **An Act To Improve Landowner Relations** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	ONTP MAJ OTP MIN	

LD 347 adds the coordination of landowner relations activities to the list of responsibilities of the Department of Inland Fisheries and Wildlife, Bureau of Warden Service. It also authorizes the bureau to request the assistance from other agencies with respect to these activities.

LD 356 **An Act Concerning Certain Hunting License Fees and Antlerless Deer Permits** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	ONTP	

LD 356 provides complimentary hunting licenses and permits to residents 65 years of age or older and honorably discharged veterans if they have purchased a Maine hunting license for at least 10 years. It provides that a person who applied for but did not receive an antlerless deer permit through the lottery system may purchase an antlerless deer permit that was not otherwise allocated through the lottery system for a fee of $100. This bill also lowers the fee for a junior resident hunting license from $7 to $5 if a person under 16 years of age purchases the license at the same time that person's parent or guardian purchases a hunting license. It also removes antiquated language regarding complimentary licenses for residents over 70 years of age.

LD 366 **An Act To Make Additions and Deletions to the List of State Endangered and Threatened Species** **PUBLIC 166**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M	OTP-AM	H-59 S-51 BRYANT B

The Maine Revised Statutes, Title 12, section 12803 requires that prior to recommending additions, deletions or other changes to the list of endangered and threatened species, the Commissioner of Inland Fisheries and Wildlife shall provide for public notice and public hearings on the proposed recommendations to the Legislature. LD 366 contains the recommended additions, amendments and deletions to that list.

Committee Amendment "A" (H-59)

This committee amendment amends the bill by making technical changes to certain scientific names.

Senate Amendment "A" (S-51)

This amendment corrects a spelling error.

Enacted Law Summary

Public Law 2007, chapter 166 amends the list of state endangered and threatened species by adding 14 species, removing 1 species, down-listing 1 species, updating the names of 4 species and adding the qualifier "breeding population only" to 2 species already on the list.

LD 379 **An Act To Expand the Fall Wild Turkey Hunting Season** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	ONTP	

LD 379 requires the Commissioner of Inland Fisheries and Wildlife to expand the fall wild turkey hunting season.

LD 421 **An Act To Improve Deer Management and Hunting** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HANLEY S	ONTP	

LD 421 allows a person who holds an antlerless deer permit to take a second deer, which is an antlerless deer, during an open, special, archery or muzzle-loading season. It also requires a $10 fee to be charged for an antlerless deer permit, which must be credited to the Antlerless Deer Fund to staff and administer a landowners relations program.

LD 455 **An Act To Protect the All-terrain Vehicle Trail System** **PUBLIC 202**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	OTP-AM	H-291

LD 455 is a concept draft pursuant to Joint Rule 208.

LD 455 proposes to clarify the definition of an all-terrain vehicle in the statutes and further proposes to enact restrictions on the use of all-terrain vehicle trails, including limiting truck use on the trails designed for all-terrain vehicle use.

Committee Amendment "A" (H-291)

This committee amendment prohibits a truck, pickup truck or passenger vehicle from operating on a designated all-terrain vehicle trail that is not on a gravel road system unless that use has been authorized by the landowner or the landowner's agent or it is necessitated by an emergency involving the safety of a person or property.

Enacted Law Summary

Public Law 2007, chapter 202 prohibits a truck, pickup truck or passenger vehicle from operating on a designated all-terrain vehicle trail that is not on a gravel road system unless that use has been authorized by the landowner or the landowner's agent or it is necessitated by an emergency involving the safety of a person or property.

LD 485 **An Act To Provide Free Turkey Hunting Permits to Maine Residents 80 Years of Age or Older** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

LD 485 allows a resident 80 years of age or older to obtain a complimentary turkey hunting permit.

LD 486 **An Act To Establish an Apprenticeship Hunter License Program** **PUBLIC 203**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON W	OTP-AM	H-238

LD 486 creates an apprenticeship hunter license, patterned after the junior hunting license, which allows a person without a hunting license to hunt under the supervision of a person who holds a valid hunting license or has passed a qualified hunter safety course.

Committee Amendment "A" (H-238)

This committee amendment modifies the apprenticeship hunter license restriction provisions of the bill to:

1. Remove provisions that allow a person who does not hold a Maine hunting license but has passed a hunter safety course to serve as a supervisor to an apprentice hunter;

2. Increase the fine for a person hunting under an apprenticeship hunter license without being in the presence of a supervisor from a fine of not less than $100 and not more than $500 to a fine of not less than $500 and not more than $1,000;

3. Provide that a supervisor must have held a hunting license for the prior 5 years to be eligible to be a supervisor and that the supervisor is responsible for ensuring that the apprentice hunter follows safe hunting protocol and hunting laws;

4. Provide that a supervisor may not intentionally permit a person hunting under an apprenticeship hunter license with that supervisor to hunt outside of that supervisor's presence and make a violation of that requirement a civil violation for which a fine of not less than $500 must be imposed;

5. Provide that a person is eligible to hold an apprenticeship hunter license only once and that the license expires on December 31st;

6. Provide that a resident and a nonresident big game apprenticeship hunter license each includes a bear hunting permit and a wild turkey hunting permit and that the resident license costs $21 and the nonresident license costs $102; and

7. Provide for a nonresident small game apprenticeship hunter license for $67.

Enacted Law Summary

Public Law 2007, chapter 203 creates resident and nonresident apprenticeship hunter license, patterned after the

junior hunting license, which allows a person without a hunting license to hunt under the supervision of a person who holds a valid hunting license. A person is eligible to hold an apprenticeship hunter license only once and the license includes a bear hunting permit and a wild turkey hunting permit. To be eligible to be a supervisor, a person must hold a valid hunting license and must have held a hunting license for the prior 5 years. Public Law 2007, chapter 203 also provides that the supervisor is responsible for ensuring that the apprentice hunter follows safe hunting protocol and hunting laws and provides penalties for a supervisor that intentionally permits a person hunting under an apprenticeship hunter license with that supervisor to hunt outside of that supervisor's presence.

LD 503 **An Act Regarding the Authority of the Commissioner of Inland Fisheries and Wildlife To Issue Licenses to Beagle Clubs To Trap Snowshoe Hares** **PUBLIC 45 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL	OTP-AM MAJ ONTP MIN	H-35

LD 503 authorizes the Commissioner of Inland Fisheries and Wildlife to issue a permit to a beagle club to take live snowshoe hares for use by that beagle club.

Committee Amendment "A" (H-35)

This committee amendment rewords the bill to conform to the standard language for prohibited acts under the Maine Revised Statutes, Title 12, Part 13. It also provides civil penalties for violations regarding the trapping of snowshoe hares by beagle clubs.

Enacted Law Summary

Public Law 2007, chapter 45, authorizes the Commissioner of Inland Fisheries and Wildlife to issue a permit to a beagle club to take live snowshoe hares for use by that beagle club.

Public Law 2007, chapter 503 was enacted as an emergency measure effective April 12, 2007.

LD 504 **An Act To Require the Commissioner of Inland Fisheries and Wildlife To Reserve 250 Moose Permits for Residents Who Have Never Received One** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	ONTP	

LD 504 requires the Commissioner of Inland Fisheries and Wildlife to reserve 250 moose permits for resident applicants who have never issued a moose permit.

LD 539 **An Act To Ban Personal Watercraft on East Carry Pond, Middle Carry Pond and West Carry Pond** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PINKHAM	ONTP MAJ OTP MIN	

LD 539 prohibits the operation of personal watercraft on East Carry Pond, Middle Carry Pond and West Carry Pond in Carrying Place Township, T2 R3 BKP WKR in Somerset County.

LD 571 **An Act To Protect Beef Producers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THERIAULT	ONTP	

LD 571 allows a person to take or kill moose that are damaging property where cattle are kept or worrying the cattle on that property.

LD 579 **Resolve, To Extend Fall Fishing Opportunities** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
HOLMAN	ONTP MAJ OTP MIN	

LD 579 directs the Commissioner of Inland Fisheries and Wildlife to adopt rules to establish a catch-and-release season in October and November for all stocked moving waters of the State.

LD 605 **An Act To Eliminate the Super Pack Hunting License** **PUBLIC 163**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	OTP-AM	S-86

LD 605 repeals the super pack hunting license.

Committee Amendment "A" (S-86)

This committee amendment replaces the bill and does the following:

1. Changes the title of the bill to "An Act to Improve the Super Pack License:"

2. It makes a technical change by changing the name of the "archery-only" deer hunting season to the "regular archery-only" deer hunting season for the purpose of clarity;

3. It clarifies what licenses and permits are included in the super pack license;

4. It clarifies that a license or permit contained in the super pack license is not valid unless the holder of the super pack license has met the eligibility requirements for that specific license or permit; however, a person may be issued a super pack license without meeting the specific requirements of an individual license or permit contained in the super pack license;

5. It allows the holder of a super pack license to take up to 5 deer annually: one deer during either the regular open firearm season or the regular archery-only season or the special muzzle-loading season; one deer under an antlerless deer permit; and 3 more deer during the special archery season in accordance with the Maine Revised Statutes, Title 12, section 11402, subsection 4; and

6. Provides an effective date of January 1, 2008.

Enacted Law Summary

Public Law 2007, chapter 163 does the following:

1. It makes a technical change by changing the name of the "archery-only" deer hunting season to the "regular archery-only" deer hunting season for the purpose of clarity;

2. It clarifies what licenses and permits are included in the super pack license;

3. It clarifies that a license or permit contained in the super pack license is not valid unless the holder of the super pack license has met the eligibility requirements for that specific license or permit; however, a person may be issued a super pack license without meeting the specific requirements of an individual license or permit contained in the super pack license; and

4. It allows the holder of a super pack license to take up to 5 deer annually: one deer during either the regular open firearm season or the regular archery-only season or the special muzzle-loading season; one deer under an antlerless deer permit; and 3 more deer during the special archery season in accordance with the Maine Revised Statutes, Title 12, section 11402, subsection 4.

LD 616 **An Act To Allow the Transfer of an Antlerless Deer Permit to a Child with a Disability** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ANNIS	ONTP	

LD 616 allows a person who holds a valid antlerless deer permit to transfer that permit to a child with a disability as long as the child has successfully completed a hunter safety course.

LD 617 **An Act To Promote Moose Hunting** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ANNIS	ONTP	

LD 617 allows a person who holds a valid moose permit to give that person's subpermittee permission to hunt a moose alone without the presence of that person.

LD 618 **An Act To Increase the Amount Retained by Agents Who Issue Hunting and Fishing Licenses (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	

LD 618 increases to $3 the fees charged for issuing hunting and fishing licenses and permits by agents and clerks appointed by the Commissioner of Inland Fisheries and Wildlife.

LD 633 **An Act To Improve Funding for the State Snowmobile Trail System** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK SHERMAN		

LD 633 is a concept draft pursuant to Joint Rule 208.

LD 633 proposes to amend the current law to link a person's membership in a snowmobile organization to snowmobile registration fees. This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 634 **An Act To Encourage Landowners To Allow Hunting** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	ONTP MAJ OTP-AM MAJ	

LD 634 requires the Commissioner of Inland Fisheries and Wildlife to allocate at least 30% of available antlerless deer permits to landowners that meet certain requirements and keep their land open to hunting by the public.

LD 648 **An Act To Maintain the Amount of State Land That Is Open for Hunting** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON		

LD 648 was jointly referred to the Committee on Agriculture, Conservation and Forestry and the Committee on Inland Fisheries and Wildlife and provides that the number of acres open to hunting on reserved and nonreserved state lands may not be reduced from the total number of acres available for hunting on those lands as of January 1, 2008.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 653 **An Act Regarding Proof of a Violation of the Laws against Hunting on Sunday** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	ONTP	

Under current law possession of hunting equipment in the fields or forests or on the waters or ice in the State on Sunday is considered prima facie evidence of a violation of hunting on Sunday. LD 653 repeals that law.

LD 654 **An Act To Make License Requirements and Rules Consistent for Young Anglers** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M		

LD 654 makes age requirements for nonresident youth anglers consistent with resident anglers. Under current law a resident anglers is not required to have a fishing license until reaching 16 years of age.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 655 **An Act To Change the Firearms Season on Deer** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HANLEY S	ONTP	

LD 655 sets the regular firearms season for deer in Wildlife Management Districts 1 to 11 one week prior to the first Saturday in November and continues for the following 5 weeks. It also provides that in the other wildlife management districts, the regular firearms season for deer begins on the first Saturday in November and continues for the following 4 weeks.

LD 698 **An Act To Increase the Seal Fee for Registration of a Harvested Animal (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JOY	ONTP	

LD 698 increases the seal fee for registration of a harvested animal from $1 to $5.

LD 728 **An Act To Enhance the Wise Use and Sound Management of Maine's Wildlife Resources** **PUBLIC 168**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD TURNER	OTP-AM	H-158

LD 728 prohibits a hunter or trapper from wasting a harvested or wounded game animal and removes the law that allows the holder of a big game license to take a bear during the regular open firearm season on deer without a bear hunting permit. It also provides that the revenue generated from the issuance of bear hunting permits in excess of the number issued in 2006 must be used to fund studies relating to the harvesting of black bears.

Committee Amendment "A" (H-158)

This committee amendment replaces the bill and does the following:

1. It establishes the Black Bear Research Fund to fund research regarding the management of black bear;

2. It requires nonresident hunters to obtain a nonresident late season bear hunting permit to hunt bear during the regular firearm season on deer if that person does not possess a regular season bear hunting permit. The fee for the permit is $40;

3. It creates a new bear trapping permit. The fee for the permit is $27 for residents and $67 for nonresidents;

4. It prohibits the intentional waste of wounded or killed game animals;

5. It authorizes a guide to dispatch a client's wounded or killed bear, deer or moose after legal hunting hours; and

6. It provides an effective date of January 1, 2008 for those provisions regarding the Black Bear Research Fund and bear hunting and trapping.

Enacted Law Summary

Public Law 2007, chapter 168 does the following:

1. It establishes the Black Bear Research Fund to fund research regarding the management of black bear;

2. It requires nonresident hunters to obtain a nonresident late season bear hunting permit to hunt bear during the regular firearm season on deer if that person does not possess a regular season bear hunting permit;

3. It creates a new bear trapping permit. The fee for the permit is $27 for residents and $67 for nonresidents;

4. It prohibits the intentional waste of wounded or killed game animals; and

5. It authorizes a guide to dispatch a client's wounded or killed bear, deer or moose after legal hunting hours.

LD 771 **An Act To Allow a Hunter To Retrieve a Dog from Posted Property** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH NUTTING J	ONTP	

LD 771 amends the trespass laws to allow an exemption for a hunter to go on posted land to retrieve the hunter's dog if the dog has crossed onto property that is posted.

LD 772 **An Act To Track and Record All Fishing-related Rules Changes** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON PERRY J	ONTP MAJ OTP MIN	

LD 772 requires the Commissioner of Inland Fisheries and Wildlife to establish a database that tracks and records changes to the department's fishing rules.

LD 783 **An Act To Clarify That Senior Lifetime Hunting Licenses Include the Right To Hunt Turkey** **PUBLIC 433**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP-AM MAJ ONTP MIN	H-149 S-364 ROTUNDO

LD 783 clarifies that a senior lifetime hunting license includes the right to hunt turkey.

Committee Amendment "A" (H-149)

This committee amendment provides a spring and fall wild turkey hunting permit to a person who is 70 years of age or older who holds a senior lifetime license.

Senate Amendment "A" (S-364)

This Senate amendment authorizes the transfer of $16,700 in each of fiscal years 2007-08 and 2008-09 from the Carrying Balances, General Fund account within the Department of Inland Fisheries and Wildlife to the unappropriated surplus of the General Fund.

Enacted Law Summary

Public Law 2007, chapter 433 provides a spring and fall wild turkey hunting permit to a person who is 70 years of age or older who holds a senior lifetime license.

LD 799 **An Act To Prohibit the Use of Motorized Watercraft on Lily Pond in Deer Isle** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	ONTP	

LD 799 prohibits the use of a motorboat on Lily Pond in Deer Isle.

LD 822 **An Act To Eliminate Fees for Resident Junior Hunters** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PRATT	ONTP	

LD 822 repeals the fee for a resident junior hunting license.

LD 823 **Resolve, To Create an Effective Deer Habitat Enhancement and Coyote Control Program** **RESOLVE 39**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	OTP-AM	H-190

LD 823 directs the Commissioner of Inland Fisheries and Wildlife to review the existing coyote control program and report the commissioner's findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by December 30, 2007. It authorizes the Joint Standing Committee on Inland Fisheries and Wildlife to submit legislation to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-190)

This committee amendment requires the Commissioner of Inland Fisheries and Wildlife to establish a working group to review existing programs and efforts for creating, enhancing and maintaining critical deer habitat in the State and reducing predation of deer by coyotes.

Enacted Law Summary

Resolve 2007, chapter 39 requires the Commissioner of Inland Fisheries and Wildlife to establish a working group to review existing programs and efforts for creating, enhancing and maintaining critical deer habitat in the State and reducing predation of deer by coyotes.

LD 824 **Resolve, Directing the Commissioner of Inland Fisheries and Wildlife To Extend the Coyote Night Hunting Season** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	ONTP	

LD 824 directs the Commissioner of Inland Fisheries and Wildlife to allow the hunting of coyote at night throughout the year.

LD 825 **An Act To Allow Special Olympics Maine To Conduct an Open Bass Fishing Tournament** **P & S 16**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	OTP-AM MAJ ONTP MIN	H-230

LD 825 allows Special Olympics Maine to hold an open bass fishing tournament every year on the first Sunday in May on Cobbossee Lake. It also exempts the tournament from the rules that govern open bass fishing tournaments.

Committee Amendment "A" (H-230)

This committee amendment requires that 100% instead of 25% of gross proceeds received from entry fees for a bass tournament involving Special Olympics Maine be donated to Special Olympics Maine or be awarded to participants as prizes. It also removes the provision from the bill that would exempt the tournament from the rules that govern open bass fishing tournaments.

Enacted Law Summary

Private and Special Law 2007, chapter 16 allows Special Olympics Maine to hold an open bass fishing tournament every year on the first Sunday in May on Cobbossee Lake and requires that 100% of the gross proceeds received from entry fees be donated to Special Olympics Maine or be awarded to participants as prizes.

LD 826 **An Act To Protect Inland Waters and Property Owners** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MOORE G	ONTP	

LD 826 is a concept draft pursuant to Joint Rule 208.

LD 826 proposes to improve the process for getting permits from the Department of Inland Fisheries and Wildlife for events on lakes. The process will provide for local input and clear guidelines, especially for denials of permits.

LD 865 **An Act To Increase the Number of Disabled Veterans That Are Eligible for Complimentary Lifetime Licenses and To Create the Search and Rescue Fund** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
MILLETT	OTP-AM	H-540

LD 865 provides veterans or enlisted members of the United States Armed Forces, the Reserves of the United States Armed Forces or the National Guard who have served or are currently serving in Iraq or Afghanistan or other location associated with the global war on terrorism discounts on hunting and fishing licenses. It also establishes a Search and Rescue Fund and provides for a General Fund allocation into that fund in an amount that offsets the Department of Inland Fisheries and Wildlife's loss of revenue due to the discounted hunting and fishing licenses.

Committee Amendment "A" (H-540)

This committee amendment changes the title of the bill to "An Act to Increase the Number of Disabled Veterans That are Eligible for Complimentary Lifetime Licenses and to Create the Search and Rescue Fund." It replaces the provision of the bill proposing to provide discounted license fees for certain veterans with language that increases the number of disabled veterans that are eligible to receive complimentary lifetime licenses and permits to hunt, fish, trap and guide by reducing the level of disability needed to qualify from 100% for noncombat military and 70% for combat-related disability to 50% or more disability for all veterans. It also clarifies the definition of "veteran" and how the loss of revenues to the Department of Inland Fisheries and Wildlife for providing these complimentary licenses to be reimbursed from the General Fund. This committee amendment changes the allocation of the laws establishing the Search and Rescue Fund in order to avoid creating a conflict.

LD 887 **An Act To Reduce Watercraft Noise Levels on Lakes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M	ONTP	

LD 887 reduces the permissible stationary sound level of watercraft and airmobiles from 90 decibels to 85 decibels and permissible operational sound level from 75 decibels to 70 decibels.

LD 888 **An Act To Clarify the Definition of "Personal Watercraft"** **PUBLIC 169**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J BRYANT B	OTP-AM MAJ ONTP MIN	H-153

LD 888 exempts a motorized watercraft that is not capable of being operated in excess of 15 miles per hour and does not generate an unreasonable amount of noise from the definition of "personal watercraft" in the laws governing inland fisheries and wildlife.

Committee Amendment "A" (H-153)

This committee amendment removes the requirement from the bill that the watercraft not be capable of being operated in excess of 15 miles per hour and replaces it with the requirement that the watercraft not have a horsepower rating greater than 15 horsepower.

Enacted Law Summary

Public Law 2007, chapter 169 exempts a motorized watercraft that does not have a horsepower rating greater than 15 horsepower and does not generate an unreasonable amount of noise from the definition of "personal watercraft" in the laws governing inland fisheries and wildlife.

LD 932 **Resolve, To Study Incentives To Encourage All-terrain Vehicle Registrants To Join Local All-terrain Vehicle Clubs** **RESOLVE 104**

Sponsor(s)	Committee Report	Amendments Adopted
HOTHAM	OTP-AM	H-410

LD 932 directs the Department of Inland Fisheries and Wildlife to study incentives, including possible financial incentives, to encourage all-terrain vehicle registrants to join local all-terrain vehicle clubs and to submit a report and any recommended legislation to the Second Regular Session of the 123rd Legislature no later than December 5, 2007.

Committee Amendment "A" (H-410)

This committee amendment replaces the resolve and directs the Department of Conservation to convene a stakeholders group that includes representatives of the Department of Inland Fisheries and Wildlife, Alliance of Trail Vehicles of Maine and other interested parties to study possible incentives, including financial incentives, to encourage all-terrain vehicle registrants to join local all-terrain vehicle clubs. It directs the Department of Conservation to report the findings and recommendations and any proposed legislation to the Joint Standing Committee on Inland Fisheries and Wildlife no later than December 5, 2007. It also authorizes the Joint Standing Committee on Inland Fisheries and Wildlife to submit legislation related to that report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 104 directs the Department of Conservation to convene a stakeholders group that includes representatives of the Department of Inland Fisheries and Wildlife, Alliance of Trail Vehicles of Maine and other interested parties to study possible incentives, including financial incentives, to encourage all-terrain vehicle registrants to join local all-terrain vehicle clubs. It directs the Department of Conservation to report the findings and recommendations and any proposed legislation to the Joint Standing Committee on Inland

Fisheries and Wildlife no later than December 5, 2007. It also authorizes the Joint Standing Committee on Inland Fisheries and Wildlife to submit legislation related to that report to the Second Regular Session of the 123rd Legislature.

LD 982 **An Act To Encourage Youth Hunting** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CARTER	ONTP	

LD 982 allows a person who takes a deer on youth deer hunting day to take one additional deer during other open deer seasons. It also allows a person who takes a turkey on youth spring wild turkey hunting day to take an additional turkey during turkey hunting season.

LD 1045 **An Act To Extend the Coyote Night Hunting Season** **PUBLIC 242**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	OTP-AM MAJ ONTP MIN	H-295

LD 1045 establishes the coyote award program. It also increases hunting license fees by $1 and directs the Commissioner of Inland Fisheries and Wildlife to use the funds collected from the increase in hunting license fees for the coyote award program and the animal damage control program.

Committee Amendment "A" (H-295)

This committee amendment replaces the bill and extends the night hunting season for coyotes by just over one month. The current night hunting season for coyotes runs from January 1st to April 30th and this amendment changes that season to January 1st to June 1st.

Enacted Law Summary

Public Law 2007, chapter 242 extends the night hunting season for coyotes by just over one month. The current night hunting season for coyotes runs from January 1st to April 30th and this amendment changes that season to January 1st to June 1st.

LD 1080 **An Act To Increase Public Participation in the Maine Outdoor Heritage Fund Board** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	ONTP	

LD 1080 prohibits a specific state sportsmen's organization or a specific state wildlife conservation organization from being represented on the Maine Outdoor Heritage Fund Board for more than 2 consecutive 4-year terms without a break in service.

LD 1081 **An Act To Protect Wild Trout from Exotic Species** **DIED IN CONCURRENCE**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN	ONTP MAJ OTP-AM MIN	

LD 1081 prohibits the stocking of splake in any waters that drain into or out of wild trout waters. It also directs the Commissioner of Inland Fisheries and Wildlife to prepare a list of waters that are suitable for splake stocking.

Committee Amendment "A" (H-269)

This committee amendment prohibits the Department of Inland Fisheries and Wildlife from stocking splake or issuing a permit to stock splake in waters that run into or out of wild brook trout waters. It also provides that the Commissioner of Inland Fisheries and Wildlife must have the list of waters suitable for splake stocking available to the public no later than December 1, 2007.

LD 1101 **An Act To Establish a Complimentary Moose Permit Drawing for 100% Disabled Veterans** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP MAJ OTP-AM MIN	

LD 1101 establishes a special complimentary moose permit drawing for resident veterans who are 100% disabled and served in a combat zone. It authorizes the Commissioner of Inland Fisheries and Wildlife to determine the number of permits to be allotted for the special drawing but limits the number to no more than 2% of the total number of permits issued annually during the regular moose permit drawing.

LD 1104 **An Act To Amend Certain Provisions of Fish and Wildlife Law** **PUBLIC 463**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	OTP-AM	S-234 S-356 ROTUNDO

LD 1104 adds more lifetime hunting permits for Native Americans, provides for a complimentary license to hunt and fish to a spouse or child of a game warden killed in the line of duty and clarifies and corrects an incorrect penalty section. It also adds areas to the list of state-owned wildlife management areas.

Committee Amendment "A" (S-234)

This committee amendment removes the requirement that a person have a permit to harvest alewives from the Maine Revised Statutes, Title 12, Part 13 because jurisdiction over the management of that species is being transferred to another department. It makes those provisions effective January 1, 2008. It also provides that a person may not possess an antlerless deer in Washington County unless that deer has been legally registered in another county.

Senate Amendment "A" (S-356)

This amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2007, chapter 463 provides a complimentary license to hunt and fish to a spouse or child of a game warden killed in the line of duty. It removes the requirement that a person have a permit to harvest alewives from the Maine Revised Statutes, Title 12, Part 13 because jurisdiction over the management of that species is being transferred to another department. It also provides that a person may not possess an antlerless deer in Washington County unless that deer has been legally registered in another county. Public Law 2007, chapter 463 adds areas to the list of state-owned wildlife management areas and corrects an technical error regarding the penalty for the use of a firearm in the Town of Southport.

LD 1133 **Resolve, To Establish the William Silliker Memorial Wildlife Watching Area** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	ONTP	

LD 1133 directs the Department of Conservation to establish a wildlife watching area on state-owned land to be named in memory of noted Maine naturalist and photographer William Silliker. It requires the Commissioner of Conservation to work with the Department of Inland Fisheries and Wildlife to adopt rules and select a location based on public input, biological suitability, public accessibility and public safety.

LD 1305 **Resolve, To Create a New Hunter Safety Course** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	ONTP	

LD 1305 directs the Department of Inland Fisheries and Wildlife to create a new hunter safety course that includes an option for home study or classroom instruction, a day at the shooting range and options for firearm, bow and crossbow hunting instruction.

LD 1387 **An Act Concerning the Taking of Nuisance Animals (by request)** **PUBLIC 198**

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE D	OTP-AM	H-229

LD 1387 allows a person to kill up to 2 wild animals or wild turkeys or 5 deer annually on that person's property if a game warden issues a permit to do so because of crop damage. It provides that if a person kills more than 2 wild animals or wild turkeys or 5 deer, the carcasses of deer, bear, moose or wild turkeys killed or taken must be distributed to recipients authorized through the Hunters for the Hungry Program and the Department of Inland Fisheries and Wildlife must be notified within 24 hours that the meat is ready to be picked up.

Committee Amendment "A" (H-229)

This committee amendment retains the provisions of current law regarding who is eligible to keep the carcasses of nuisance animals and allows a person to keep up to 3 instead of 2 nuisance deer carcasses.

Enacted Law Summary

Public Law 2007, chapter 198 provides that when a person has meat from harvested nuisance animals to be distributed to recipients authorized through the Hunters for the Hungry Program, that person shall inform the Department of Inland Fisheries and Wildlife within 24 hours that the meat is ready to be picked up. It also raises the number of nuisance deer carcasses that a person who harvested the deer can keep from 2 to 3 deer.

LD 1496 An Act To Restrict the Time during Which an Airmobile May Be Operated **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BENOIT	ONTP	

LD 1496 prohibits a person from operating an airmobile between midnight and 7:00 a.m.

LD 1635 An Act To Prohibit Recreational Bear Trapping **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SCHATZ	ONTP MAJ OTP-AM MIN	

LD 1635 abolishes the open season on trapping bears but allows for the trapping of bear only for scientific research, animal damage control or public safety.

LD 1642 Resolve, To Improve Landowner Relations **RESOLVE 130 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER	OTP-AM A ONTP B	H-233 S-374 ROTUNDO

LD 1642 authorizes the Department of Inland Fisheries and Wildlife to create a full-time landowner relations coordinator within its Information and Education Division.

Committee Amendment "A" (H-233)

This committee amendment adds an appropriations and allocations section to the resolve.

Senate Amendment "A" (S-374)

This Senate amendment is an emergency measure and replaces the bill with a resolve. It authorizes a limited-period Director of Recreational Access and Landowner Relations position within the Department of Conservation. Forty percent of the funding for this position must be provided by the Department of Conservation and 60% must come from the Department of Inland Fisheries and Wildlife. It also provides that this position is established to work with the Department of Inland Fisheries and Wildlife on issues regarding outreach and assistance to landowners who permit public recreational access on private lands.

Enacted Law Summary

Resolve 2007, chapter 130 authorizes a limited-period Director of Recreational Access and Landowner Relations position within the Department of Conservation. Forty percent of the funding for this position must be provided by the Department of Conservation and 60% must come from the Department of Inland Fisheries and Wildlife. It also provides that this position is established to work with the Department of Inland Fisheries and Wildlife on issues regarding outreach and assistance to landowners who permit public recreational access on private lands.

Resolve 2007, chapter 130 was passed as an emergency measure effective June 27, 2007.

LD 1834 **An Act To Authorize the Use of Timber Harvesting Revenues for Land Management** **PUBLIC 217**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	OTP-AM	S-123

LD 1834 resolves a conflict with a federal statute that requires timber revenues from any of the Department of Inland Fisheries and Wildlife's wildlife management areas purchased with federal aid funds be used for land management activities on the lands from which they were derived. It also repeals the requirement that the State pay 50% of the net profits that it receives from the sale or lease of natural products on such land to a municipality located on that land.

Committee Amendment "A" (S-123)

This committee amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 217 conforms state law with federal statute that requires timber revenues from any of the Department of Inland Fisheries and Wildlife's wildlife management areas purchased with federal aid funds be used for land management activities on the lands from which they were derived. It also repeals the requirement that the State pay 50% of the net profits that it receives from the sale or lease of natural products on such land to a municipality located on that land.

LD 1838 **An Act To Ensure Safety on Freshwater Ferry Vessels** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON		

LD 1838 provides for the regulation of ferries that operate in state waters, not including navigable waters under the jurisdiction of the United States Coast Guard. The provisions of this bill include:

1. The requirement that each ferry be inspected yearly by an accredited marine surveyor;

2. Specific inspection requirements of various components of a ferry;

3. The number of permitted individuals and permitted passengers on a ferry;

4. Safe operation of a ferry while underway; and

5. Preparations for an emergency.

LD 1838 was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1858 An Act To Protect Inland Water Access **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON BRYANT B	Re-refer to IFW and ACF	

LD 1858 was jointly referred to the Committee on Agriculture, Conservation and Forestry and the Committee on Inland Fisheries and Wildlife and requires a state agency to hold a public hearing on a state agency proposal to restrict, expand or change in any way access to inland waters. The public hearing must be held near the location of the proposed restriction, expansion or change.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1912 Resolve, To Develop the Outdoor Licensed Network **RESOLVE 83**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	OTP-AM MAJ ONTP MIN	S-186

LD 1912 increases registration fees for ATV registrations from $33 to $70 for a resident and from $68 to $105 for a nonresident. If a person documents at the time of registration current membership in an eligible ATV club that is in good standing with the Secretary of State and recognized by the Department of Conservation as maintaining ATV trails for the public, the fee is reduced to $30 for a resident and $65 for a nonresident. It defines "eligible ATV club" to mean a nonprofit organization located in the State established and maintained primarily for purposes involving ATVs and that charges no more than $20 for an individual membership and $25 for a family membership. LD 1912 directs the Department of Conservation, in conjunction with the Department of Inland Fisheries and Wildlife, to report to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2009 their findings and recommendations regarding the implementation and enforcement of the reduced registration fees. It has an effective date of June 30, 2008.

Committee Amendment "A" (S-186)

This committee amendment replaces the bill and changest he title to "Reoslve, to Develop the Outdoor Licensed Network." It directs the Department of Inland Fisheries and Wildlife in consultation with the Department of Conservation and the Joint Standing Committee on Inland Fisheries and Wildlife to develop a plan to create and implement the Outdoor Licensed Network to acquire, preserve and enhance access to land and inland waters of the State, to ensure coordinated planning for the future use and preservation of access for activities licensed by the department and to provide an effective grassroots system to identify, secure and manage access on an ongoing basis. It also provides that the plan must include provisions to divide the State into sections and districts designed to encompass fish and game clubs or similar entities and that those entities must be utilized for the purpose of identifying, monitoring and prioritizing information on land within each district that may be available for acquisition or other access and to deal with landowner issues. This committee amendment provides that the plan must establish the Network Advisory Council to aid fish and game clubs engaged in activities regarding the network and requires the Department of Inland Fisheries and Wildlife to

report back its findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2008.

Enacted Law Summary

Public law 2007, chapter 83 directs the Department of Inland Fisheries and Wildlife in consultation with the Department of Conservation and the Joint Standing Committee on Inland Fisheries and Wildlife to develop a plan to create and implement the Outdoor Licensed Network to acquire, preserve and enhance access to land and inland waters of the State, to ensure coordinated planning for the future use and preservation of access for activities licensed by the department and to provide an effective grassroots system to identify, secure and manage access on an ongoing basis. It also provides that the plan must include provisions to divide the State into sections and districts designed to encompass fish and game clubs or similar entities and that those entities must be utilized for the purpose of identifying, monitoring and prioritizing information on land within each district that may be available for acquisition or other access and to deal with landowner issues. Public Law 2007, chapter 83 provides that the plan must establish the Network Advisory Council to aid fish and game clubs engaged in activities regarding the network. It requires the Department of Inland Fisheries and Wildlife to report back its findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 15, 2008.

SUBJECT INDEX

All-terrain Vehicles

Enacted

LD 167	An Act To Allow Military Personnel Stationed in Maine To Register All-terrain Vehicles As Residents	PUBLIC 70
LD 455	An Act To Protect the All-terrain Vehicle Trail System	PUBLIC 202
LD 932	Resolve, To Study Incentives To Encourage All-terrain Vehicle Registrants To Join Local All-terrain Vehicle Clubs	RESOLVE 104

Not Enacted

LD 99	An Act To Allow an All-terrain Vehicle To Operate on Snow without Being Registered as a Snowmobile	ACCEPTED ONTP REPORT

Coyote

Enacted

LD 823	Resolve, To Create an Effective Deer Habitat Enhancement and Coyote Control Program	RESOLVE 39
LD 1045	An Act To Extend the Coyote Night Hunting Season	PUBLIC 242

Not Enacted

LD 824	Resolve, Directing the Commissioner of Inland Fisheries and Wildlife To Extend the Coyote Night Hunting Season	ONTP

Deer

Not Enacted

LD 284	An Act To Permit Archery Hunters the Opportunity To Take an Additional Deer	ACCEPTED ONTP REPORT
LD 421	An Act To Improve Deer Management and Hunting	ONTP
LD 655	An Act To Change the Firearms Season on Deer	ONTP

Department of Inland Fisheries and Wildlife

Enacted

LD 251	An Act To Authorize the Bureau of Warden Service To Provide Assistance to Other Entities	PUBLIC 20
LD 274	An Act To Promote Mandatory Assignments and Training for Assistant Game Wardens	PUBLIC 421
LD 1642	Resolve, To Improve Landowner Relations	RESOLVE 130 EMERGENCY

Not Enacted

LD 126	Resolve, To Increase Public Access to Glazier Lake	ONTP
LD 347	An Act To Improve Landowner Relations	ACCEPTED ONTP REPORT
LD 772	An Act To Track and Record All Fishing-related Rules Changes	ACCEPTED ONTP REPORT
LD 1080	An Act To Increase Public Participation in the Maine Outdoor Heritage Fund Board	ONTP
LD 1305	Resolve, To Create a New Hunter Safety Course	ONTP

Endangered and Threatened Species

Enacted

LD 366	An Act To Make Additions and Deletions to the List of State Endangered and Threatened Species	PUBLIC 166

Fish and Fishing

Enacted

LD 163	An Act To Prohibit the Use of Blackchin Shiners as Baitfish	PUBLIC 159
LD 165	An Act To Designate the Arctic Charr as a State Heritage Fish	PUBLIC 21
LD 252	An Act To Establish Emergency Response to Illegal Introductions of Invasive Fish Species	PUBLIC 73
LD 825	An Act To Allow Special Olympics Maine To Conduct an Open Bass Fishing Tournament	P & S 16

Not Enacted

LD 162	An Act To Require the Department of Inland Fisheries and Wildlife To Track All Stocking and Transfers of Fish	ONTP

LD 164	An Act To Require the Department of Inland Fisheries and Wildlife To Fin-clip All Stocked Fish	ONTP
LD 166	An Act To Require the Standardization of Fishing Rules	ONTP
LD 285	An Act To Designate Additional Wild Trout Waters for Recognition and Protection	ONTP
LD 579	Resolve, To Extend Fall Fishing Opportunities	ACCEPTED ONTP REPORT
LD 1081	An Act To Protect Wild Trout from Exotic Species	DIED IN CONCURRENCE

Hunting Generally

Enacted

LD 98	An Act To Require Alien Big Game Hunters To Be Accompanied by a Guide	PUBLIC 454
LD 728	An Act To Enhance the Wise Use and Sound Management of Maine's Wildlife Resources	PUBLIC 168

Not Enacted

LD 117	An Act To Prohibit Hunting at Range Ponds State Park	ONTP
LD 648	An Act To Maintain the Amount of State Land That Is Open for Hunting	CARRIED OVER
LD 771	An Act To Allow a Hunter To Retrieve a Dog from Posted Property	ONTP
LD 982	An Act To Encourage Youth Hunting	ONTP

Licenses and Permits

Enacted

LD 51	An Act To Provide Native Americans with Lifelong Licenses and Permits to Hunt, Fish and Trap	PUBLIC 195
LD 486	An Act To Establish an Apprenticeship Hunter License Program	PUBLIC 203
LD 503	An Act Regarding the Authority of the Commissioner of Inland Fisheries and Wildlife To Issue Licenses to Beagle Clubs To Trap Snowshoe Hares	PUBLIC 45 EMERGENCY
LD 605	An Act To Eliminate the Super Pack Hunting License	PUBLIC 163

LD 783	An Act To Clarify That Senior Lifetime Hunting Licenses Include the Right To Hunt Turkey	PUBLIC 433

Not Enacted

LD 116	An Act To Adjust Fees for Certain Resident and Nonresident Licenses, Registrations and Permits Issued by the Department of Inland Fisheries and Wildlife	ONTP
LD 356	An Act Concerning Certain Hunting License Fees and Antlerless Deer Permits	ONTP
LD 616	An Act To Allow the Transfer of an Antlerless Deer Permit to a Child with a Disability	ONTP
LD 618	An Act To Increase the Amount Retained by Agents Who Issue Hunting and Fishing Licenses (by request)	ONTP
LD 634	An Act To Encourage Landowners To Allow Hunting	ACCEPTED ONTP REPORT
LD 654	An Act To Make License Requirements and Rules Consistent for Young Anglers	CARRIED OVER
LD 822	An Act To Eliminate Fees for Resident Junior Hunters	ONTP
LD 865	An Act To Increase the Number of Disabled Veterans That Are Eligible for Complimentary Lifetime Licenses and To Create the Search and Rescue Fund	DIED ON ADJOURNMENT

Miscellaneous

Enacted

LD 1104	An Act To Amend Certain Provisions of Fish and Wildlife Law	PUBLIC 463
LD 1834	An Act To Authorize the Use of Timber Harvesting Revenues for Land Management	PUBLIC 217

Not Enacted

LD 197	An Act To Prevent the Domestication of Wild Turkey and Deer	ONTP
LD 698	An Act To Increase the Seal Fee for Registration of a Harvested Animal (by request)	ONTP
LD 826	An Act To Protect Inland Waters and Property Owners	ONTP
LD 1133	Resolve, To Establish the William Silliker Memorial Wildlife Watching Area	ONTP
LD 1496	An Act To Restrict the Time during Which an Airmobile May Be Operated	ONTP

LD 1858	An Act To Protect Inland Water Access	CARRIED OVER

Moose

Enacted

LD 175	An Act To Fund Youth Conservation Education	PUBLIC 161 EMERGENCY

Not Enacted

LD 11	An Act To Create a 10-chance Moose Hunting Permit Application for Residents	DIED BETWEEN HOUSES
LD 504	An Act To Require the Commissioner of Inland Fisheries and Wildlife To Reserve 250 Moose Permits for Residents Who Have Never Received One	ONTP
LD 571	An Act To Protect Beef Producers	ONTP
LD 617	An Act To Promote Moose Hunting	ONTP
LD 1101	An Act To Establish a Complimentary Moose Permit Drawing for 100% Disabled Veterans	ACCEPTED ONTP REPORT

Nuisance Animals

Enacted

LD 1387	An Act Concerning the Taking of Nuisance Animals (by request)	PUBLIC 198

Outdoor Licensed Network

Enacted

LD 1912	Resolve, To Develop the Outdoor Licensed Network	RESOLVE 83

Snowmobiles

Enacted

LD 250	An Act To Change Snowmobile Registration Requirements	PUBLIC 165

Not Enacted

LD 633	An Act To Improve Funding for the State Snowmobile Trail System	CARRIED OVER

Sunday Hunting

Not Enacted

LD 307	An Act To Enhance Land Use Opportunities for Landowners	ACCEPTED ONTP REPORT
LD 653	An Act Regarding Proof of a Violation of the Laws against Hunting on Sunday	ONTP

Trapping

Not Enacted

LD 1635	An Act To Prohibit Recreational Bear Trapping	ACCEPTED ONTP REPORT

Watercraft

Enacted

LD 153	An Act To Improve the Control and Prevention of Invasive Plant Species	PUBLIC 44
LD 888	An Act To Clarify the Definition of "Personal Watercraft"	PUBLIC 169

Not Enacted

LD 15	An Act Imposing a Horsepower Restriction for Boat Motors on Muddy Pond	ONTP
LD 152	An Act To Restrict the Use of Personal Watercraft on Crescent Lake and Tenney River in Raymond (by request)	ONTP
LD 539	An Act To Ban Personal Watercraft on East Carry Pond, Middle Carry Pond and West Carry Pond	ACCEPTED ONTP REPORT
LD 799	An Act To Prohibit the Use of Motorized Watercraft on Lily Pond in Deer Isle	ONTP
LD 887	An Act To Reduce Watercraft Noise Levels on Lakes	ONTP
LD 1838	An Act To Ensure Safety on Freshwater Ferry Vessels	CARRIED OVER

Wild Turkey

Not Enacted

LD 379	**An Act To Expand the Fall Wild Turkey Hunting Season**	**ONTP**
LD 485	**An Act To Provide Free Turkey Hunting Permits to Maine Residents 80 Years of Age or Older**	**ONTP**

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

July 2007

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LD 100 **An Act To Prohibit Retail Store-operated Banks** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	ONTP	

LD 100 prohibits an industrial bank owned directly or indirectly by a commercial entity from establishing or maintaining any branch, agency or other office in this State.

LD 100 and a related bill, LD 635, were voted "Ought Not to Pass" by the committee, but the substantive provisions of these bills were amended and incorporated into a committee bill, LD 1829, An Act to Amend the Banking Laws Regarding the Establishment of Branches by Financial Institutions with Affiliates That Engage in Commercial Activity. See LD 1829, which was enacted as Public Law 2007, chapter 69.

LD 101 **An Act To Enhance Screening for Breast Cancer** **PUBLIC 153**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL MITCHELL	OTP-AM	H-181

LD 101 requires health insurance companies and health maintenance organizations to provide coverage for a follow-up mammogram to a screening mammogram when recommended by a physician. Under current law, individual and group health insurance policies must provide coverage for screening mammograms for women age 40 and older. The bill applies to all individual and group policies issued or renewed on or after January 1, 2008.

Committee Amendment "A" (H-181)

This amendment replaces the bill. The amendment clarifies that an additional radiologic procedure recommended by a provider when the results of an initial screening mammogram are not definitive must also be considered a screening mammogram and reimbursed as a screening mammogram under an individual and group health insurance policy.

Enacted Law Summary

Public Law 2007, chapter 153 clarifies that an additional radiologic procedure recommended by a provider when the results of an initial screening mammogram are not definitive must also be considered a screening mammogram and reimbursed as a screening mammogram under an individual and group health insurance policy.

LD 135 **An Act To Amend the Debt Management Services Laws** **PUBLIC 36**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	OTP-AM	S-20

LD 135 amends the State's debt management services laws by permitting for-profit companies to obtain registrations as debt management service providers. The bill clarifies that a debt management service provider must be registered if it serves consumers in this State or if it is located in this State. This bill establishes caps on fees and charges that may be assessed to consumers for debt management services.

Committee Amendment "A" (S-20)

This amendment replaces the bill. As in the bill, this amendment amends the State's debt management services laws by permitting for-profit companies to obtain registrations as debt management service providers. The amendment clarifies that debt management service providers include only those companies that process consumer debt, not commercial debts. The amendment clarifies that a debt management service provider must be registered if it serves consumers in this State or if it is located in this State, but it exempts those companies that are located in Maine but that do not serve consumers in this State from the provisions establishing fee caps and requiring consumer education. It requires that debt management service providers who offer services to Maine consumers use certified counselors and provide consumer education programs. The amendment establishes caps on fees and charges that may be assessed to consumers for debt management services.

The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2007, chapter 36 amends the State's debt management services laws by permitting for-profit companies to obtain registrations as debt management service providers. The law clarifies that debt management service providers include only those companies that process consumer debt, not commercial debts. The law clarifies that a debt management service provider must be registered if it serves consumers in this State or if it is located in this State, but it exempts those companies that are located in Maine but that do not serve consumers in this State from the provisions establishing fee caps and requiring consumer education. It requires that debt management service providers who offer services to Maine consumers use certified counselors and provide consumer education programs. The law also establishes caps on fees and charges that may be assessed to consumers for debt management services.

LD 138 An Act To Require Prior Notice before Cancellation of a Life Insurance Policy for Nonpayment of Premiums — PUBLIC 40

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	OTP-AM	S-21

LD 138 directs the Superintendent of Insurance to adopt rules that will extend consumer protections currently provided for health insurance to life insurance policies by requiring insurance companies to provide notice prior to cancellation of a policy for nonpayment of premiums to a person other than the policyholder and to allow policyholders to designate a 3rd party to whom such notices must be sent.

Committee Amendment "A" (S-21)

This amendment replaces the bill. The amendment requires that insurance companies provide notice prior to cancellation of a life insurance policy for nonpayment of premiums to the policyholder and a 3rd party that has been designated by the policyholder to receive those notices. It requires the Department of Professional and Financial Regulation, Bureau of Insurance to adopt rules related to the notice provisions. It also directs the Bureau of Insurance to adopt rules to provide restrictions on cancellation, termination or lapse of individual life insurance policies to reduce the danger that life insurance policyholders will lose coverage due to organic brain disease.

Enacted Law Summary

Public Law 2007, chapter 40 requires that insurance companies provide notice prior to cancellation of a life insurance policy for nonpayment of premiums to the policyholder and a 3rd party that has been designated by the policyholder to receive those notices. It requires the Department of Professional and Financial Regulation, Bureau of Insurance to adopt rules related to the notice provisions. It also directs the Bureau of Insurance to adopt rules to provide restrictions on cancellation, termination or lapse of individual life insurance policies to reduce the danger

that life insurance policyholders will lose coverage due to organic brain disease.

LD 231 **An Act To Modify the Laws Regarding Garnishment of Wages** **PUBLIC 7**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP	

LD 231 revises the Maine Consumer Credit Code so that a garnishment judgment for a consumer credit debt must allow a worker to retain at least the equivalent of the federal or state minimum wage, whichever is higher.

Enacted Law Summary

Public Law 2007, chapter 7 revises the Maine Consumer Credit Code so that a garnishment judgment for a consumer credit debt must allow a worker to retain at least the equivalent of the federal or state minimum wage, whichever is higher.

LD 234 **An Act To Amend the Laws Concerning the Assessment of Rates for Workers' Compensation** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

LD 234 requires worker's compensation insurers to develop rates that reflect the differences in work activities and exposure to risk of injury for certain occupations.

LD 278 **Resolve, To Assess the Feasibility and Efficiency of Combining All Health Insurance Funds Supported by the State** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRANNIGAN	ONTP	

LD 278 is a concept draft pursuant to Joint Rule 208. This resolve proposes to establish a means to assess the feasibility and efficiency of combining all health insurance funds that in full or in part are supported by the State of Maine.

LD 331 **An Act To Incorporate the Federal Real Estate Settlement Procedures Act into the Maine Consumer Credit Code** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM BROMLEY	ONTP	

LD 331 incorporates the federal Real Estate Settlement Procedures Act of 1974 and its implementing regulation into state law.

LD 331 was voted "Ought Not to Pass" by the committee, but the substantive provisions in the bill were incorporated into LD 1869, An Act to Protect Maine Homeowners from Predatory Lending, and enacted as Public Law 2007, chapter 273.

LD 332 **An Act To Update References to Federal Laws in the Maine Uniform Securities Act and To Make Other Technical Corrections to the Act** **PUBLIC 14 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM BARTLETT	OTP	

LD 332 updates references to federal laws cited in the Maine Uniform Securities Act to conform state law with federal securities law. It also makes technical corrections to the Uniform Securities Act as adopted in Maine.

Enacted Law Summary

Public Law 2007, chapter 14 updates references to federal laws cited in the Maine Uniform Securities Act to conform state law with federal securities law and also makes technical corrections to the Maine Uniform Securities Act.

Public Law 2007, chapter 14 was enacted as an emergency measure effective March 20, 2007.

LD 371 **An Act To Protect Young Consumers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	ONTP	

LD 371 prohibits the issuance of a credit card to an individual under 21 years of age without the written consent of the individual's parent or guardian.

LD 388 **An Act Concerning Insurance for Churches and Nonprofit Organizations** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT	ONTP	

LD 388 allows members of a church or nonprofit organization to qualify as a group for the purposes of purchasing insurance.

LD 415 **An Act To Enhance Consumer Awareness of Insurance Sales Activity** **PUBLIC 32**

Sponsor(s)	Committee Report	Amendments Adopted
PILON	OTP-AM	H-24

LD 415 requires insurance producers to identify themselves as engaged in insurance sales activities on their business cards, in order to protect the interests of both the consumer and the producer by clearly identifying the producers' business activities.

Committee Amendment "A" (H-24)

This amendment replaces the bill. The amendment prohibits a person from making any untrue, deceptive or

misleading statements on a business card with respect to the business of insurance or the conduct of that person's insurance business.

Enacted Law Summary

Public Law 2007, chapter 32 prohibits a person from making any untrue, deceptive or misleading statements on a business card with respect to the business of insurance or the conduct of that person's insurance business.

LD 416 **An Act To Protect Seniors and the Public from Unfair Health Insurance Sales Practices** **PUBLIC 53 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	OTP-AM	H-29
		S-25 SULLIVAN

LD 416 expressly defines certain marketing practices as unfair trade practices when used to sell, solicit or negotiate the purchase of health insurance products. The bill prohibits the use of "cold lead adverstising" which is defined as using a method of marketing that fails to conspicously disclose that a purpose of the marketing is insurance sales solicitation and that contact will be made by an insurer or insurance producer. The bill also prohibits using an appointment to discuss Medicare products or to solicit Medicare products in order to solicit the sale of other types of insurance products. Medicare products are defined in the bill as Medicare Part A, Medicare Part B, Medicare Part C, Medicare Part D, Medicare Advantage and Medicare supplement insurance plans.

Committee Amendment "A" (H-29)

This amendment replaces the bill. The amendment retains the prohibition on cold lead advertising contained in the bill. It clarifies that insurers and producers may not use an appointment to discuss Medicare products to solicit sales of life insurance, health insurance or annuity products unless requested by a consumer and the products to be discussed are clearly identified to a consumer in writing at least 48 hours in advance of the appointment. The amendment also prohibits door-to-door solicitation of Medicare products prior to receiving an invitation from a consumer.

The amendment also adds an emergency preamble and emergency clause. The amendment adds an effective date of June 1, 2007.

Senate Amendment "A" (S-25)

This amendment changes the effective date of Committee Amendment "A" from June 1, 2007 to October 1, 2007.

Enacted Law Summary

Public Law 2007, chapter 53 expressly defines the following solicitation methods used by an insurer or insurance producer as unfair trade practices.

The law prohibits the use of cold lead advertising to sell, solicit or negotiate the purchase of health insurance.

The law prohibits using an appointment to discuss Medicare products or to solicit Medicare products in order to solicit sales of life insurance, health insurance or annuity products unless the consumer requested the solicitation and the products to be discussed are clearly identified to a consumer in writing at least 48 hours in advance of the appointment.

The law prohibits door-to-door solicitation of Medicare products prior to receiving an invitation from a consumer.

Public Law 2007, chapter 53 was enacted as an emergency measure effective October 1, 2007.

LD 419 **An Act To Restrict the Use of Credit Scoring for Insurance Purposes** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
VALENTINO	OTP-AM MAJ ONTP MIN	H-71

LD 419 prohibits insurers from denying, canceling or refusing to renew personal insurance in whole or in part on the basis of an insured's credit information. The bill also prohibits insurers from considering more than one credit inquiry from mortgage or automobile lenders for inquiries made within 30 days of one another.

The bill requires insurers that use credit reports and credit scores in insurance underwriting to obtain an updated credit report to recalculate an insured's insurance scope and to reunderwrite and rerate the insured. The bill requires insurers to act upon the request of the insured within 30 days of the request, but does not require an insurer to do so more than once every 12 months. The bill provides that any adjustments in the policy premium be made at the time of renewal.

The bill also requires insurers that use credit scores to disclose to insureds that the insured's premium is either higher or lower based upon the insured's credit-based insurance score and notify the insured of that insurance score.

Committee Amendment "A" (H-71)

This amendment is the majority report of the committee and replaces the bill. The amendment retains the provision in the bill requiring insurers that use credit scores disclose to an insured that the insured's premium is either higher or lower based upon the insured's credit-based insurance score. The amendment removes the other provisions included in the bill.

LD 419 as amended by Committee Amendment "A" was enacted in the House, but failed enactment in the Senate.

LD 431 **An Act To Enable the Dirigo Health Program To Be Self-administered** **PUBLIC 447**

Sponsor(s)	Committee Report	Amendments Adopted
CONOVER	OTP-AM MAJ ONTP MIN	H-285 S-309 DIAMOND

LD 431 makes the following changes to the laws governing the Dirigo Health Program.

The bill expands the Dirigo Health Board of Directors from 5 to 9 members and renames it the Board of Trustees of Dirigo Health. The bill requires that 3 voting members of the board have expertise in accounting, banking, securities or insurance and adds the Treasurer of State as an ex officio, nonvoting member. The bill clarifies that 5 members of the board constitute a quorum and that an affirmative vote of 5 members is needed for the board to take action. The bill extends the limitation on personal liability of trustees under the Maine Uniform Trust Code to the trustees of Dirigo Health.

The bill gives authority to Dirigo Health to provide access to health benefits coverage through the Dirigo Health Self-administered Plan after the board evaluates bids for self-administered and fully insured benefits coverage. If the board makes the decision to provide coverage through the self-administered plan, the bill requires the board to report to the joint standing committee of the Legislature having jurisdiction over health insurance matters within 30

days of the decision. The bill also gives the committee the authority to report out legislation relating to the self-administered plan.

If the Dirigo Health Self-administered Plan is established, the bill requires that the self-administered plan meet the following requirements.

The board may enter into voluntary cooperative agreements with a public purchaser for purchasing and administrative functions only, but requires that the risk pools and reserves of the Dirigo Health Self-administered Plan and any public purchaser not be commingled.

The duties and responsibilities of the board are expanded with regard to the establishment and ongoing management of the self-administered plan. The board must contract for services from actuaries, investment counsel, financial institutions, 3rd-party administrators and any other organization necessary to administer the plan. The bill requires an actuary under contract to the board to determine the appropriate level of reserves and administrative costs for the plan and the amount of stop loss insurance necessary, provide opinions regarding the actuarial soundness of the plan, develop a rate structure for the plan and report annually to the board.

The bill requires the Dirigo Health Self-administered Plan to maintain reserves at least equal to the sum of the amount necessary to pay claims and administrative costs for the assumed risk for 2 1/2 months and the amount determined annually by a qualified actuary to be necessary to fund the unpaid portion of ultimate expected losses and related expenses incurred in the provision of benefits. The bill requires the reserve account to be adjusted on a quarterly basis and to be capitalized from any initial start-up funds transferred into the account by Dirigo Health, monthly enrollee payments, any funds received from any public or private source, legislative appropriations, payments from any state departments or agencies and any other means approved by the Legislature. The bill also authorizes the board to purchase excess or stop loss insurance at attachment limits and levels recommended by a qualified actuary and removes the authority to establish a self-administered plan in the event the board is unable to purchase that insurance.

The bill requires any Dirigo Health Self-administered Plan health benefits coverage provided to be comprehensive and include a low deductible plan option for enrollees in the Dirigo Health Program.

The bill requires the Dirigo Health Self-administered Plan to meet the same requirements of the Maine Insurance Code that would be required by state law if health benefits coverage were provided by a health insurance carrier for community rating, guaranteed issuance, guaranteed renewal, continuity of coverage and mandated benefits.

The bill also requires that the self-administered plan extend the same benefits, rights and protections of the Maine Revised Statutes, Title 24-A, chapter 56-A and Bureau of Insurance Rule Chapter 850, including a limited right to sue the Dirigo Health Self-administered Plan. The bill specifically waives the State's defense of immunity under the Maine Tort Claims Act.

The bill permits licensed insurance producers with health authority to sell the Dirigo Health Program insurance products if the producer meets certain training requirements. Additionally, the bill exempts producers from the appointment requirement solely for purposes of selling the Dirigo Health Program insurance products and holds a carrier underwriting Dirigo Health Program coverage harmless from liability for any actions of such producers.

Committee Amendment "A" (H-285)

This amendment is the majority report of the committee. The amendment clarifies that the Dirigo Health Self-administered Plan must comply with the requirements of the Maine Insurance Code relating to the privacy of insurance information, unfair discrimination against victims of domestic abuse and unfair discrimination on the basis of genetic information or genetic testing in addition to the other requirements included in the bill.

Senate Amendment "A" (S-161)

This amendment clarifies that the Dirigo Health Self-administered Plan may not expend general funds beyond any general funds appropriated to it by the Legislature. This amendment augments the fiscal protections within the bill, which provides that the plan will purchase excess or stop loss insurance and reinsurance, will be subject to actuarial and Bureau of Insurance review and is subject to an annual audit. In the event costs of the plan exceed the budget, the plan will close enrollment.

Senate Amendment "A" to LD 431 was not adopted.

Senate Amendment "B" (S-173)

This amendment clarifies that the Dirigo Health self-administered plan may not expend general funds beyond any general funds appropriated to it by the Legislature. This amendment augments the fiscal protections within the bill, which provides that the plan will purchase excess or stop loss insurance and reinsurance, will be subject to actuarial and Department of Professional and Financial Regulation, Bureau of Insurance review and is subject to an annual audit. The amendment also provides that the plan is under the jurisdiction of the Bureau of Insurance and must comply with all the provisions of the Maine Insurance Code, which is Title 24-A of the Maine Revised Statutes.

Senate Amendment "B" to LD 431 was not adopted.

Senate Amendment "C" (S-241)

This amendment changes the appointing authority for the members of the Board of Trustees of Dirigo Health. The amendment requires the Superintendent of Insurance to complete a detailed review of the financial and actuarial aspects of the self-administered plan. It requires the superintendent to report any findings and recommendations at a public meeting of the joint standing committee of the Legislature having jurisdiction over insurance matters and to the Board of Trustees of Dirigo Health by March 1st of each year. The amendment also protects the General Fund from any impact of this bill.

Senate Amendment "C" to LD 431 was not adopted.

Senate Amendment "D" (S-309)

This amendment changes the appointing authority for the members of the Board of Trustees of Dirigo Health. The amendment requires the Governor to appoint 4 of the 9 voting members from recommendations made by the President of the Senate, the Speaker of the House, the Minority Leader of the Senate and the Minority Leader of the House.

The amendment requires the Superintendent of Insurance to complete a detailed review of the financial and actuarial aspects of the self-administered plan. It requires the superintendent to report any findings and recommendations at a public meeting of the joint standing committee of the Legislature having jurisdiction over insurance matters and to the Board of Trustees of Dirigo Health by March 1st of each year. The amendment also adds language designed to protect the General Fund from any impact of this bill.

Enacted Law Summary

Public Law 2007, chapter 447 makes the following changes to the laws governing the Dirigo Health Program.

The law expands the Dirigo Health Board of Directors from 5 to 9 members and renames it the Board of Trustees of Dirigo Health. The law changes the appointing authority for the members of the Board of Trustees of Dirigo Health by requiring the Governor to appoint 4 of the 9 voting members from recommendations made by the President of the Senate, the Speaker of the House, the Minority Leader of the Senate and the Minority Leader of the House. The law requires that 3 voting members of the board have expertise in accounting, banking, securities or insurance and adds the Treasurer of State as an ex officio, nonvoting member. The law clarifies that 5 members of the board constitute

a quorum and that an affirmative vote of 5 members is needed for the board to take action. It also extends the limitation on personal liability of trustees under the Maine Uniform Trust Code to the trustees of Dirigo Health.

The law gives authority to Dirigo Health to provide access to health benefits coverage through the Dirigo Health Self-administered Plan after the board evaluates bids for self-administered and fully insured benefits coverage. If the board makes the decision to provide coverage through the self-administered plan, the law requires the board to report to the joint standing committee of the Legislature having jurisdiction over health insurance matters within 30 days of the decision. The law also gives the committee the authority to report out legislation relating to the self-administered plan.

If the Dirigo Health Self-administered Plan is established, the law requires that the self-administered plan meet the following requirements.

The board may enter into voluntary cooperative agreements with a public purchaser for purchasing and administrative functions only, but requires that the risk pools and reserves of the Dirigo Health Self-administered Plan and any public purchaser not be commingled.

The duties and responsibilities of the board are expanded with regard to the establishment and ongoing management of the self-administered plan. The board must contract for services from actuaries, investment counsel, financial institutions, 3rd-party administrators and any other organization necessary to administer the plan. The law requires an actuary under contract to the board to determine the appropriate level of reserves and administrative costs for the plan and the amount of stop loss insurance necessary, provide opinions regarding the actuarial soundness of the plan, develop a rate structure for the plan and report annually to the board.

The law requires the Dirigo Health Self-administered Plan to maintain reserves at least equal to the sum of the amount necessary to pay claims and administrative costs for the assumed risk for 2 1/2 months and the amount determined annually by a qualified actuary to be necessary to fund the unpaid portion of ultimate expected losses and related expenses incurred in the provision of benefits. The law requires the reserve account to be adjusted on a quarterly basis and to be capitalized from any initial start-up funds transferred into the account by Dirigo Health, monthly enrollee payments, any funds received from any public or private source, legislative appropriations, payments from any state departments or agencies and any other means approved by the Legislature. The law authorizes the board to purchase excess or stop loss insurance at attachment limits and levels recommended by a qualified actuary and removes the authority to establish a self-administered plan in the event the board is unable to purchase that insurance. The law also adds language designed to protect the General Fund from any impact of this law.

The law requires the Superintendent of Insurance to complete a detailed review of the financial and actuarial aspects of the self-administered plan. It requires the superintendent to report any findings and recommendations at a public meeting of the joint standing committee of the Legislature having jurisdiction over insurance matters and to the Board of Trustees of Dirigo Health by March 1st of each year.

The law requires any Dirigo Health Self-administered Plan health benefits coverage provided to be comprehensive and include a low deductible plan option for enrollees in the Dirigo Health Program.

The law requires the Dirigo Health Self-administered Plan to meet the same requirements of the Maine Insurance Code that would be required by state law if health benefits coverage were provided by a health insurance carrier for community rating, guaranteed issuance, guaranteed renewal, continuity of coverage and mandated benefits.

The law requires that the self-administered plan extend the same benefits, rights and protections of the Maine Revised Statutes, Title 24-A, chapter 56-A and Bureau of Insurance Rule Chapter 850, including a

ted right to sue the Dirigo Health Self-administered Plan. The law specifically waives the State's defense of immunity under the Maine Tort Claims Act.

The law requires that the self-administered plan meet the requirements of the Maine Insurance Code relating to the privacy of insurance information, unfair discrimination against victims of domestic abuse and unfair discrimination on the basis of genetic information or genetic testing.

Public Law 2007, chapter 447 also permits licensed insurance producers with health authority to sell the Dirigo Health Program insurance products if the producer meets certain training requirements. Additionally, the law exempts producers from the appointment requirement solely for purposes of selling the Dirigo Health Program insurance products and holds a carrier underwriting Dirigo Health Program coverage harmless from liability for any actions of such producers.

LD 439 **An Act To Reform the Dirigo Health Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP	

LD 439 is a concept draft pursuant to Joint Rule 208. This bill proposes to make the following changes to the laws governing health insurance and the Dirigo Health program:

1. It would require that, rather than contracting out for health insurance services, Dirigo Health offer health insurance provided by a private health insurance company that would be modeled on Maine Employers' Mutual Insurance Company;

2. It would require that premiums for health insurance under Dirigo Health be set at 5% of the individual's income;

3. It would repeal guaranteed issue requirements;

4. It would create a high-risk pool;

5. It would establish a schedule of required copayments for health care services;

6. It would repeal all state-mandated health insurance coverage;

7. It would require the Executive Director of Dirigo Health to maximize use of Medicaid funds;

8. It would ensure portability of health insurance policies; and

9. It would provide that payments for health insurance be tax deductible.

LD 456 **An Act To Protect Holders of Small Bank Accounts** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK	ONTP MAJ OTP-AM MIN	

LD 456 requires financial institutions to send a registered letter to the last known address of an account holder of an inactive account before disposing of the money in the account pursuant to the Uniform Unclaimed Property Act. If the financial institution does not send a registered letter, the institution is liable to the account holder for the value of the account when the money was disposed.

Committee Amendment "A" (H-40)

This amendment is the minority report of the committee and replaces the bill. The amendment requires financial institutions to send written notice by certified mail with return receipt requested to account holders of unclaimed accounts and wait at least 30 days after sending the notice before disposing of the money in the account according to the Uniform Unclaimed Property Act. The amendment does not require a notice to be sent if the financial institution has a reasonable belief that the last known address of the account holder is not accurate. The amendment also permits the financial institution to recoup the costs associated with mailing a written notice from the money in the unclaimed account.

Committee Amendment "A" was not adopted.

LD 476 **An Act To Establish a Reinsurance Fund To Expand Health Insurance Coverage for Individuals and Small Groups** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	ONTP	

LD 476 establishes the Health Insurance Individual and Small Group Reinsurance Fund to provide reimbursement of certain high-cost claims for persons covered under individual and small group health plans. The fund would reimburse carriers for 90% of claims paid between $25,000 and $75,000 for each enrollee covered by the carrier on a calendar year basis.

LD 526 **An Act To Increase Eligibility for the Dirigo Health Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CONOVER STRIMLING	ONTP	

LD 526 reduces the number of hours an employee of an eligible business must work per week from 20 to 10 in order to be eligible to enroll in the Dirigo Health Program. The bill also requires the Board of Directors of Dirigo Health to adopt a rule that allows an eligible business to include employees who work on a temporary, substitute or seasonal basis as eligible to enroll in the Dirigo Health Program so long as inclusion of such employees does not result in the reduction of hours or the reduction or elimination of coverage for eligible employees working more than 10 hours per week.

LD 578 **An Act To Help Maine People Be Informed Medical Consumers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PRIEST	ONTP	

LD 578 requires health insurance carriers to provide coverage for an initial consultation with a primary care provider to assist an enrollee in selecting a primary care provider. The bill requires carriers to provide coverage

for a maximum of 3 such visits for an enrollee in a 12-month period.

LD 589 **An Act To Repeal Certain Health Savings Account Provisions** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HARLOW	ONTP	

LD 589 is a concept draft pursuant to Joint Rule 208. This bill proposes to repeal certain state income tax provisions regarding health savings accounts.

LD 590 **An Act To Amend Certain Requirements Applicable to Insurance Producers** **PUBLIC 51**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER	OTP	

LD 590 makes the following changes to the laws applicable to insurance producers to establish consistency with current national uniformity standards:

1. It eliminates the prelicensing requirement under which potential license applicants were required to complete either a course of instruction or comply with an experience requirement before being able to sit for the qualifying license examination;

2. It expands the scope of the limited producer license for certain insurance provided in connection with the short-term rental of motor vehicles; and

3. It clarifies that nonresident producers with surplus lines authority are not required to maintain a physical office within this State.

Enacted Law Summary

Public Law 2007, chapter 51 makes the following changes to the laws applicable to insurance producers to establish consistency with current national uniformity standards:

1. It eliminates the prelicensing requirement under which potential license applicants were required to complete either a course of instruction or comply with an experience requirement before being able to sit for the qualifying license examination;

2. It expands the scope of the limited producer license for certain insurance provided in connection with the short-term rental of motor vehicles; and

3. It clarifies that nonresident producers with surplus lines authority are not required to maintain a physical office within this State.

LD 635 **An Act To Amend the Banking Laws Regarding Industrial Loan Company Reciprocity across State Lines** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT PERRY J	ONTP	

LD 635 defines "commercial activity" in the banking laws and clarifies that out-of-state financial institutions and their affiliates, like Maine financial institutions and their affiliates, are prohibited from conducting any commercial activity at in-state branches and may not conduct any commercial activity within Maine.

LD 635 and a related bill, LD 100, were voted "Ought Not to Pass" by the committee, but the substantive provisions of these bills were amended and incorporated into a committee bill, LD 1829, An Act to Amend the Banking Laws Regarding the Establishment of Branches by Financial Institutions with Affiliates That Engage in Commercial Activity. See LD 1829, which was enacted as Public Law 2007, chapter 69.

LD 658 **An Act To Protect the Health of Infants** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
CURTIS	OTP-AM	H-598

LD 658 requires health insurance carriers doing business in the State to offer coverage for medically necessary infant formula in individual and group policies, contracts and certificates.

Committee Amendment "A" (H-598)

This amendment replaces the bill. While the bill mandates that health insurance carriers offer coverage for medically necessary infant formula, the amendment requires health insurance carriers to provide coverage as a mandated benefit. The amendment requires health insurance policies to cover medically necessary amino acid-based elemental infant formulas, regardless of the delivery method, for the treatment of food protein allergies and intolerances, gastrointestinal disorders and other medically diagnosed conditions in individual and group policies, contracts and certificates. Coverage must be provided for up to $6,000 per year. The amendment applies to all policies and contracts issued or renewed on or after January 1, 2008.

LD 658 as amended by Committee Amendment "A" was enacted in the House, but placed on the Special Appropriations Table in the Senate. Upon the recommendation of the Joint Standing Committee on Appropriations and Financial Affairs, LD 658 was recommitted to the committee and carried over by joint order, H.P. 1369, to the next special or regular session of the 123rd Legislature.

LD 675 **An Act To Eliminate the Interest on Security Deposits for Mobile Homes** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	ONTP MAJ OTP MIN	

LD 675 eliminates the requirement that a mobile home park operator pay to a tenant 4% annual interest on the security deposit deposited with the landlord by the tenant.

In the Senate, LD 675 was recommitted to the Joint Standing Committee on Insurance and Financial Services, but, in the House, the majority "Ought Not to Pass" report of the committee was accepted. LD 675 died between the bodies.

LD 682 **An Act To Allow Schools in the State To Self-insure for Fire, Property and Theft Insurance** **PUBLIC 84**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM	S-41

LD 682 directs the Department of Administrative and Financial Services, Risk Management Division to develop a program to self-insure elementary and secondary schools in the State for property, fire and theft losses beginning no later than January 1, 2008.

Committee Amendment "A" (S-41)

This amendment replaces the bill. The amendment authorizes the Director of the Bureau of General Services within the Department of Administrative and Financial Services to provide insurance services to public schools if those schools meet certain criteria under existing law. The criteria include an authorization by law, approval by the Governor, the unavailability or unaffordability of coverage in the commercial insurance market and a strong public need for the services. Notwithstanding those criteria, the amendment authorizes the director to provide insurance advice to public schools.

Enacted Law Summary

Public Law 2007, chapter 84 authorizes the Director of the Bureau of General Services within the Department of Administrative and Financial Services to provide insurance services to public schools if those schools meet certain criteria under existing law. The criteria include an authorization by law, approval by the Governor, the unavailability or unaffordability of coverage in the commercial insurance market and a strong public need for the services. Notwithstanding those criteria, the law authorizes the director to provide insurance advice to public schools.

LD 687 **An Act To Clarify That a Financial Institution Must Recognize a Writ of Execution To Satisfy a Creditor's Claims to Business Accounts Held by That Financial Institution** **PUBLIC 88**

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE D	OTP-AM	H-70

LD 687 clarifies that a financial institution must recognize an adverse claim to funds in a business account when served with a writ of execution in accordance with the Maine Revised Statutes, Title 14, section 4751. This bill also adds limited liability companies to the enumeration of entities that may have their credits taken on writ of execution.

Committee Amendment "A" (H-70)

This amendment changes the title to clarify the bill's intent and makes technical formatting changes to increase the readability of the bill. As in the bill, the amendment clarifies that a financial institution must recognize a writ of execution served on behalf of a creditor with an adverse claim to business accounts held by a financial institution. Under current law, without the clarification, creditors may be required to obtain a court-ordered injunction or

restraining order to make an adverse claim to business accounts held by a financial institution.

Enacted Law Summary

Public Law 2007, chapter 88 clarifies that a financial institution must recognize a writ of execution served on behalf of a creditor with an adverse claim to business accounts held by a financial institution. Under current law, without the clarification, creditors may be required to obtain a court-ordered injunction or restraining order to make an adverse claim to business accounts held by a financial institution. The law also adds limited liability companies to the enumeration of entities that may have their credits taken on writ of execution.

LD 688 **An Act To Establish a Universal Health Care Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE SULLIVAN	ONTP	

LD 688 is a concept draft pursuant to Joint Rule 208. This bill proposes to make the following changes to the laws governing health insurance and the Dirigo Health Program modeled on recent changes made by the Commonwealth of Massachusetts:

1. It would require that an individual in this State obtain health insurance coverage unless the individual qualifies for coverage under a public plan on the basis of income;

2. It would require all employers in this State with more than 10 full-time employees to offer health insurance coverage to their employees or pay a fair-share assessment to the State in lieu of providing coverage;

3. It would establish the Maine Health Insurance Connector within the Dirigo Health Program to facilitate the purchase of health insurance by individuals in this State through a pretax payroll deduction mechanism; and

4. It would merge the individual and small group health insurance markets for rating purposes.

LD 713 **An Act To Create the Insurance Fraud Division within the Bureau of Insurance** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	OTP-AM MAJ ONTP MIN	

LD 713 establishes the Insurance Fraud Division within the Department of Professional and Financial Regulation, Bureau of Insurance. The bill requires insurers with knowledge or suspicion of fraudulent insurance acts to report those acts to the Bureau of Insurance. The bill provides for the confidentiality of records relating to insurance fraud investigations in a manner similar to the provision of confidentiality under current state law for investigative and intelligence information in the possession of other law enforcement entities. The bill does permit the Insurance Fraud Division to share investigatory information with certain national and international agencies. The bill also extends the immunity provision in current law to certain communications between insurers with respect to fraudulent insurance acts.

Committee Amendment "A" (S-129)

This amendment is the majority report of the committee. The amendment adds an appropriations and allocations section recognizing the costs of the Department of Professional and Financial Regulation, Bureau of Insurance,

Insurance Fraud Division.

Committee Amendment "A" was adopted in the Senate, but was not adopted in the House.

LD 713, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

LD 773 **An Act To Preserve Dirigo Choice** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M	ONTP	

LD 773 directs the Board of Directors of Dirigo Health to propose the establishment of a nonprofit health care plan that would offer consumers moderately priced insurance products under Dirigo Health as an alternative to those currently offered through an existing public plan. The bill directs the board to submit, by December 28, 2007, its proposal, including, but not limited to, a funding mechanism to capitalize the proposed nonprofit health care plan, and any recommended legislation to the Joint Standing Committee on Health and Human Services. The bill further authorizes that joint standing committee to submit legislation to implement the plan.

LD 797 **An Act To Clarify the Exemption of Federal, State and Local Public Assistance Benefits under State Bankruptcy Law** **PUBLIC 276**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP-AM	S-141

LD 797 conforms Maine law to the federal law regarding exemptions in bankruptcy proceedings.

Committee Amendment "A" (S-141)

This amendment changes the title and replaces the bill. The amendment clarifies that federal and state public assistance benefits, including the federal earned income tax credit and additional child tax credit, are exempt property in bankruptcy proceedings.

Enacted Law Summary

Public Law 2007, chapter 276 clarifies that federal and state public assistance benefits, including the federal earned income tax credit and additional child tax credit, are exempt property in bankruptcy proceedings.

LD 840 **An Act To Update the Authority of the Maine Employers' Mutual Insurance Company To Better Serve the Needs of Maine Employers** **PUBLIC 125**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM SULLIVAN	OTP-AM	H-129

LD 840 permits the Superintendent of Insurance to determine whether, and on what conditions, the Maine Employers' Mutual Insurance Company, or "MEMIC," may offer employment practices liability insurance as part of the workers' compensation policy it issues to Maine employers. The terms and conditions of the coverage, including terms of reinsurance necessary to protect MEMIC and its policyholders, must be approved by the superintendent.

Committee Amendment "A" (H-129)

This amendment replaces the bill. The amendment permits the Maine Employers' Mutual Insurance Company to offer employers with an average of 100 or fewer employees employment practices liability insurance as an endorsement to workers' compensation coverage under terms and conditions approved by the Superintendent of Insurance. The amendment requires the Superintendent of Insurance to submit a report by March 1, 2008 on whether the superintendent has approved the coverage, the terms and conditions required for offering the coverage and the number of employers who have purchased the coverage. The Joint Standing Committee on Insurance and Financial Services is authorized to submit legislation based on the report to the Second Regular Session of the 123rd Legislature.

The amendment retains the provisions in the bill that permits a subsidiary of the Maine Employers' Mutual Insurance Company to write coverage in Maine if the coverage is incidental to and written in connection with coverage in the state in which the insured's principal place of business is located.

Enacted Law Summary

Public Law 2007, chapter 125 permits the Maine Employers' Mutual Insurance Company to offer employers with an average of 100 or fewer employees employment practices liability insurance as an endorsement to workers' compensation coverage under terms and conditions approved by the Superintendent of Insurance. The law requires the Superintendent of Insurance to submit a report by March 1, 2008 on whether the superintendent has approved the coverage, the terms and conditions required for offering the coverage and the number of employers who have purchased the coverage. The Joint Standing Committee on Insurance and Financial Services is authorized to submit legislation based on the report to the Second Regular Session of the 123rd Legislature.

Public Law 2007, chapter 125 also permits a subsidiary of the Maine Employers' Mutual Insurance Company to write coverage in Maine if the coverage is incidental to and written in connection with coverage in the state in which the insured's principal place of business is located.

LD 841 An Act To Extend Health Insurance Coverage for Dependent Children up to 25 Years of Age — PUBLIC 115

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW STRIMLING	OTP-AM	H-130

LD 841 requires individual and group health insurance policies to continue coverage for a dependent child up to 25 years of age if the child is dependent upon the policyholder and the child has no dependents of the child's own.

Committee Amendment "A" (H-130)

This amendment replaces the bill. The amendment requires individual and group health insurance policies to offer to continue coverage for a dependent child up to 25 years of age at the option of policyholders. The amendment defines a dependent child as a child of a person covered under the policy when that child is unmarried, has no dependents, is a State resident or enrolled as a full-time student and is not provided health coverage under another policy or under a federal or state program.

Enacted Law Summary

Public Law 2007, chapter 115 requires individual and group health insurance policies to offer to continue coverage for a dependent child up to 25 years of age at the option of policyholders. The law defines a dependent child as a child of a person covered under the policy when that child is unmarried, has no dependents, is a State resident or enrolled as a full-time student and is not provided health coverage under another policy or under a federal or state program.

LD 842 **An Act To Require Insurance Coverage for Infertility Treatments** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON	ONTP	

LD 842 requires group health insurance policies, contracts and certificates to include coverage for infertility treatment if pregancy-related benefits are provided. It applies to all group policies issued or renewed on or after January 1, 2008.

LD 904 **An Act To Make Technical and Supervisory Amendments to the Banking Laws** **PUBLIC 79**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP-AM	S-34

LD 904 makes a number of technical and supervisory changes to the banking laws.

1. It permits the Superintendent of Financial Institutions to designate more than one deputy superintendent. This authority would not add to the Bureau of Financial Institutions' headcount or change existing job classifications. It allows the superintendent to designate deputy superintendents with specific areas of expertise to assist in carrying out the mission of the bureau.

2. It requires that troubled financial institutions obtain approval from the superintendent before adding or replacing a member of the board of directors or governing body or employing or changing the duties of a senior executive officer.

3. It moves the requirement in the section of law regarding holding companies to the section of law regarding anticompetitive and unfair practices for the Superintendent of Financial Institution's approval for any financial institution, financial institution holding company, foreign bank or foreign bank holding company to acquire control of all or part of a financial institution if the acquiring institution would hold more than 30% of total deposits in the State.

4. It requires notice to the Superintendent of Financial Institutions when a state-chartered financial institution seeks to convert to a federally chartered financial institution.

5. It requires notice to the Superintendent of Financial Institutions when a state-chartered financial institution seeks to merge, consolidate with or acquire a federally chartered financial institution. It removes the requirement that the superintendent approve the transaction if the transaction is approved by a federal regulator and the resulting institution is federally chartered.

6. It clarifies that proxy voting on credit union mergers is permissible.

7. It requires notice to the Superintendent of Financial Institutions when a state-chartered credit union seeks to convert to a federally chartered credit union.

8. It provides that the Superintendent of Financial Institutions need only approve acquisitions of interests in Maine financial institutions and acquisitions by Maine financial institutions and Maine holding companies of other financial institutions. The changes eliminate requirements to approve acquisitions made by federally chartered

institutions, and by holding companies that control only federally chartered institutions, of federal and out-of-state financial institutions. Approval is still required if these federal institutions acquire a Maine financial institution. It also reduces the number of criteria required for approval of changes in control of Maine financial institutions so as to make the law consistent with federal law.

9. It clarifies that approval of a plan of reorganization of a mutual holding company must come from a majority of the board of directors and account holders.

10. It allows the Superintendent of Financial Institutions to designate a deputy superintendent to serve on the board of commissioners of the Maine Municipal Bond Bank in place of the superintendent.

The bill also makes a technical change to the laws governing municipalities and counties contained in the Maine Revised Statutes, Title 30-A.

Committee Amendment "A" (S-34)

This amendment makes the language consistent with another section of the bill relating to the actions taken by a Maine financial institution or Maine financial institution holding company that require the approval of the Superintendent of Financial Institutions. The amendment also corrects a punctuation error.

Enacted Law Summary

Public Law 2007, chapter 79 makes a number of technical and supervisory changes to the banking laws.

1. It permits the Superintendent of Financial Institutions to designate more than one deputy superintendent. This authority would not add to the Bureau of Financial Institutions' headcount or change existing job classifications. It allows the superintendent to designate deputy superintendents with specific areas of expertise to assist in carrying out the mission of the bureau.

2. It requires that troubled financial institutions obtain approval from the superintendent before adding or replacing a member of the board of directors or governing body or employing or changing the duties of a senior executive officer.

3. It moves the requirement in the section of law regarding holding companies to the section of law regarding anticompetitive and unfair practices for the Superintendent of Financial Institution's approval for any financial institution, financial institution holding company, foreign bank or foreign bank holding company to acquire control of all or part of a financial institution if the acquiring institution would hold more than 30% of total deposits in the State.

4. It requires notice to the Superintendent of Financial Institutions when a state-chartered financial institution seeks to convert to a federally chartered financial institution.

5. It requires notice to the Superintendent of Financial Institutions when a state-chartered financial institution seeks to merge, consolidate with or acquire a federally chartered financial institution. It removes the requirement that the superintendent approve the transaction if the transaction is approved by a federal regulator and the resulting institution is federally chartered.

6. It clarifies that proxy voting on credit union mergers is permissible.

7. It requires notice to the Superintendent of Financial Institutions when a state-chartered credit union seeks to convert to a federally chartered credit union.

8. It provides that the Superintendent of Financial Institutions need only approve acquisitions of interests in Maine financial institutions and acquisitions by Maine financial institutions and Maine holding companies of other

financial institutions. The changes eliminate requirements to approve acquisitions made by federally chartered institutions, and by holding companies that control only federally chartered institutions, of federal and out-of-state financial institutions. Approval is still required if these federal institutions acquire a Maine financial institution. It also reduces the number of criteria required for approval of changes in control of Maine financial institutions so as to make the law consistent with federal law.

9. It clarifies that approval of a plan of reorganization of a mutual holding company must come from a majority of the board of directors and account holders.

10. It allows the Superintendent of Financial Institutions to designate a deputy superintendent to serve on the board of commissioners of the Maine Municipal Bond Bank in place of the superintendent.

The law also makes a technical change to the laws governing municipalities and counties contained in the Maine Revised Statutes, Title 30-A.

LD 911 **Resolve, To Promote Health Care Insurance for Volunteer Public Safety Personnel through the Dirigo Health Program** **RESOLVE 118**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS STRIMLING	OTP-AM MAJ ONTP MIN	H-470

LD 911 makes persons who act as volunteer firefighters or volunteer emergency services and police personnel for a county, municipality or local government eligible for health care coverage through the Dirigo Health Program. The bill also requires that the Dirigo Health Program pay a subsidy for 100% of the costs of that coverage. The bill gives authority to the Board of Directors of Dirigo Health to increase the amount of the savings offset payment used to fund subsidies for the program if necessary but prohibits the amount from exceeding 4.0% of annual paid claims.

Committee Amendment "A" (H-470)

This amendment replaces the bill and changes it to a resolve. The amendment requires the Executive Director of Dirigo Health to conduct an education and outreach initiative designed to promote awareness of the Dirigo Health Program to provide health insurance coverage for volunteer public safety personnel.

Enacted Law Summary

Resolve 2007, chapter 118 requires the Executive Director of Dirigo Health to conduct an education and outreach initiative designed to promote awareness of the Dirigo Health Program to provide health insurance coverage for volunteer public safety personnel.

LD 912 **An Act To Return Affordable Health Insurance to the State** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WALKER BOWMAN	ONTP	

LD 912 makes the following changes to the laws governing individual and small group health insurance and Dirigo Health.

Part A of the bill repeals the guaranteed issue and community rating laws for the individual and small group health insurance markets effective January 1, 2010. The bill enacts the Comprehensive Health Insurance Risk Pool Association Act, which will operate as an alternative to guaranteed issuance laws in the individual health

insurance market. The bill requires that the Comprehensive Health Insurance Risk Pool Association begin offering coverage for sale on July 1, 2008. The bill also requires the Department of Professional and Financial Regulation, Bureau of Insurance to apply for federal funds that Congress is offering to states to create high-risk insurance pools.

Part B of the bill repeals the Dirigo Health Act effective January 1, 2009. Part B also corrects cross-references.

LD 951 An Act To Amend the Laws Governing Credit Card Companies **PUBLIC 99**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	OTP-AM MAJ ONTP MIN	S-48

LD 951 prohibits a credit card issuer from refusing to accept or charging a fee for more than one payment on a credit card debt by a cardholder within a one-month period.

Committee Amendment "A" (S-48)

This amendment is the majority report and replaces the bill. The amendment clarifies that consumers may prepay in part the unpaid balance of a consumer credit transaction without penalty.

Enacted Law Summary

Public Law 2007, chapter 99 clarifies that consumers may prepay in part the unpaid balance of a consumer credit transaction without penalty.

LD 958 An Act To Protect Maine Citizens' Credit **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	ONTP MAJ OTP-AM MIN	

LD 958 prohibits a person who provides medical treatment or a debt collection agency from furnishing information to a consumer reporting agency regarding an amount owed by a consumer for the receipt of necessary medical treatment by the consumer or by a person to whom the consumer has a legal obligation to provide support.

Committee Amendment "A" (H-286)

This amendment is the minority report of the committee. The amendment prohibits a debt collector or person who provides medical treatment from furnishing information to a consumer reporting agency regarding overdue medical expenses for at least 6 months after the medical treatment is provided. The amendment also requires that the consumer reporting agency be notified if the consumer has been making periodic payments in good faith with the agreement of the debt collector or person who provided medical treatment.

Committee Amendment "A" was not adopted.

LD 959 **An Act To Require Insurers To Use Savings from Dirigo Health To Reduce Premiums** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
HOLMAN NUTTING J	ONTP MAJ OTP-AM MIN	

LD 959 limits the amount of the savings offset payment paid by health insurers and 3rd-party administrators to support subsidies for the Dirigo Health Program to 75% of the aggregate measurable cost savings determined by the Board of Directors of Dirigo Health. The bill requires health insurers and providers to use best efforts to ensure that health insurance premiums and reimbursement rates reflect the recovery of all of the cost savings and savings offset payments paid by health insurers. The bill also requires the Board of Directors of Dirigo Health to adopt rules regarding the factors used to calculate aggregate measurable cost savings.

Committee Amendment "A" (H-530)

This amendment is the minority report of the committee and incorporates a fiscal note.

Committee Amendment "A" was not adopted.

LD 991 **An Act To Clarify the Security Requirements for Self-insurers** **PUBLIC 75**

Sponsor(s)	Committee Report	Amendments Adopted
PRIEST	OTP	

LD 991 clarifies that when a surety bond or a letter of credit held as security for a workers' compensation self-insurance program is drawn, the proceeds must be held and disbursed in a manner similar to a cash deposit. This bill also specifies that all group self-insurance trusts must have cash funding to no less than the 65% confidence level.

Enacted Law Summary

Public Law 2007, chapter 75 clarifies that when a surety bond or a letter of credit held as security for a workers' compensation self-insurance program is drawn, the proceeds must be held and disbursed in a manner similar to a cash deposit. The law also specifies that all group self-insurance trusts must have cash funding to no less than the 65% confidence level.

LD 1028 **An Act To Reform Dirigo Health** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

LD 1028 makes the following changes to the Dirigo Health Act.

The bill ends the terms of current members of the Board of Directors of Dirigo Health on September 30, 2007 and requires that the terms of new members be staggered. The bill retains the 5-member board but requires that 2 of the 5 members be elected by Dirigo plan enrollees by written ballot. The bill also adds 2 nonvoting members appointed by the Governor to represent labor and consumer advocacy interests.

The bill clarifies that the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters is the committee of jurisdiction over Dirigo Health. The bill requires the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters to review the Dirigo Health budget and make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The bill also requires that Dirigo Health be subject to review under the State Government Evaluation Act in 2008.

The bill provides that all carriers licensed to transact health insurance in this State may offer health insurance plans eligible for subsidy under the Dirigo Health Program if the plan is comparable to the prototype for a health benefits package developed by Dirigo Health and certified by the Superintendent of Insurance.

The bill limits eligibility for Dirigo Health Program coverage to employers and individuals who did not have prior health insurance coverage for 6 months. The bill also requires that Dirigo Health apply an asset limit that is 3 times the limits applied by MaineCare to determine eligibility for subsidies in addition to the requirement that an individual's income be under 300% of the federal poverty level. The bill clarifies that the amount of the subsidy individuals enrolled in Dirigo Health receive is not included as income for the purposes of determining eligibility for MaineCare.
The bill requires that the subsidies be applied only to the premium cost for Dirigo Health Program coverage.

The bill repeals the savings offset payment as the source of funding for subsidies for the Dirigo Health Program and instead appropriates $15,000,000 from the General Fund to support subsidies. The bill requires an annual transfer from General Fund undedicated revenue to permit subsidies. The bill also prohibits any funds collected by Dirigo Health from being used as the state share for an individual directly enrolled in MaineCare.

LD 1046 **An Act To Make Changes to Maine's Homeowner Property Insurance Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE	ONTP	

LD 1046 is a concept draft pursuant to Joint Rule 208. This bill proposes to make changes to the laws governing homeowner property insurance.

LD 1047 **An Act To Lower the Cost of Health Insurance** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
VAUGHAN	Taken pursuant to JR 309	

LD 1047 does the following.

Part A repeals the guaranteed issuance and community rating law for individual health plans effective April 1, 2008 and allows carriers to treat their pre-April 1, 2008 book of business separately from their post-April 1, 2008 book of business. It makes changes to the continuity of coverage laws to allow underwriting when someone switches carriers in the individual market. Part A creates a high-risk pool in the individual health insurance market called the Comprehensive Health Insurance Risk Pool Association. The purpose of the association is to spread the cost of high-risk individuals among all health insurers. The bill funds the high-risk pool through an assessment on insurers. An individual insured through the high-risk pool may be charged a premium up to 150% of the average premium rates charged by carriers for similar health insurance plans. The bill requires the State to submit an application to

the Federal Government for federal assistance to create a high-risk pool.

Part A also removes the requirement that carriers offer standardized plans as defined in Bureau of Insurance Rule Chapter 750 in the individual market.

Part B repeals the community rating law for small group health plans effective January 1, 2009 and enacts in its place provisions governing the rating of small group health plans based on a model act from the National Association of Insurance Commissioners.

Part C allows a health maintenance organization to offer health plans that do not comply with geographic access standards if the health maintenance organization also offers health plans that comply with those access standards or offers a fee-for-service health plan.

Part D repeals the statutory provisions governing the State Health Plan and Certificate of Need.

Part E requires the Department of Professional and Financial Regulation, Bureau of Insurance to conduct a study of the State's rate and form filing laws and make recommendations for changes to reduce the costs and resources expended by health insurance carriers seeking regulatory approval of new health insurance products.

LD 1047 was carried over by joint order, H.P. 1369, to the next special or regular session of the 123rd Legislature.

LD 1066 An Act To Protect Consumers in the Insurance Industry **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS BARTLETT	ONTP	

LD 1066 expands the duties of the Public Advocate to include oversight of the insurance industry by allowing the Public Advocate to review and make recommendations to the Superintendent of Insurance regarding insurance rates, policies and availability of products to Maine consumers. The Public Advocate also may intervene on behalf of a consumer or group of consumers of insurance products in any action before the Department of Professional and Financial Regulation, Bureau of Insurance, other state or federal agencies or courts.

This bill also imposes a filing fee of $50,000 on an insurer who files for a rate change to workers' compensation insurance or employers' liability insurance written in connection with workers' compensation insurance. The fee is dedicated to the Public Advocate to fund the expanded duties as proposed in this bill.

LD 1072 An Act To Establish a Single-payor Health Care System **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BEAUDOIN SCHNEIDER		

LD 1072 establishes a universal access health care system that offers a choice of coverage through organized delivery systems or through a managed care system operated by the Maine Health Care Agency and channels all health care dollars through a dedicated trust fund.

Part A of the bill does the following.

It establishes the Maine Health Care Plan to provide security through high-quality, affordable health care for the

ɔle of the State. All residents and nonresidents who maintain significant contact with the State are eligible for covered health care services through the Maine Health Care Plan. The plan is funded by the Maine Health Care Trust Fund, a dedicated fund receiving payments from employers, individuals and plan members and, after fiscal year 2007, from the 5¢ per package increase in the cigarette tax. The Maine Health Care Plan provides a range of benefits, including hospital services, health care services from participating providers, laboratories and imaging procedures, home health services, rehabilitative services, prescription drugs and devices, mental health services, substance abuse treatment services, dental services, vision appliances, medical supplies and equipment and hospice care. Health care services under the Maine Health Care Plan are provided by participating providers in organized delivery systems and through the open plan, which is available to all providers. The plan is supplemental to other health care programs that may be available to plan members, such as Medicare, Medicaid, the federal Civilian Health and Medical Program of the Uniformed Services, the federal Indian Health Care Improvement Act and workers' compensation.

It establishes the Maine Health Care Agency to administer and oversee the Maine Health Care Plan, to act under the direction of the Maine Health Care Council and to administer and oversee the Maine Health Care Trust Fund. The Maine Health Care Council is the decision-making and directing council for the agency and is composed of 3 full-time appointees.

It directs the Maine Health Care Agency to establish programs to ensure quality, affordability, efficiency of care and health planning. The agency health planning program includes the establishment of global budgets for health care expenditures for the State and for institutions and hospitals. The health planning program also encompasses the certificate of need responsibilities of the agency pursuant to the Maine Revised Statutes, Title 22, chapter 103-A and the health planning responsibilities pursuant to Title 2, chapter 5.

It contains a directive to the State Controller to advance $400,000 to the Maine Health Care Trust Fund on the effective date, January 1, 2008. This amount must be repaid by the Maine Health Care Agency by June 30, 2009.

Part B of the bill establishes the Maine Health Care Plan Transition Advisory Committee. Composed of 20 members, appointed and subject to confirmation, the committee is charged with holding public hearings, soliciting public comments and advising the Maine Health Care Agency on the transition from the current health care system to the Maine Health Care Plan. Members of the committee serve without compensation but may be reimbursed for their expenses. The committee is directed to report to the Governor and to the Legislature on July 1, 2008, January 1, 2009, July 1, 2009 and December 31, 2009. The committee completes its work on December 31, 2009.

Part C of the bill establishes the salaries of the members of the Maine Health Care Council and the executive director of the Maine Health Care Agency.

Part D of the bill prohibits the sale on the commercial market of health insurance policies and contracts that duplicate the coverage provided by the Maine Health Care Plan. It allows the sale of health care policies and contracts that do not duplicate and are supplemental to the coverage of the Maine Health Care Plan.

Part E of the bill imposes a 5¢ per package increase in the cigarette tax beginning December 1, 2007. Proceeds from the cigarette tax increase are paid to the Maine Health Care Trust Fund.

Part F of the bill directs the Maine Health Care Agency to ensure employment retraining for administrative workers employed by insurers and providers who are displaced by the transition to the Maine Health Care Plan. It directs the Maine Health Care Agency to study the delivery and financing of long-term care services to plan members. Consultation is required with the Maine Health Care Plan Transition Advisory Committee, representatives of consumers and potential consumers of long-term care services and representatives of providers of long-term care services, employers, employees and the public. A report by the agency to the joint standing committee of the Legislature having jurisdiction over health and human services matters is due January 1, 2009.

The Maine Health Care Agency is directed to study the provision of health care services under the MaineCare, Medicaid and Medicare programs, waivers, coordination of benefit delivery and compensation, reorganization of State Government necessary to accomplish the objectives of the Maine Health Care Agency and legislation needed to carry out the purposes of the bill. The agency is directed to apply for all waivers required to coordinate the benefits of the Maine Health Care Plan and the Medicaid and Medicare programs. A report by the agency is due to the joint standing committee of the Legislature having jurisdiction over health and human services matters by March 1, 2008.

LD 1072 was carried over by joint order, H.P. 1369, to the next special or regular session of the 123rd Legislature.

LD 1082 **An Act To Create a Maine-based Independent Nonprofit Health Insurance Company** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
PRIEST MARTIN		

LD 1082 directs the Board of Directors of Dirigo Health to establish a nonprofit health care plan to deliver health insurance coverage under Dirigo Health as an alternative to health insurance coverage offered by commercial health insurance carriers. The bill requires the board to consult with the Department of Professional and Financial Regulation, Bureau of Insurance and other state agencies as necessary and authorizes the board to contract for actuarial, financial and legal services. If the board determines that additional legislation is needed to establish the nonprofit health care plan, the bill requires that the recommended legislation be submitted to the Joint Standing Committee on Insurance and Financial Services by December 1, 2007. The bill authorizes the Joint Standing Committee on Insurance and Financial Services to submit legislation to the Second Regular Session of the 123rd Legislature. The bill directs that the board present a plan of operation for the nonprofit health care plan pursuant to the Maine Revised Statutes, Title 24, chapter 19 to the Superintendent of Insurance by March 1, 2008. Finally, the bill requires that the nonprofit health care plan begin offering coverage by October 1, 2008.

LD 1082 was carried over by joint order, H.P. 1369, to the next special or regular session of the 123rd Legislature.

LD 1083 **An Act To Clarify the Use of Insurance Scores** **PUBLIC 74**

Sponsor(s)	Committee Report	Amendments Adopted
CANAVAN SNOWE-MELLO	OTP-AM MAJ ONTP MIN	H-72

LD 1083 requires an insurer that uses consumer reports in insurance underwriting to obtain an updated credit report, recalculate the insured's insurance score and reunderwrite and rerate the insured. An insurer must take these steps within 30 days of receiving the insured's request but need not do so more often than once in any 12-month period. Changes in premium do not become effective until the current policy's renewal.

Committee Amendment "A" (H-72)

This amendment is the majority report of the committee. The amendment clarifies that any adjustments in premium after an insurer reunderwrites and rerates an insured's policy become effective on the anniversary date or the renewal date of the policy.

Enacted Law Summary

Public Law 2007, chapter 74 requires an insurer that uses consumer reports in insurance underwriting to obtain an updated credit report, recalculate the insured's insurance score and reunderwrite and rerate the insured. An insurer

must take these steps within 30 days of receiving the insured's request but need not do so more often than once in any 12-month period. Any adjustments in premium after an insurer reunderwrites and rerates an insured's policy become effective on the anniversary date or the renewal date of the policy.

LD 1102 **An Act To Lower Mandatory Group Participation Rates to 60%** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

Under current law, for purposes of guaranteed renewal, health insurance carriers are permitted to impose minimum participation requirements that may not exceed 75% for small group health plans. This bill reduces the minimum participation requirement to 60%.

LD 1116 **An Act To Create a State-sponsored Mutual Liability Company To Underwrite Risk for Snowmobile and ATV Clubs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

LD 1116 establishes the Maine Snowmobile and ATV Club Mutual Liability Company to manage liability risks for snowmobile and ATV clubs in the State and to indemnify landowners.

LD 1203 **An Act To Amend the Laws Respecting Assignments for the Benefit of Creditors** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS		

LD 1203 is a concept draft pursuant to Joint Rule 208. The bill seeks to clearly set forth the laws governing assignments for the benefit of creditors so that this process for gathering and distributing assets is more accessible and reliable for use in appropriate circumstances to benefit both creditors and debtors.

LD 1203 was carried over by joint order, H.P. 1369, to the next special or regular session of the 123rd Legislature.

LD 1208 **An Act To Create Uniformity among Certain Self-insureds** **PUBLIC 278**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP-AM	S-130

LD 1208 clarifies that multiple-employer welfare arrangements will be treated like other plans under the federal Employee Retirement Income Security Act of 1974 for purposes of small group plan requirements. Multiple-employer welfare arrangements will no longer be required to comply with the standards of the Maine Revised Statutes, Title 24-A, section 2808-B relating to small group health plans and will not have to comply with the Department of Professional and Financial Regulation, Bureau of Insurance, Bureau Rule 750, which addresses standardized health plans, or Rule 850, which addresses health plan accountability. Multiple-employer welfare arrangements are still required to meet the reporting, actuarial, joint and several liability and group solvency

standards of Title 24-A, chapter 81.

Committee Amendment "A" (S-130)

This amendment replaces the bill. The amendment allows a multiple employer welfare arrangement to offer a managed care plan that does not adhere to any geographic access requirements on a pilot basis with approval of the Superintendent of Insurance between January 1, 2008 and January 1, 2011. The amendment prohibits an arrangement from including terms and conditions in the managed care plan that have a detrimental financial impact on a covered person or that require a covered person to travel outside of the United States for health care services. The amendment requires the Superintendent of Insurance to report to the Legislature on the status of any approved pilot program on an annual basis.

Enacted Law Summary

Public Law 2007, chapter 278 allows a multiple employer welfare arrangement to offer a managed care plan that does not adhere to any geographic access requirements on a pilot basis with approval of the Superintendent of Insurance between January 1, 2008 and January 1, 2011. The law prohibits a multiple employer welfare arrangement from including terms and conditions in the managed care plan that have a detrimental financial impact on a covered person or that require a covered person to travel outside of the United States for health care services. The law requires the Superintendent of Insurance to report to the Legislature on the status of any approved pilot program on an annual basis.

LD 1218 An Act To Further Limit Retrospective Denials of Previously Paid Health Insurance Claims — PUBLIC 106

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE TURNER	OTP MAJ ONTP MIN	

LD 1218 shortens the time frame from 18 months to 12 months in which a health insurance carrier may deny retrospectively a health insurance claim submitted by a health care provider and processed and paid in accordance with the standards in effect at the time of submission.

Enacted Law Summary

Public Law 2007, chapter 106 shortens the time frame from 18 months to 12 months in which a health insurance carrier may deny retrospectively a health insurance claim submitted by a health care provider and processed and paid in accordance with the standards in effect at the time of submission.

LD 1230 An Act To Protect Consumers against Inadequate Health Care Coverage — ONTP

Sponsor(s)	Committee Report	Amendments Adopted
CONOVER	ONTP	

LD 1230 prohibits health insurance carriers from offering health plans with deductibles of $1,500 or higher. The bill applies to all health plans issued or renewed on or after October 1, 2007. The bill also removes the authority of the Department of Professional and financial Regulation, Bureau of Insurance to adopt rules that give carriers flexibility with regard to deductible and requires the Bureau of Insurance to repeal Part II of Rule Chapter 750: Standardized Health Plans.

LD 1253 An Act To Protect Consumers from Deceptive Insurance Solicitation **PUBLIC 118**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP-AM	S-57

LD 1253 prohibits a person from using the name of a financial institution in insurance solicitations without the express written permission of that financial institution.

Committee Amendment "A" (S-57)

This amendment replaces the bill. The amendment prohibits a person from using the name of a financial institution in insurance solicitations in a manner that is untrue, deceptive or misleading.

Enacted Law Summary

Public Law 2007, chapter 118 prohibits a person from using the name of a financial institution in insurance solicitations in a manner that is untrue, deceptive or misleading.

LD 1262 An Act Regarding Property and Casualty Insurance Actuarial Opinion of Reserves **PUBLIC 281**

Sponsor(s)	Committee Report	Amendments Adopted
CROCKETT	OTP-AM	H-353

LD 1262 amends the Maine Insurance Code by replacing the current provisions regarding property and casualty actuarial opinions on insurer reserves with the model legislation adopted by the National Association of Insurance Commissioners. The bill requires the filing of the statement of actuarial opinion, the actuarial report supporting the opinion and the actuarial opinion summary by domestic insurers, excluding domestic mutual property insurers.

The bill also provides immunity to a qualified actuary for damages to persons other than the Superintendent of Insurance or a property and casualty insurance company for any act, error, omission, decision or conduct with respect to the actuary's opinion, except in cases of fraud or willful misconduct.

Committee Amendment "A" (H-353)

This amendment clarifies that a qualified actuary is not immune from liability for damages to persons other than the Superintendent of Insurance or a property and casualty insurance company in cases of reckless disregard. The amendment also clarifies language relating to the public disclosure and confidentiality of certain documents.

LD 1262, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2007, chapter 281 amends the Maine Insurance Code by replacing the current provisions regarding property and casualty actuarial opinions on insurer reserves with the model legislation adopted by the National Association of Insurance Commissioners. The law requires domestic insurers, excluding domestic mutual property insurers, to file the statement of actuarial opinion, the actuarial report supporting the opinion and the actuarial opinion summary with the Superintendent of Insurance. The law designates the statement of actuarial opinion as a public record, but otherwise designates the actuarial report, actuarial opinion summary and other documents

provided by the property and casualty insurance company as confidential and not subject to public disclosure.

Public Law 2007, chapter 281 also provides immunity to a qualified actuary for damages to persons other than the Superintendent of Insurance or a property and casualty insurance company for any act, error, omission, decision or conduct with respect to the actuary's opinion, except in cases of fraud, willful misconduct or reckless disregard.

LD 1269 **Resolve, To Study the Feasibility of Pine Tree Health Care Insurance Zones** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLEARY	ONTP	

LD 1269 requires the Department of Professional and Financial Regulation, Bureau of Insurance to study the feasibility of pine tree health care insurance zones, which would address the problems of higher health care insurance rates in rural areas and less coverage in rural areas, and submit its study and any legislation it determines necessary to the Second Regular Session of the 123rd Legislature no later than December 5, 2007.

LD 1287 **An Act To Assist Maine Pharmacies** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	ONTP	

LD 1287 establishes "the Prescription Drug Practices Act." The bill requires all pharmacy benefits managers operating in the State to acquire a valid certificate of authority to be issued by the Department of Professional and Financial Regulation, Bureau of Insurance. The bill also establishes compliance and disclosure requirements for pharmacy benefits managers and prohibits certain practices by pharmacy benefits managers.

LD 1294 **An Act To Establish a Health Care Bill of Rights** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	OTP-AM ONTP	

LD 1294 makes the following changes to the laws regulating individual and small group health plans.

1. It increases the time period for advance notice of rate increases and rate changes to policyholders.

2. It requires the Department of Professional and Financial Regulation, Bureau of Insurance to hold public hearings when a rate increase is proposed.

3. It requires the Department of Professional and Financial Regulation, Bureau of Insurance to contract with an independent hearing officer to conduct rate hearings and to appoint an advocacy panel in those proceedings to represent the interests of consumers and the public.

4. It clarifies that all rate filings and information and documentation used to support the filings are public records and may be disclosed to the public.

5. It changes the standard of review that rates not be excessive to the standard that rates be reasonable and

necessary.

6. It requires that rates not be approved unless certain standards are met and supported by evidence in the record.

7. It requires that carriers provide demonstrable proof and quantify the amount of any recovery of the savings offset payment through negotiations with health care providers as part of rate filings.

8. It increases the minimum loss ratios for individual and small group health plans and requires carriers to refund to policyholders the difference between the required loss ratio and the achieved loss ratio in instances when the carrier does not meet the minimum standards.

9. It repeals the exclusivity provision regarding an enrollee's right to sue under the Maine Revised Statutes, Title 24-A, chapter 56-A.

Committee Amendment "A" (H-512)

This amendment is the minority report of the committee and replaces the bill. The amendment does the following.

1. It retains the provision of the bill that increases the time period for advance notice of rate increases and rate changes to policyholders from 60 to 90 days.

2. It requires that individual and small group rates be filed and approved by the Superintendent of Insurance.

3. It authorizes the Attorney General to request that a hearing be held for an individual or small group rate filing. If a hearing is held, the Attorney General is authorized to contract for actuarial consultants, with the costs of the consultants up to $50,000 paid by the insurer. If the Attorney General or another party has not intervened, the amendment requires the Bureau of Insurance to appoint an advocacy panel to represent consumers in a rate hearing, with the costs of the panel to be paid by the insurer.

4. It clarifies that all rate filings and information and documentation used to support the filings, except for information relating to contracts between an insurer and a 3rd party, are public records and may be disclosed to the public.

5. It retains the provision of the bill that changes the standard of review that rates not be excessive to the standard that rates be reasonable and necessary.

6. It retains the provision of the bill that requires that rates not be approved unless certain standards are met and supported by evidence in the record.

7. It requires the Bureau of Insurance to develop consumer publications using the Office of the Public Advocate's Ratewatcher publication as a model and directs that a link to the Bureau of Insurance be added to the office's website.

8. It adds an appropriations and allocations section to reflect the costs to the Bureau of Insurance associated with the amendment.

9. It corrects cross-references to repealed law.

Committee Amendment "A" was not adopted.

LD 1294 was carried over by joint order, H.P. 1369, to the next special or regular session of the 123rd Legislature.

LD 1334 **Resolve, To Establish a Task Force To Study Strategies To Promote Financial Literacy** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PRIEST	ONTP	

LD 1334 is a concept draft pursuant to Joint Rule 208. The resolve would create a task force to study strategies for educating the State's residents about personal finances, including but not limited to budgeting, savings, credit and identity theft, and to make recommendations to the Legislature on how to improve financial literacy throughout the State.

The substance of LD 1334 was incorporated into a joint order, H.P. 1330, Joint Study Order to Establish the Commission to Study Strategies to Promote Financial Literacy. H.P. 1330 was indefinitely postponed.

LD 1389 **An Act To Provide for Prompt Resolution of Insurance Claims** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM	ONTP	

LD 1389 creates a private cause of action by consumers against insurance companies for violations of the Unfair Claims Practices Act of the Maine Insurance Code. The bill amends the Maine Insurance Code to provide for direct actions by injured persons against insurance companies in specific instances, including, but not limited to, when the insured is insolvent, bankrupt or deceased and when the policy being sued upon is for uninsured motorist coverage. The bill also requires property and casualty insurance policies to provide that the insured's insolvency or bankruptcy does not release the insurer from payment of damages under the policy.

LD 1390 **An Act Related to Special Purpose Reinsurance Vehicles** **PUBLIC 386 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM	OTP-AM	H-456

LD 1390 allows the establishment of special purpose reinsurance vehicles to facilitate the securitization of insurance risks.

Committee Amendment "A" (H-456)

This amendment replaces the bill. The amendment allows the establishment of special purpose reinsurance vehicles to facilitate the securitization of insurance risks. The amendment removes the prohibition on a special purpose reinsurance vehicle being controlled by, controlling, or being under common control with the ceding insurer. The amendment allows a special purpose reinsurance vehicle to use protected cells as part of one special purpose reinsurance vehicle contract. The amendment also makes changes to update the current law to be consistent with similar legislation in other states. The amendment also adds an emergency preamble and emergency clause.

LD 1390, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2007, chapter 386 allows the establishment of special purpose reinsurance vehicles to facilitate the securitization of insurance risks. The law removes the prohibition on a special purpose reinsurance vehicle being controlled by, controlling, or being under common control with the ceding insurer. The law allows a special purpose reinsurance vehicle to use protected cells as part of one special purpose reinsurance vehicle contract. The law also makes changes to update the current law to be consistent with similar legislation in other states.

Public Law 2007, chapter 386 was enacted as an emergency measure effective June 21, 2007.

LD 1401 **An Act Prohibiting Delivery of Unsolicited Credit Cards** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BOWMAN	ONTP	

LD 1401 prohibits mailing or otherwise delivering an unsolicited check or credit card to any person. The bill also immunizes from liability a person in whose name a check or credit card was used if the person received no benefit and did not accept, use, activate or authorize the use of the check or credit card.

LD 1428 **An Act To Facilitate Reporting by Maine Financial Institutions of Elder Financial Exploitation** **PUBLIC 108**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM MARRACHE	OTP-AM	H-131

LD 1428 establishes that financial institutions and credit unions are permitted to disclose financial records to the Department of Health and Human Services when the financial institution or credit union has reasonable cause to suspect that an incapacitated or dependent adult has been or is at substantial risk of abuse, neglect or exploitation, and it provides immunity for the good faith disclosure of financial records for this purpose.

Committee Amendment "A" (H-131)

This amendment replaces section 3 of the bill to add a cross-reference and clarify language referring to financial institutions and credit unions authorized to do business in this State.

Enacted Law Summary

Public Law 2007, chapter 108 establishes that financial institutions and credit unions are permitted to disclose financial records to the Department of Health and Human Services when the financial institution or credit union has reasonable cause to suspect that an incapacitated or dependent adult has been or is at substantial risk of abuse, neglect or exploitation. The law provides immunity for the good faith disclosure of financial records for this purpose.

LD 1429 **An Act To Require Insurance Coverage for Temporomandibular Joint Disorders** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
VAUGHAN	OTP-AM MAJ ONTP MIN	

LD 1429 requires health insurance policies, contracts and certificates to provide coverage for temporomandibular joint disorders. The provisions of this bill apply to all policies, contracts and certificates issued or renewed on or after January 1, 2008.

Committee Amendment "A" (H-605)

This amendment replaces the bill. Like the bill, the amendment requires health insurance policies, contracts and certificates to provide coverage for temporomandibular joint disorders but specifies that such coverage must be provided if coverage would be provided under the policy for musculoskeletal disorders affecting other bones or joints in the body. The amendment requires that coverage be provided for diagnosis and surgical and nonsurgical treatment determined to be medically necessary. The amendment requires coverage for services and treatments provided by a dentist if those treatments and services would be reimbursed under the policy when performed by a licensed physician. The amendment excludes coverage for experimental treatment. The provisions of this bill apply to all policies, contracts and certificates issued or renewed on or after January 1, 2008.

Committee Amendment "A" as amended by House Amendment "B" was adopted in the House, but was not adopted in the Senate.

House Amendment "A" (H-609)

This amendment clarifies that the coverage requirements established in the amendment do not apply for any state employee health plan policy, contract or certificate on or after the effective date of those requirements. It also strikes the appropriations and allocations section. House Amendment "A" to Committee Amendment "A" was not adopted.

House Amendment "B" (H-622)

This amendment provides that the requirements of the legislation apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after July 1, 2009. House Amendment "B" to Committee Amendment "A" was adopted in the House, but was not adopted in the Senate.

LD 1452 An Act To Protect a Borrower's Right To Use the Borrower's Chosen Accounting Service — PUBLIC 185

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON HOBBINS	OTP-AM	H-235

LD 1452 provides that a financial institution or credit union authorized to do business in this State may not, in connection with the extension of credit, interfere with a purchaser's or borrower's free choice of an accounting, tax or attest services provider.

Committee Amendment "A" (H-235)

This amendment replaces the bill. Like the bill, the amendment provides that a financial institution or a credit union may not, in connection with the extension of credit, interfere with a purchaser's or borrower's free choice of an accounting, tax or attest services provider; the amendment adds a supervised lender or other creditor to the provision. The amendment clarifies that the accounting, tax or attest services provider must have proper accreditation and permits a financial institution, credit union, supervised lender or other creditor to require that the accounting, tax or attest services provider have adequate liability insurance and meet other written policy requirements established by the financial institution, credit union, supervised lender or other creditor.

Enacted Law Summary

Public Law 2007, chapter 185 provides that a financial institution, credit union, supervised lender or other creditor

may not, in connection with the extension of credit, interfere with a purchaser's or borrower's free choice of an accounting, tax or attest services provider. The law clarifies that the accounting, tax or attest services provider must have proper accreditation and permits a financial institution, credit union, supervised lender or other creditor to require that the accounting, tax or attest services provider have adequate liability insurance and meet other written policy requirements established by the financial institution, credit union, supervised lender or other creditor.

LD 1474 **An Act To Increase the Minimum Medical Payments Coverage in Automobile Insurance** **PUBLIC 213**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP-AM	H-236

LD 1474 raises the minimum amount of insurance coverage required for medical payments for automobile liability insurance from $1,000 to $5,000.

Committee Amendment "A" (H-236)

While the bill proposes to increase the minimum amount to $5,000, this amendment increases the amount of minimum medical payments coverage in automobile insurance policies from $1,000 to $2,000. The amendment clarifies that the law applies to automobile insurance policies issued or renewed on or after January 1, 2008.

Enacted Law Summary

Public Law 2007, chapter 213 increases the amount of minimum medical payments coverage in automobile insurance policies from $1,000 to $2,000. The law applies to automobile insurance policies issued or renewed on or after January 1, 2008.

LD 1476 **An Act Relating to Bad Check Enforcement Programs Operated by Private Entities** **PUBLIC 214**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A PERRY J	OTP	

LD 1476 applies the Maine Fair Debt Collection Practices Act to private companies that operate check diversion programs for district attorneys, requiring that such companies be licensed and bonded and that their initial communications to consumers notify consumers of their right to dispute the validity of the alleged debts.

Enacted Law Summary

Public Law 2007, chapter 214 amends the Maine Fair Debt Collection Practices Act to define "debt" to include any obligation or alleged obligation relating to a check returned for insufficient funds if a consumer is subject to an enforcement program operated by a private entity. As a result of the law, private companies that operate check diversion programs for district attorneys will be required to comply with the Maine Fair Debt Collection Practices Act, including requirements that such companies be licensed and bonded and that their initial communications to consumers notify consumers of their right to dispute the validity of the alleged debts.

LD 1489 **An Act To Enhance Fairness in Arbitration** **PUBLIC 250**

Sponsor(s)	Committee Report	Amendments Adopted
BOWMAN	OTP-AM	S-131

LD 1489 does the following.

It prohibits the use of binding consumer arbitration agreements unless permitted under federal law.

It requires that consumer arbitration agreements contain specific disclosures related to the costs and fees of arbitration.

It imposes reporting requirements on arbitration service providers.

It prohibits the imposition of the costs of the opposing party if the consumer does not prevail in the arbitration and requires the arbitration provider to waive fees upon request or if the consumer is indigent.

It prohibits an arbitration service provider from conducting an arbitration if the provider has a financial interest in a party or legal representative of a party to the arbitration or if a party or legal representative of a party has a financial interest in the arbitration.

It preserves certain legal rights of a party when entering into a binding arbitration agreement.

It prohibits the use of mandatory binding arbitration clauses in insurance contracts.

Committee Amendment "A" (S-131)

This amendment replaces the bill. The amendment removes the provisions in the bill that regulated the substance of consumer arbitration clauses and retains only the provision requiring that arbitration providers report certain information relating to consumer arbitration proceedings. The amendment requires that the information be reported on a quarterly basis to the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation. The amendment requires that the director compile the information in a report to the Joint Standing Committee on Insurance and Financial Services by April 1, 2009 and authorizes the committee to report out legislation.

LD 1489, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2007, chapter 250 requires arbitration providers to report certain information relating to consumer arbitration proceedings on a quarterly basis to the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation. The law requires that the Director of the Office of Consumer Credit Regulation compile the information in a report to the Joint Standing Committee on Insurance and Financial Services by April 1, 2009 and gives the Joint Standing Committee authority to report out legislation related to consumer arbitration proceedings.

LD 1502 An Act To Clarify and Update the Laws Related to Property and Casualty Insurance — PUBLIC 188

Sponsor(s)	Committee Report	Amendments Adopted
PRIEST	OTP	

LD 1502 makes the following changes to clarify and update the laws related to property and casualty insurance.

Part A corrects a redundancy made by prior revisions to the rate-making law.

Part B amends the rate-filing law to require the Department of Professional and Financial Regulation, Bureau of Insurance to act on electronic filings within 30 days.

Part C makes a variety of changes to the cancellation statutes. It amends the definition of "renewal" in the casualty insurance laws by adding language concerning affiliates that the Legislature added to the property insurance law in 2005. It adds to the laws governing cancellation of commercial policies covering physical damage the Maine Automobile Insurance Cancellation Control Act's requirement that the loss payee receive notice of cancellation or nonrenewal. It amends the Maine Automobile Insurance Cancellation Control Act to correct a typographical error in the definition of "policy" and to improve clarity by moving affiliate language from the statute governing cancellation to the statute governing notice of intent not to renew.

Part C also corrects technical errors in the property insurance law. It also amends laws governing property insurance cancellation control to be consistent in excepting policies that have been in effect for less than 90 days, to add to personal policies the requirement that a mortgagee receive notice of cancellation, to move a provision concerning affiliate renewal from the statute governing delivery of cancellation notice to the statute governing notice of intention not to renew.

Enacted Law Summary

Public Law 2007, chapter 188 makes the following changes to clarify and update the laws related to property and casualty insurance.

The law corrects a redundancy made by prior revisions to the rate-making law.

The law amends the rate-filing law to require the Department of Professional and Financial Regulation, Bureau of Insurance to act on electronic filings within 30 days.

The law makes a variety of changes to the cancellation statutes. It amends the definition of "renewal" in the casualty insurance laws by adding language concerning affiliates that the Legislature added to the property insurance law in 2005. It adds to the laws governing cancellation of commercial policies covering physical damage the Maine Automobile Insurance Cancellation Control Act's requirement that the loss payee receive notice of cancellation or nonrenewal. It amends the Maine Automobile Insurance Cancellation Control Act to correct a typographical error in the definition of "policy" and to improve clarity by moving affiliate language from the statute governing cancellation to the statute governing notice of intent not to renew.

The law also corrects technical errors in the property insurance law. It amends laws governing property insurance cancellation control to be consistent in excepting policies that have been in effect for less than 90 days, to add to personal policies the requirement that a mortgagee receive notice of cancellation, to move a provision concerning affiliate renewal from the statute governing delivery of cancellation notice to the statute governing notice of intention not to renew.

LD 1503 **An Act To Clarify and Update the Laws Related to Health Insurance** **PUBLIC 199**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM	OTP-AM	H-234

LD 1503 makes the following changes to clarify and update the laws related to health insurance.

Part A amends various provisions of law concerning health insurance in order to comply with final federal rules

published in December 2004 to clarify the federal Health Insurance Portability and Accountability Act of 1996. It also provides that a waiting period in a small group health plan includes a period between the time a substantially complete application is filed and the time the coverage takes effect.

Part B requires that second level appeals of health insurance claims be completed within 30 days when the insured has not requested the opportunity to appear in person before authorized representatives of the health carrier. It also clarifies that provisions of the health plan improvement laws applying to carriers offering health plans apply to carriers renewing health plans even if the plans are no longer sold.

Part C amends the list of exceptions to the law concerning guaranteed renewal of individual health insurance to include withdrawal from the market.

Part D amends the law concerning continuity of health insurance to clarify that it applies to blanket coverage.

Part E clarifies that a life and health insurer can be licensed to issue health maintenance organization contracts.

Part F clarifies the law requiring notice of group health termination.

Part G clarifies the law regarding permissible limitations on coverage of preexisting conditions in specified disease policies.

Committee Amendment "A" (H-234)

This amendment clarifies the law relating to participation requirements at renewal of a policy to make it consistent with the law relating to participation requirements at the time a policy is issued. The amendment extends for 2 years the provision allowing financial incentives under Bureau of Insurance Rule Chapter 850. The amendment also corrects grammatical and punctuation errors.

Enacted Law Summary

Public Law 2007, chapter 199 makes the following changes to clarify and update the laws related to health insurance.

The law amends various provisions of law concerning health insurance in order to comply with final federal rules published in December 2004 to clarify the federal Health Insurance Portability and Accountability Act of 1996. It also provides that a waiting period in a small group health plan includes a period between the time a substantially complete application is filed and the time the coverage takes effect.

The law requires that second level appeals of health insurance claims be completed within 30 days when the insured has not requested the opportunity to appear in person before authorized representatives of the health carrier. It also clarifies that provisions of the health plan improvement laws applying to carriers offering health plans apply to carriers renewing health plans even if the plans are no longer sold.

The law extends for 2 years the provision allowing managed care plans containing financial incentives for enrollees to use designated providers under Bureau of Insurance Rule Chapter 850.

The law amends the list of exceptions to the guaranteed renewal of individual health insurance to include withdrawal from the market. It also clarifies the law relating to participation requirements at renewal of a policy to make it consistent with the law relating to participation requirements at the time a policy is issued.

The law amends the statutory provision concerning continuity of health insurance to clarify that it applies to blanket coverage.

The law clarifies that a life and health insurer can be licensed to issue health maintenance organization contracts.

The law clarifies the statutory provision requiring notice of group health termination.

The law clarifies the statutory provision regarding permissible limitations on coverage of preexisting conditions in specified disease policies.

Public Law 2007, chapter 199 was enacted as an emergency measure effective May 31, 2007.

LD 1514 An Act To Require Health Insurance Coverage for Hearing Aids — PUBLIC 452

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP-AM MAJ ONTP MIN	S-265 S-371 ROTUNDO

LD 1514 requires health insurance policies, contracts and certificates to provide coverage for hearing aids for persons under 21 years of age whose hearing loss has been documented by a physician or licensed audiologist. The provisions of this bill apply to all policies, contracts and certificates issued or renewed on or after January 1, 2008.

Committee Amendment "A" (S-265)

This amendment replaces the bill. The amendment requires health insurance policies, contracts and certificates to provide coverage for hearing aids for persons 18 years of age and under. The amendment allows insurance policies to limit coverage to $1,400 per hearing aid every 36 months. The bill would have required coverage for hearing aids for persons under 21 years of age without limits on the amount of coverage.

The amendment also adds an appropriations and allocations section to the bill.

Senate Amendment "A" (S-371)

This amendment makes changes to Committee Amendment "A" to require health insurance policies, contracts and certificates issued or renewed on or after January 1, 2008 to provide coverage for hearing aids for persons from birth to 5 years of age, beginning January 1, 2008; for persons from 6 to 13 years of age, beginning January 1, 2009; and for persons from 14 to 18 years of age, beginning January 1, 2010.

The amendment also replaces the appropriations and allocations section to reflect the changes in required funding as a result of the amendment.

Enacted Law Summary

Public Law 2007, chapter 452 requires health insurance policies, contracts and certificates to provide coverage for hearing aids for persons from birth to 5 years of age, beginning January 1, 2008; for persons from 6 to 13 years of age, beginning January 1, 2009; and for persons from 14 to 18 years of age, beginning January 1, 2010. The law allows health insurance policies to limit coverage to $1,400 per hearing aid every 36 months.

LD 1517 An Act To Allow Maine Consumers To Purchase Health Insurance from Out-of-State Insurers — ACCEPTED ONTP REPORT

Sponsor(s)	Committee Report	Amendments Adopted
SMITH D	ONTP MAJ OTP-AM MIN	

Part A of LD 1517 permits out-of-state health insurers, which are referred to as regional insurers in the bill, to offer their individual or group health plans for sale in this State if certain requirements of Maine law are met, including minimum capital and surplus and reserve, disclosure and reporting and grievance procedures. The bill defines the out-of-state health insurers as those insurers authorized to transact individual or group health insurance in one of the following states or jurisdictions: Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania or the District of Columbia. It also permits Maine health insurers to offer individual health plans of out-of-state parent or subsidiary health insurers if similar requirements are met. If out-of-state health plans are offered for sale in this State, the bill requires that prospective enrollees be provided adequate disclosure of how the plans differ from Maine health plans in a format approved by the Superintendent of Insurance.

Part B of the bill repeals the statutory provisions governing the Capital Investment Fund and certificate of need. The bill takes effect January 1, 2008.

Committee Amendment "A" (S-261)

This amendment is the minority report of the committee. The amendment clarifies that the bill's provisions apply to the sale of individual and small group health plans. The amendment clarifies that the regional insurer must be domiciled and licensed to transact health insurance in the states listed in the bill. The amendment also clarifies the provision relating to the participation of a regional insurer in the guaranty association.

The amendment removes Part B of the bill, which proposed to repeal the statutory provisions governing the Capital Investment Fund and Certificate of Need.

Committee Amendment "A" was not adopted.

LD 1521 Resolve, To Provide Education Concerning and Insurance Coverage for Lyme Disease — RESOLVE 143

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	OTP-AM	S-349 MARTIN
		S-78

LD 1521 requires insurance polices to provide coverage for the treatment of Lyme disease. It also requires any employer whose employees are involved in activities that place them at high risk of exposure to Lyme disease to provide those employees with accurate information about Lyme disease before allowing them to engage in such activities. It directs the Maine Center for Disease Control Prevention to study the incidence of Lyme disease in this State, how many cases of Lyme disease are contracted by employees during the course of their employment, and the effects of the disease on the State.

Committee Amendment "A" (S-78)

This amendment replaces the bill, and changes it to a resolve. The amendment directs the Maine Center for Disease Control and Prevention to undertake public education efforts relating to the prevention, diagnosis and treatment of Lyme disease and other tick-borne illnesses. The amendment also requires the Joint Standing Committee on Insurance and Financial Services to review issues related to Lyme disease and other tick-borne illnesses and authorizes the committee to submit legislation to the Second Regular Session of the 123rd Legislature.

Senate Amendment "A" (S-349)

This amendment removes the requirement in Committee Amendment "A" that the Joint Standing Committee on Insurance and Financial Services review issues regarding Lyme disease.

Enacted Law Summary

Resolve 2007, chapter 143 directs the Maine Center for Disease Control and Prevention to undertake public education efforts relating to the prevention, diagnosis and treatment of Lyme disease and other tick-borne illnesses.

LD 1539 An Act To Implement a Single-Payor Health Care System **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WALCOTT	ONTP	

LD 1539 is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a single-payor health care system.

A related bill, LD 1072, An Act to Establish a Single-payor Health Care System, has been carried over to any special or regular session of the Legislature. See LD 1072.

LD 1568 Resolve, To Explore the Feasibility of Enrolling the Legislature as an Employer Group in Dirigo Health **RESOLVE 112**

Sponsor(s)	Committee Report	Amendments Adopted
MILLER	OTP-AM MAJ ONTP MIN	H-513

LD 1568 directs the State Employee Health Commission to evaluate the feasibility of the Legislature's being an employer group in the Dirigo Health Program and what effect that would have on retirees who are Legislators.

Committee Amendment "A" (H-513)

This amendment requires that the State Employee Health Commission consult with Dirigo Health in evaluating and issuing a report on the feasibility of enrolling the Legislature as an employer group in the Dirigo Health Program. The amendment clarifies that legislative employees are not included. The amendment also clarifies that the Joint Standing Committee on Insurance and Financial Services may submit a bill to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 112 directs the State Employee Health Commission, in consultation with Dirigo Health, to evaluate the feasibility of enrolling the Legislature as an employer group in the Dirigo Health Program.

LD 1592 An Act To Protect Small Businesses and Individual Health Insurance Consumers **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM	ONTP	

LD 1592 is a concept draft pursuant to Joint Rule 208. The bill proposes to require health insurance carriers, over a 2-year period, to merge their insurance group markets for purposes of rate filings and to offer standardized health insurance plans. The first year, the carriers would be required to merge their small group and individual markets; the second year, carriers would be required to merge their large group markets. The bill would require the Department of Professional and Financial Regulation, Bureau of Insurance to ensure that surplus and profits are shared across the combined pool. Existing requirements for basic and standard health insurance plans would continue to apply to the merged market.

LD 1640 **An Act To Allow Health Insurance Premiums To Vary Based on Behaviors Pertaining to Health** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	ONTP	

LD 1640 allows insurers to increase the premiums of individual and group health insurance policies based upon adverse health-related behaviors of the insured, including smoking, not exercising, not taking prescribed medication and abusing alcohol.

LD 1641 **An Act To Provide for Transparency in Insurance Rate Proceedings** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	ONTP	

LD 1641 requires the Superintendent of Insurance to make medical malpractice insurance rate filings open to the public and to hold a public hearing for any filing requesting a rate increase of over 5%.

LD 1659 **An Act To Improve the Affordability of Health Insurance for Maine People** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TARDY	ONTP	

LD 1659 establishes a high-risk pool in the individual health insurance market called the Comprehensive Health Insurance Risk Pool Association. The purpose of the association is to spread the cost of high-risk individuals among all health insurers. The bill funds the high-risk pool through an assessment on insurers. An individual insured through the high-risk pool may be charged a premium up to 150% of the average premium rates charges by carriers for similar health insurance plans. The bill requires the State to submit an application to the Federal Government for federal assistance to create a high-risk pool. The bill also removes the guaranteed issuance requirement for individual health plans, effective January 1, 2008.

The bill also broadens the community rating laws to allow carriers to vary premiums on the basis of age within a maximum rate differential from highest to lowest on a ratio of 4 to one and on the basis of health status and tobacco use within a maximum rate differential from highest to lowest on a ratio of 1.5 to one.

LD 1667 **An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE		

LD 1667 requires that health insurance policies provide coverage for nutritional wellness and prevention that is shown to be beneficial to the enrollee. The bill defines "nutritional wellness and prevention" as nutritional measures and products, including dietary supplements, whose primary purposes are to enhance health, improve nutritional intake, strengthen the immune system, cleanse the body of toxins, address specific health needs and aid in resisting

disease. The bill applies to all individual and group policies issued or renewed on or after January 1, 2008.

LD 1667 was carried over by joint order, H.P. 1369, to the next special or regular session of the 123rd Legislature.

LD 1703 An Act To Regulate Presettlement Lawsuit Funding **PUBLIC 394**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	OTP-AM	H-511

LD 1703 clarifies that presettlement lawsuit funding constitutes supervised lending subject to the Maine Consumer Credit Code. As a result, lenders who engage in this type of lending would be required to be licensed to operate in the State and make the loans subject to the same interest rate limits and disclosure requirements as other consumer loans.

Committee Amendment "A" (H-511)

This amendment replaces the bill. The amendment creates a separate article in the Maine Consumer Credit Code to differentiate the activities of legal funding companies from lenders or creditors. The amendment does the following.

1. It establishes a registration requirement for legal funding companies.

2. It incorporates disclosure and operational provisions that legal funding companies are currently complying with in other states.

3. It limits to 42 months the period for which fees may be charged to a consumer and requires that fees be assessed only on amounts actually retained by the consumer.

4. It permits semiannual compounding of interest and prohibits the compounding of interest for any lesser period of time.

5. It prohibits the use of mandatory arbitration clauses in contracts.

6. It establishes enforcement provisions based on those now applied to consumer creditors and lenders.

7. It requires an annual report to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters on the status of legal funding in this State. As part of the first annual report submitted by March 1, 2009, the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation is required to review and evaluate the annual percentage fees charged to consumers and assess whether a cap on the maximum annual percentage fee is necessary. The amendment authorizes the joint standing committee to submit legislation to implement a cap to the 124th Legislature.

Enacted Law Summary

Public Law 2007, chapter 394 creates a separate article in the Maine Consumer Credit Code to differentiate the activities of legal funding companies from lenders or creditors. The law does the following.

1. It establishes a registration requirement for legal funding companies.

2. It incorporates disclosure and operational provisions that legal funding companies are currently complying with in other states.

3. It limits to 42 months the period for which fees may be charged to a consumer and requires that fees be assessed

only on amounts actually retained by the consumer.

4. It permits semiannual compounding of interest and prohibits the compounding of interest for any lesser period of time.

5. It prohibits the use of mandatory arbitration clauses in contracts.

6. It establishes enforcement provisions based on those now applied to consumer creditors and lenders.

7. It requires an annual report to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters on the status of legal funding in this State. As part of the first annual report submitted by March 1, 2009, the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation is required to review and evaluate the annual percentage fees charged to consumers and assess whether a cap on the maximum annual percentage fee is necessary. The law authorizes the joint standing committee to submit legislation to implement a cap to the 124th Legislature.

LD 1715 **An Act To Reduce the Cost of Health Insurance** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE	ONTP	

LD 1715 requires health insurers to offer for sale qualified high-deductible health plans that may be used in conjunction with a health savings account. The bill exempts these health plans from the community rating, guaranteed issuance and mandated benefit requirements otherwise applicable to certain individual and group health plans.

LD 1716 **An Act To Ensure That DirigoChoice Is Affordable** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	ONTP	

LD 1716 requires that Dirigo Health Program coverage meet certain standards for a comprehensive and affordable health benefit package. The bill also limits the amount of contributions required by enrollees in the Dirigo Health Program based on an enrollee's income.

LD 1742 **An Act To Permit Greater Flexibility in the Design of Affordable Health Insurance** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

LD 1742 makes the following changes to the laws governing health insurance.

1. It expands the community rating bands from 20% to 40% for premium rates filed with the Superintendent of Insurance on or after January 1, 2008.

2. It requires that the Bureau of Insurance revise Bureau of Insurance Rule, Chapter 750 defining minimum

standards for mandated health plan offerings to reflect current market conditions and requires that the bureau review the rule and adopt changes to reflect market conditions at least once every 3 years.

3. It requires carriers that offer individual health plans to offer individual health plans utilizing preferred provider arrangements.

4. It changes the standard of review of benefit changes in individual health plans to be consistent with the standard of review for group health plans.

5. It repeals the requirement that all health plans meet certain access standards.

LD 1753 An Act Regarding Health Insurance Coverage for Persons under the Influence of Alcohol or Narcotics **PUBLIC 216**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP	S-113 SULLIVAN

LD 1753 repeals the provision in the Maine Insurance Code that allowed health insurers to insert a provision in a policy denying liability for loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic. This bill also corrects cross-references to the repealed provision.

Senate Amendment "A" (S-113)

This amendment replaces the bill. The amendment clarifies that a provision prohibiting an insurance policy from excluding coverage for losses sustained by a person under the influence of alcohol or narcotics only applies to health insurance policies.

Enacted Law Summary

Public Law 2007, chapter 216 prohibits insurers from inserting a provision in a health insurance policy denying liability for loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic.

LD 1760 An Act To Restore Competition to Maine's Health Insurance Market **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
PILON	Taken pursuant to JR 309	

LD 1760 establishes a reinsurance high-risk pool for the individual health insurance market called the Maine Individual High-risk Reinsurance Pool, which is modeled on a similar reinsurance pool in the state of Idaho. The bill modifies the guaranteed issuance law to require all individual health insurance carriers to guarantee coverage under health plans approved by the Maine Individual High-risk Reinsurance Pool. The bill requires health maintenance organizations to pay an assessment of 2% of premiums to partially support the costs of the reinsurance pool. The remaining costs of the pool are funded through reinsurance premiums paid by participating carriers. The bill provides reimbursement to carriers for individuals insured through the high-risk reinsurance pool for 90% of claims between $5,000 and $25,000 and 100% of claims incurred over $25,000.

The bill also expands the community rating bands in the individual health insurance market to allow a maximum rate differential from highest to lowest of 5 to 1 on the basis of age, occupation and industry or geographic area and a maximum rate differential from highest to lowest of 1.5 to 1 on the basis of health status or tobacco use.

LD 1760 was carried over by joint order, H.P. 1369, to the next special or regular session of the 123rd Legislature.

LD 1829 **An Act To Amend the Banking Laws Regarding the Establishment of Branches by Financial Institutions with Affiliates That Engage in Commercial Activity** **PUBLIC 69**

Sponsor(s)	Committee Report	Amendments Adopted

LD 1829 was reported out of committee pursuant to joint order, S.P. 575. The bill adds "commercial activity" to the definitions included in the Maine banking laws and clarifies that out-of-state financial institutions and their affiliates, like Maine financial institutions and their affiliates, are prohibited from conducting any commercial activity at in-state branches and cannot establish a branch within 1.5 miles of the location of an affiliate where the affiliate engages in any commercial activity.

Enacted Law Summary

Public Law 2007, chapter 69 adds "commercial activity" to the definitions included in the Maine banking laws and clarifies that out-of-state financial institutions and their affiliates, like Maine financial institutions and their affiliates, are prohibited from conducting any commercial activity at in-state branches and cannot establish a branch within 1.5 miles of the location of an affiliate where the affiliate engages in any commercial activity.

LD 1865 **An Act To Amend the Long-term Care Insurance Law** **PUBLIC 232**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP	

LD 1865 qualifies consumers who purchase certain long-term care insurance policies for asset-protection measures under the federal Deficit Reduction Act of 2005, Public Law 109-171. The bill conforms Maine law to recently adopted amendments to the National Association of Insurance Commissioners' long-term care insurance model act. The bill prohibits issuing policies or certificates in the field if a field producer's compensation is based on the number of policies or certificates sold. The bill also imposes training requirements on producers who sell, solicit or negotiate long-term care policies.

Enacted Law Summary

Public Law 2007, chapter 232 qualifies consumers who purchase certain long-term care insurance policies for asset-protection measures under the federal Deficit Reduction Act of 2005, Public Law 109-171. The law conforms Maine law to recently adopted amendments to the National Association of Insurance Commissioners' long-term care insurance model act. The law prohibits issuing policies or certificates in the field if a field producer's compensation is based on the number of policies or certificates sold. The law also imposes training requirements on producers who sell, solicit or negotiate long-term care policies.

LD 1869 **An Act To Protect Maine Homeowners from Predatory Lending** **PUBLIC 273**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS DOW	OTP-AM	H-354

LD 1869 makes significant changes to current Maine law relating to residential mortgage loans and permissible high-rate, high-fee mortgages. The bill updates and amends current law to address predatory and abusive lending practices and to provide additional protections for Maine consumers.

With regard to the making of residential mortgage loans, the bill includes the following provisions.

1. It lowers the threshold for fees that can be charged in connection with certain residential home mortgage loans from 8% of the total loan amount to 5% or 6% based upon the total loan amount.

2. It prohibits creditors from recommending or encouraging default on an existing loan in connection with the closing or planned closing on a refinancing.

3. It prohibits creditors from "flipping" loans, which means the refinancing of a loan with no tangible net benefit to the borrower.

4. It places restrictions on the imposition of late payment fees or penalties.

5. It prohibits creditors from financing premiums or payments for credit insurance or debt cancellation agreements as part of the loan.

6. It prohibits the inclusion of a provision in mortgage loan contracts that permits the creditor, in its sole discretion, to accelerate the indebtedness.

7. It prohibits creditors from charging a fee to receive the amount of the payoff balance for a loan or to receive a release upon prepayment and also requires creditors to provide a payoff balance as required by law.

8. It requires that creditors have a reasonable belief at the time of closing that the borrower has the financial ability to make the scheduled payments on the loan.

With regard to the making of high-rate, high-fee mortgages, the bill includes the following provisions.

1. It requires that, before making the loan, creditors receive certification that a borrower has received counseling on the advisability of such a loan from a 3rd-party, nonprofit organization approved by the federal housing agency, a state housing financing agency or the state regulatory agency with jurisdiction over the creditor.

2. It prohibits creditors from financing any points or fees in connection with the loan.

3. It prohibits the inclusion of prepayment penalties or fees.

4. It prohibits scheduled payments more than twice as large as the average of earlier scheduled payments unless the payment schedule is adjusted according to the seasonal or irregular income of a borrower.

5. It prohibits payment terms under which outstanding principal or accrued interest will increase at any time because the scheduled payments do not cover the full amount of interest due.

6. It prohibits loan terms that increase the interest rate following a default.

7. It prohibits terms under which more than 2 periodic payments are consolidated and paid in advance from loan proceeds provided to the borrower.

8. It prohibits fees in connection with the modification of the loan or deferral of payments under the terms of the loan.

9. It requires certain disclosures related to the purchase or assignment of high-rate, high-fee mortgages and the effect on claims and defenses available to the borrower. The bill makes purchasers or assignees of high-rate, high-fee mortgages subject to all affirmative claims and any defenses that a borrower can assert against the creditor that originated the loan, except claims that the creditor did not have a reasonable belief at closing that the borrower had the financial ability to make scheduled payments, unless certain requirements are satisfied by the purchaser or assignee of the mortgage.

10. It prohibits creditors from paying a contractor for home improvements from the proceeds of a high-rate, high-fee mortgage unless the payment instrument is payable jointly to the borrower and the contractor or paid to an escrow account and the creditor has received proof that the home repairs are completed.

The bill requires that a consumer be specifically notified if a prepayment penalty provision is added to the consumer's mortgage note just before closing.

The bill applies consumer protections to so-called "piggy-back" loans, which are second-lien mortgages used in conjunction with first-lien loans to purchase real estate. This bill prohibits lenders and loan brokers from facilitating submission of false credit application information by a consumer.

The bill regulates the sale and issuance of rate locks by lenders and brokers.

The bill prohibits inclusion of contradictory information about prepayment penalties in a consumer's closing package.

The bill requires disclosure to a consumer of any yield spread premium to be paid to a loan broker by a lender.

The bill prevents unfair or deceptive practices with respect to trigger leads derived from consumers' credit reports.

The bill increases the accountability of lenders and loan brokers operating across state lines by permitting state mortgage regulators to participate in a uniform automated nationwide mortgage licensing system once the system is developed and implemented.

The bill adds 2 positions, an investigator and a staff attorney, within the Office of Consumer Credit Regulation, to implement the provisions.

The bill makes creditors who violate the provisions enacted in the bill subject to monetary penalties and enforcement by the Department of Professional and Financial Regulation, Bureau of Financial Institutions, the Office of Consumer Credit Regulation as well as the Attorney General for entities regulated by the Office of Consumer Credit Regulation. The bill also gives borrowers the right to bring a private court action against creditors for violations and to recover statutory, actual and punitive damages.

The bill applies to all residential mortgage loans and high-rate, high-fee mortgages made in connection with residential property located in this State.

The bill takes effect January 1, 2008, except for the provision establishing 2 positions in the Office of Consumer Credit Regulation, which takes effect 90 days after adjournment.

Committee Amendment "A" (H-354)

This amendment does the following.

1. It clarifies that implementation of the multistate licensing system must reflect principles agreed upon by the Conference of State Bank Supervisors and the American Financial Services Association.

2. It clarifies that records provided to the administrator that are confidential must be maintained as confidential and not disclosed except as authorized.

3. It clarifies that construction loans are excluded from the definition of "residential mortgage loan."

4. It adds a definition of "subprime mortgage loan."

5. It clarifies that counseling organizations must be approved by the United States Department of Housing and Urban Development, the Maine State Housing Authority or the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection.

6. It requires rulemaking to further define tangible net benefit before January 1, 2008.

7. It clarifies that the provision requiring a creditor to determine a borrower's reasonable ability to pay before making a loan applies only to subprime mortgage loans.

8. It clarifies that a borrower must pay the reasonable costs of the lender incurred before cure of default.

9. It clarifies that assignees or purchasers of loans are not subject to the violations provision except as specifically provided.

10. It clarifies that punitive damages are permitted for violations of the high-rate, high-fee mortgage provisions or the flipping provision when the violation is malicious or reckless.

11. It excludes residential mortgage loans from potential criminal liability and clarifies that fines and terms of imprisonment for violations of the bill's provisions are in accordance with the Maine Revised Statutes, Title 17-A.

12. It requires the Superintendent of Consumer Credit Protection to report annually to the Legislature.

13. It adds a requirement of good faith and fair dealing on loan brokers.

14. It establishes the Bureau of Consumer Credit Protection to replace the current Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation.

LD 1869, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2007, chapter 273 makes significant changes to current Maine law relating to residential mortgage loans and permissible high-rate, high-fee mortgages. The law updates and amends current law to address predatory and abusive lending practices and to provide additional protections for Maine consumers.

With regard to the making of residential mortgage loans, the law includes the following provisions.

It clarifies that construction loans are excluded from the definition of "residential mortgage loan."

It lowers the threshold for fees that can be charged in connection with certain residential home mortgage loans from 8% of the total loan amount to 5% or 6% based upon the total loan amount.

It prohibits creditors from recommending or encouraging default on an existing loan in connection with the

ing or planned closing on a refinancing.

It prohibits creditors from "flipping" loans, which means the refinancing of a loan with no tangible net benefit to the borrower. It also requires rulemaking to further define net tangible benefit before January 1, 2008.

It places restrictions on the imposition of late payment fees or penalties.

It prohibits creditors from financing premiums or payments for credit insurance or debt cancellation agreements as part of the loan.

It prohibits the inclusion of a provision in mortgage loan contracts that permits the creditor, in its sole discretion, to accelerate the indebtedness.

It prohibits creditors from charging a fee to receive the amount of the payoff balance for a loan or to receive a release upon prepayment and also requires creditors to provide a payoff balance as required by law.

It requires that creditors have a reasonable belief at the time of closing on a subprime mortgage loan that the borrower has the financial ability to make the scheduled payments on the loan.

With regard to the making of high-rate, high-fee mortgages, the law includes the following provisions.

1. It requires that, before making the loan, creditors receive certification that a borrower has received counseling on the advisability of such a loan from a 3rd-party, nonprofit organization approved by the United States Department of Housing and Urban Development, the Maine State Housing Authority or the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection.

2. It prohibits creditors from financing any points or fees in connection with the loan.

3. It prohibits the inclusion of prepayment penalties or fees.

4. It prohibits scheduled payments more than twice as large as the average of earlier scheduled payments unless the payment schedule is adjusted according to the seasonal or irregular income of a borrower.

5. It prohibits payment terms under which outstanding principal or accrued interest will increase at any time because the scheduled payments do not cover the full amount of interest due.

6. It prohibits loan terms that increase the interest rate following a default.

7. It prohibits terms under which more than 2 periodic payments are consolidated and paid in advance from loan proceeds provided to the borrower.

8. It prohibits fees in connection with the modification of the loan or deferral of payments under the terms of the loan.

9. It requires certain disclosures related to the purchase or assignment of high-rate, high-fee mortgages and the effect on claims and defenses available to the borrower. The law makes purchasers or assignees of high-rate, high-fee mortgages subject to all affirmative claims and any defenses that a borrower can assert against the creditor that originated the loan, except claims that the creditor did not have a reasonable belief at closing that the borrower had the financial ability to make scheduled payments, unless certain requirements are satisfied by the purchaser or assignee of the mortgage.

10. It prohibits creditors from paying a contractor for home improvements from the proceeds of a high-rate, high-fee

mortgage unless the payment instrument is payable jointly to the borrower and the contractor or paid to an escrow account and the creditor has received proof that the home repairs are completed.

The law requires that a consumer be specifically notified if a prepayment penalty provision is added to the consumer's mortgage note just before closing.

The law applies consumer protections to so-called "piggy-back" loans, which are second-lien mortgages used in conjunction with first-lien loans to purchase real estate. This law prohibits lenders and loan brokers from facilitating submission of false credit application information by a consumer.

The law regulates the sale and issuance of rate locks by lenders and brokers.

The law prohibits inclusion of contradictory information about prepayment penalties in a consumer's closing package.

The law requires disclosure to a consumer of any yield spread premium to be paid to a loan broker by a lender.

The law prevents unfair or deceptive practices with respect to trigger leads derived from consumers' credit reports.

The law adds a requirement of good faith and fair dealing on loan brokers.

The law increases the accountability of lenders and loan brokers operating across state lines by permitting state mortgage regulators to participate in a uniform automated nationwide mortgage licensing system once the system is developed and implemented.

The law makes creditors who violate the provisions enacted in the law subject to monetary penalties and enforcement by the Department of Professional and Financial Regulation, Bureau of Financial Institutions, the Office of Consumer Credit Regulation as well as the Attorney General for entities regulated by the Office of Consumer Credit Regulation, except for assignees or purchasers of loans. The law also gives borrowers the right to bring a private court action against creditors for violations and to recover statutory, actual and punitive damages. Punitive damages are permitted for violations of the high-rate, high-fee mortgage provisions or the flipping provision when the violation is malicious or reckless. The law excludes creditors who make residential mortgage loans from potential criminal liability and clarifies that fines and terms of imprisonment for violations of the law's provisions are in accordance with the Maine Revised Statutes, Title 17-A.

The law applies to all residential mortgage loans and high-rate, high-fee mortgages made in connection with residential property located in this State.

The law establishes the Bureau of Consumer Credit Protection to replace the current Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation and adds 2 new positions, an investigator and a staff attorney.

Public Law 2007, chapter 273 takes effect January 1, 2008, except for the provisions establishing the Bureau of Consumer Credit Protection and the 2 new positions, which take effect 90 days after adjournment.

Senate Amendment "A" (S-188)

This amendment is being presented on behalf of the Committee on Bills in the Second Reading to avoid a conflict with duplicate section numbers already enacted in Public Law 2007, chapter 185.

Senate Amendment "A" to LD 1869 was not adopted.

LD 1890 **An Act To Make Health Care Affordable, Accessible and Effective for All** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM A OTP-AM B OTP-AM C	

LD 1890 does the following.

Part A requires all insurance carriers to offer a discount on premiums for nonsmokers and requires insurance carriers in the small and large group markets to offer a discount on premiums for participants in workplace wellness programs. This Part directs Dirigo Health's Maine Quality Forum to develop certification standards for eligible workplace wellness programs.

Part B clarifies that all rate filings, as well as information and documentation used to support the filings, are public records. It also requires that carriers provide demonstrable proof and quantify the amount of any recovery of the savings offset payment until repealed or the surcharge through negotiations with health care providers as part of the filing.

Part C requires a medical loss ratio of 78% in the individual market and requires approval from the Department of Professional and Financial Regulation, Bureau of Insurance for all rate filings in the small group market. This Part also requires carriers to refund the amount of the premium above the amount necessary to achieve a 78% loss ratio to policyholders in both the individual and small group markets.

Part D extends the provision allowing carriers to lower premium costs by including financial incentives to members to use designated providers and gives the Superintendent of Insurance the authority to develop a financial incentive pilot program that allows companies to offer products in which consumers can choose to travel further for cost savings and better quality.

Part E establishes a reinsurance plan for the individual health insurance market, effective January 2009. It preserves guaranteed issue, keeps all people in the same pool and provides reinsurance for all claims above a certain limit, reducing the community rate in the individual insurance market. It requires that all insurers in the individual market offer a plan that includes a $1,000 deductible, a prescription drug benefit not subject to a deductible and the option of no lifetime benefit maximum. It expands individual insurance market community rating bands for age and geography to plus or minus 33% in 2008; in 2009, when the reinsurance program becomes effective, the bands may be adjusted to plus or minus 50% and by an additional 10% upward for variation in health status. If individual insurance market savings are not achieved in the rate-filings submitted by insurers to the Bureau of Insurance by September 1, 2008, the 2009 rating expansions and the law establishing the individual reinsurance plan will not go into effect.

Part E also provides that health maintenance organizations are subject to the tax imposed on insurance premiums beginning October 1, 2007, with 85% of the resulting revenue dedicated to the Dirigo Health Program for one year and then to the individual reinsurance plan in the Maine Revised Statutes, Title 24-A, chapter 54. The reinsurance program is also financed in part by reinsurance premiums paid by insurers in the individual market. Beginning October 1, 2007, health maintenance organizations will not be subject to the corporate income tax. This Part also amends the Maine corporate income tax law to provide that income received by an insurance company from a health maintenance organization that is not separately organized is also not subject to the corporate income tax.

Part F makes permanent, beginning on or after July 1, 2008, the temporary voluntary cost containment targets on

hospital consolidated operating margins and cost increases, which were initiated in Public Law 2003, chapter 469, Part F, section 1 and which otherwise would expire.

Part G allows Dirigo Health to administer grants and other subsidies to strengthen the State's health care quality improvement infrastructure.

Part H allows persons who become eligible for premium assistance through MaineCare to enroll in their employer's group health care plan outside of the annual open enrollment period in order to allow MaineCare to pay eligible employees' premiums.

Part I establishes a health care shared responsibility program to require certain employers and individuals who do not offer or take up health insurance to pay a fee toward coverage of the uninsured. This Part directs Dirigo Health, in consultation with representatives from the business, labor, economic development, taxation, consumer, insurance and health care communities along with other interested stakeholders, to adopt major substantive rules to implement this program and to address the concerns for affordability and fairness and the impact on the business climate.

Part J disallows employers from counting MaineCare enrollees for purposes of determining the 75% of workforce eligibility for small group health plans, including DirigoChoice. This Part allows Dirigo Health to reduce the amount employers must contribute toward coverage to join DirigoChoice and also allows Dirigo Health, once the health care shared responsibility contribution requirement is implemented, to subsidize approved plans provided by multiple carriers. This Part also reduces from 20 to 10 the number of hours employees must work before being eligible for coverage under their employer's DirigoChoice plan. This Part allows Dirigo Health to assist employers in establishing payroll deduction systems that would help employees purchase health coverage with pre-tax dollars.

Part K requires the Superintendent of Insurance to report yearly to the Legislature the numbers of previously uninsured individuals who have enrolled in any health insurance product regulated by the Bureau of Insurance.

Part L replaces the savings offset payment with a surcharge. The surcharge is added to certain payments made to hospitals and is paid to Dirigo Health by an expanded group of payors, some of whom are now exempt from payment. The intent of this provision is to reduce the amount paid by each payor by sharing responsibility among a larger group of payors. The amount of the surcharge cannot exceed the actual total incurred claims paid in the preceding year for previously underinsured and uninsured individuals now covered through the program. The Board of Directors of Dirigo Health has the authority to exclude amounts established by rule for which the costs and efficiency of billing or enforcing collection from an individual would not be cost-effective.

Committee Amendment "A" (H-615)

This amendment replaces the bill and makes changes to the laws governing health insurance and the Dirigo Health Program.

Part A requires carriers to offer a wellness program in all small group and group health plans. The Part requires that carriers offer enrollees participating in the wellness program a financially tangible benefit, including a premium discount. The Part also requires that carriers report annually to the Superintendent of Insurance about the wellness programs offered to enrollees and that the superintendent report aggregate data from carriers to the Legislature and to the Maine Quality Forum. Part A also requires all individual health plans to provide coverage for tobacco cessation treatment.

Part B requires that all insurers in the individual market offer a plan that includes a $1,000 deductible, a prescription drug benefit not subject to a deductible and the option of no cap on the lifetime maximum benefit.

Part C directs the Superintendent of Insurance to report the results of the consensus-based rule-making process related to possible amendments to Bureau of Insurance Rule Chapter 850. The Part also permits the Joint Standing Committee on Insurance and Financial Services to submit legislation to the Second Regular Session of the 123rd

Legislature.

Part D establishes a reinsurance mechanism for the individual health insurance market. The Part provides reimbursement to carriers offering individual health plans for 80% of claims incurred between $50,000 and $200,000 for health plans as determined by the superintendent.

Part E modifies the community rating band in the individual market to permit the variation of rates below the community rate by 40% on the basis of age. This Part prohibits rating variations on the basis of geographic area and occupation or industry. Rates may not vary above the community rate by more than 20%.

Part F requires the Superintendent of Insurance to study the impact of merging the individual and small group markets.

Part G makes changes to the standards for the review of individual and small group health insurance rate filings. This Part also prohibits carriers from increasing rates to account for the hospital surcharge paid to support Dirigo Health unless the carrier has a loss ratio of 83% or higher for its individual health plans. Small group carriers are prohibited from increasing their rates.

Part H clarifies that rate filings and supporting information are public records subject to disclosure and requires the Superintendent of Insurance to review Bureau of Insurance Rule Chapter 945 to identify any gaps in data filed by insurance companies to improve transparency in developing premium rates. Part H also requires carriers in the individual market to have a loss ratio of 78% and to refund the excess amount to policy holders.

Part I requires the Superintendent of Insurance to report yearly to the Legislature the impact of changes to the rating provisions in the Maine Revised Statutes, Title 24-A, section 2736-C and the establishment of the Maine Individual Reinsurance Program pursuant to Title 24-A, chapter 54 on the overall health insurance market, including the number of carriers, the types of products offered and the number of individuals enrolled in health plans. This Part also requires the Governor's Office of Health Policy and Finance to study the impact of an individual and employer mandate in conjunction with the Department of Labor.

Part J allows Dirigo Health to administer grants and other subsidies to strengthen the State's health care quality improvement infrastructure.

Part K allows Dirigo Health to subsidize approved plans provided by multiple carriers. This Part also permits eligible businesses to elect to treat as eligible employees who work at least 10 hours per week for coverage under their employer's DirigoChoice plan. This Part allows Dirigo Health to assist employers in establishing payroll deduction systems that would help employees purchase health coverage with pre-tax dollars.

Part L makes permanent, beginning on or after July 1, 2008, the temporary voluntary cost containment targets on hospital consolidated operating margins and cost increases, which were initiated in Public Law 2003, chapter 469, Part F, section 1 and which otherwise would expire.

Part M authorizes the Board of Directors of Dirigo Health to develop a demonstration project to provide a targeted DirigoChoice health coverage plan to meet the needs of temporary and seasonal workers and long-term care employers and their employees and that allows multiple employers to contribute monthly premium assistance to temporary and seasonal workers and direct-care employees eligible to enroll in DirigoChoice as an individual.

Part N repeals the savings offset payment. The Part establishes a 1.8% surcharge on hospital bills. The Part increases the tax on cigarettes by 75 cents per pack and equalizes the rate of tax imposed on all tobacco products. The Part requires that these revenues be credited to the Dirigo Health Enterprise Fund to support the Dirigo Health Program except that 24% of the revenues must be transferred to the Maine Individual Reinsurance Program.

Part O changes cross-references.

Part P adds an appropriations and allocations section to the bill.

Committee Amendment "A" was not adopted.

Committee Amendment "B" (H-616)

This amendment replaces the bill and makes changes to the laws governing health insurance and the Dirigo Health Program.

Part A requires carriers to offer a wellness program in all small group and group health plans. The Part requires that carriers offer enrollees participating in the wellness program a financially tangible benefit, including a premium discount. The Part also requires that carriers report annually to the Superintendent of Insurance about the wellness programs offered to enrollees and that the superintendent report aggregate data from carriers to the Legislature and to the Maine Quality Forum.

Part B requires that all insurers in the individual market offer a plan that includes a $1,000 deductible, a prescription drug benefit not subject to a deductible and the option of no cap on the lifetime maximum benefit.

Part C extends the provision allowing carriers to lower premium costs by including financial incentives to members to use designated providers and gives the Superintendent of Insurance the authority to develop a financial incentive pilot program that allows companies to offer products in which consumers can choose to travel further for cost savings and better quality.

Part D establishes a reinsurance pool for the individual health insurance market and is modeled on a similar reinsurance pool in Idaho. The Part requires insurers that provide medical insurance as defined in the bill to pay an assessment of up to $2 per covered person per month to partially support the costs of the reinsurance pool. The Part requires all individual carriers to guarantee issue of all health plans approved by the high-risk reinsurance pool as a condition of offering individual health plans in this State.

Part E allows a maximum rate differential for individual health plans on the basis of age, occupation or industry and geographic area of 4:1 and a maximum rate differential on the basis of health status and tobacco use of 1.5:1.

Part F requires the Superintendent of Insurance to report yearly to the Legislature the impact of changes to the rating provisions in Title 24-A, section 2736-C and the establishment of the Maine Individual High-risk Reinsurance Pool pursuant to Title 24-A, chapter 54, the total number of individuals enrolled in any health insurance product regulated by the Bureau of Insurance and the numbers of previously uninsured individuals who have enrolled in any health insurance product regulated by the Bureau of Insurance.

Part G allows Dirigo Health to administer grants and other subsidies to strengthen the State's health care quality improvement infrastructure.

Part H allows Dirigo Health to subsidize approved plans provided by multiple carriers. This Part allows Dirigo Health to assist employers in establishing payroll deduction systems that would help employees purchase health coverage with pre-tax dollars.

Part I makes permanent, beginning on or after July 1, 2008, the temporary voluntary cost containment targets on hospital consolidated operating margins and cost increases, which were initiated in Public Law 2003, chapter 469, Part F, section 1 and which otherwise would expire.

Part J repeals the savings offset payment as a source of funding for Dirigo Health.

Part K corrects cross-references.

Committee Amendment "B" was not adopted.

Committee Amendment "C" (H-617)

This amendment replaces the bill and makes changes governing health insurance and the Dirigo Health Program.

Part A requires carriers to offer a wellness program in all small group and group health plans. The Part requires that carriers offer enrollees participating in the wellness program a financially tangible benefit, including a premium discount. The Part also requires that carriers report annually to the Superintendent of Insurance about the wellness programs offered to enrollees and that the superintendent report aggregate data from carriers to the Legislature and to the Maine Quality Forum.

Part B requires that all insurers in the individual market offer a plan that includes a $1,000 deductible, a prescription drug benefit not subject to a deductible and the option of no cap on the lifetime maximum benefit.

Part C extends the provision allowing carriers to lower premium costs by including financial incentives to members to use designated providers and gives the Superintendent of Insurance the authority to develop a financial incentive pilot program that allows companies to offer products in which consumers can choose to travel further for cost savings and better quality.

Part D establishes a reinsurance pool for the individual health insurance market and is modeled on a similar reinsurance pool in Idaho. The Part requires insurers that provide medical insurance as defined in the bill to pay an assessment of up to $2 per covered person per month to partially support the costs of the reinsurance pool. The Part requires all individual carriers to guarantee issue of all health plans approved by the high-risk reinsurance pool as a condition of offering individual health plans in this State.

Part E allows a maximum rate differential for individual health plans on the basis of age, occupation or industry and geographic area of 4:1 and a maximum rate differential on the basis of health status and tobacco use of 1.5:1.

Part F requires the Superintendent of Insurance to report yearly to the Legislature the impact of changes to the rating provisions in Title 24-A, section 2736-C and the establishment of the Maine Individual High-risk Reinsurance Pool pursuant to Title 24-A, chapter 54, the total number of individuals enrolled in any health insurance product regulated by the Bureau of Insurance and the numbers of previously uninsured individuals who have enrolled in any health insurance product regulated by the Bureau of Insurance.

Part G allows Dirigo Health to administer grants and other subsidies to strengthen the State's health care quality improvement infrastructure.

Part H allows Dirigo Health to subsidize approved plans provided by multiple carriers. This Part also permits eligible businesses to elect to treat employees who work at least 10 hours per week as eligible for coverage under their employer's DirigoChoice plan. This Part allows Dirigo Health to assist employers in establishing payroll deduction systems that would help employees purchase health coverage with pre-tax dollars.

Part I makes permanent, beginning on or after July 1, 2008, the temporary voluntary cost containment targets on hospital consolidated operating margins and cost increases, which were initiated in Public Law 2003, chapter 469, Part F, section 1 and which otherwise would expire.

Part J makes changes to the funding for subsidies for the Dirigo Health Program. The Part repeals the savings offset payment and puts in its place an assessment on carriers and hospitals. The Part requires carriers to pay an assessment equal to 1% of gross direct premiums for health insurance. The Part also increases the tax payable by hospitals by 1% of net operating revenue. The assessments and hospital revenues must be pooled with other revenues of the

Dirigo Health Program in the Dirigo Health Enterprise Fund. If the assessments paid in any year exceed $50,000,000, the Part requires Dirigo Health to use those excess funds to provide subsidies to eligible businesses. The Part also establishes a voluntary checkoff on individual income tax returns for contributions to the Dirigo Health Enterprise Fund to support the costs of health insurance coverage for the uninsured and underinsured.

Part K corrects cross-references.

Part L adds an appropriations and allocations section.

Committee Amendment "C" was not adopted.

Senate Amendment "B" (S-384)

Senate Amendment "B" to Committee Amendment "A" strikes out all of that committee amendment and replaces it with the provisions of Committee Amendment "B". Senate Amendment "B" to Committee Amendment "A" was not adopted.

Senate Amendment "B" (S-380)

Senate Amendment "B" to Committee Amendment "C" strikes all of that committee amendment and replaces it with all of the provisions of Committee Amendment "B." Senate Amendment "B" to Committee Amendment "C" was not adopted.

Senate Amendment "C" (S-383)

Senate Amendment "C" to Committee Amendment "C" strikes out all of the committee amendment and instead does the following in order to increase the affordability and accessibility of health care.

Part A repeals the guaranteed issuance and community rating law for individual health plans effective April 1, 2008 and allows carriers to treat their pre-April 1, 2008 book of business separately from their post-April 1, 2008 book of business. It makes changes to the continuity of coverage laws to allow underwriting when someone switches carriers in the individual market.

Part A creates the Comprehensive Health Insurance Risk Pool Association. The purpose of the association is to spread the cost of high-risk individuals among all health insurers. The bill funds the high-risk pool through an assessment on insurers. An individual insured through the high-risk pool may be charged a premium up to 150% of the average premium rates charged by carriers for similar health insurance plans. The bill requires the State to submit an application to the Federal Government for federal assistance to create a high-risk pool.

Part A also removes the requirement that carriers offer standardized plans as defined in Bureau of Insurance Rule Chapter 750 in the individual market.

Part B repeals the community rating law for small group health plans effective January 1, 2009 and enacts in its place provisions governing the rating of small group health plans based on a model act from the National Association of Insurance Commissioners.

Part C allows a health maintenance organization to offer health plans that do not comply with geographic access standards if the health maintenance organization also offers health plans that comply with those access standards or offers a fee-for-service health plan.

Part D requires the Department of Professional and Financial Regulation, Bureau of Insurance to conduct a study of the State's rate and form filing laws and make recommendations for changes to reduce the costs and resources expended by health insurance carriers seeking regulatory approval of new health insurance products.

Senate Amendment "C" to Committee Amendment "C" was not adopted.

Senate Amendment "A" (S-382)

Senate Amendment "A" to Committee Amendment "A" strikes the committee amendment and instead does the following in order to increase the affordability and accessibility of health care.

Part A repeals the guaranteed issuance and community rating law for individual health plans effective April 1, 2008 and allows carriers to treat their pre-April 1, 2008 book of business separately from their post-April 1, 2008 book of business. It makes changes to the continuity of coverage laws to allow underwriting when someone switches carriers in the individual market.

Part A creates the Comprehensive Health Insurance Risk Pool Association. The purpose of the association is to spread the cost of high-risk individuals among all health insurers. The bill funds the high-risk pool through an assessment on insurers. An individual insured through the high-risk pool may be charged a premium up to 150% of the average premium rates charged by carriers for similar health insurance plans. The bill requires the State to submit an application to the Federal Government for federal assistance to create a high-risk pool.

Part A also removes the requirement that carriers offer standardized plans as defined in Bureau of Insurance Rule Chapter 750 in the individual market.

Part B repeals the community rating law for small group health plans effective January 1, 2009 and enacts in its place provisions governing the rating of small group health plans based on a model act from the National Association of Insurance Commissioners.

Part C allows a health maintenance organization to offer health plans that do not comply with geographic access standards if the health maintenance organization also offers health plans that comply with those access standards or offers a fee-for-service health plan.

Part D requires the Department of Professional and Financial Regulation, Bureau of Insurance to conduct a study of the State's rate and form filing laws and make recommendations for changes to reduce the costs and resources expended by health insurance carriers seeking regulatory approval of new health insurance products.

Senate Amendment "A" to Committee Amendment "A" was not adopted.

Senate Amendment "A" (S-379)

Senate Amendment "A" to Committee Amendment "C" does the following.

1. It maintains guaranteed issue in the individual market.

2. It modifies the reinsurance pool to make it clear that individuals will not be placed in a separate risk pool or be covered under different health plans than those available in the individual market. The amendment permits carriers in the individual market to use an individual health assessment to designate persons covered under an individual health plan for inclusion in the reinsurance pool at the time a policy is issued.

3. The amendment requires carriers to account for the impact of the reinsurance pool in rates for individual health plans filed for approval with the Superintendent of Insurance.

4. The amendment modifies the community rating provisions in the committee amendment to permit premium rates to vary on the basis of age up to 33% above or up to 66% below the community rate. The amendment would maintain the requirement in current law that permits premium rates to vary on the basis of geographic area and occupation or industry up to 20% above or below the community rate.

5. The amendment adds a requirement that carriers in the individual market maintain a loss ratio of 78%.

6. The amendment removes the provisions in the committee amendment that impose a 1% assessment on carriers and increase the hospital tax by 1% to fund the Dirigo Health Program. This amendment increases the tax on cigarettes by 75¢ and equalizes the rate of tax on all other tobacco products. The amendment requires that all of the revenues from the tax increases be credited to the Dirigo Health Enterprise Fund to support the Dirigo Health Program.

7. The amendment removes the provision in the committee amendment establishing a voluntary checkoff on individual income tax returns for contributions to the Dirigo Health Enterprise Fund.

Senate Amendment "A" to Committee Amendment "C" was not adopted.

LD 1890 was still in possession of the House upon adjournment sine die.

LD 1894 **An Act To Ensure Affordable Health Care for Maine Families through Shared Responsibilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM	ONTP	

LD 1894 is a concept draft pursuant to Joint Rule 208. The bill proposes to expand health care coverage through the Dirigo Health Program based on the principle of shared responsibility.

The major components of the bill include the following.

1. Employer contribution. The bill requires that employers pay an assessment based on the employer's taxable payroll. Before making such payment, the employer may credit against the payment any sums paid by the employer toward employee nonpayroll benefits. Small employers, employers in financial hardship and employers in business for less than 2 years may be exempted from the employer contribution. The assessment must be used solely for the purpose of expanding access to health care through the Dirigo Health Program.

2. Insurance carrier contribution. The bill requires each insurance carrier to achieve a minimum loss ratio, to be specified in this bill, across all its products. This minimum loss ratio must be calculated at the end of each calendar year and must reflect the aggregate of all health insurance products sold in Maine by that carrier. Any insurance carrier that does not achieve the minimum loss ratio must be assessed an amount equal to 1/2 of the difference between the carrier's actual loss ratio and the minimum loss ratio. The carrier may not pass through any portion of the assessment to individual policyholders or providers. This assessment must be used to provide reinsurance to reduce premiums in the nongroup health insurance market and in the DirigoChoice product.

3. Hospital contribution. Under this bill, each hospital licensed to operate as a charity in the State must provide an amount of free charity care, to be determined in this bill. Any hospital that does not provide free care in the statutorily determined amount will be assessed an amount equal to the difference between the statutorily determined amount and the value of the free care actually provided by the hospital. The charity hospital may not pass this payment on to patients, providers or carriers. Any charity hospital in financial hardship may apply to the Department of Health and Human Services for a waiver of the assessment. A hospital is not in financial hardship if its most recent yearly operating margin exceeds a threshold to be determined in this bill, or if its unrestricted financial assets exceed a percentage of its net operating revenue to be determined in this bill. The assessment will be used solely for the purposes of expanding access to health care through the Dirigo Health Program.

4. Individual contribution. The bill requires that persons earning above a statutorily determined income threshold ensure that they and their dependents are covered by a comprehensive health insurance policy by January 1, 2008, except that for a person under 30 years of age, a qualifying health insurance policy is any policy approved by the Department of Professional and Financial Regulation, Bureau of Insurance. A person who does not maintain a qualifying health insurance policy for at least 10 months during the year may not be credited with the standard individual exemption in that person's next Maine income tax filing. Maine Revenue Services will transfer the value of any increased tax collections as a result of this provision to the Dirigo Health Program.

5. Application of assessments. The bill requires that funding from the employer, hospital and individual contribution sources be applied to achieve the goal of expanding access to health care by opening Dirigo Health up to 60,000 members by 2010.

6. Cost containment. The bill establishes a cost containment commission, which is charged with the responsibility and authority of achieving savings of 2% in the cost of health care in the State.

7. Rulemaking. The bill authorizes Dirigo Health, the Bureau of Insurance, Maine Revenue Services or other authority established pursuant to this legislation to undertake rulemaking to enforce the provisions of this bill.

Joint Standing Committee on Insurance and Financial Services

SUBJECT INDEX

Banking and Credit Unions

Enacted

LD 687	An Act To Clarify That a Financial Institution Must Recognize a Writ of Execution To Satisfy a Creditor's Claims to Business Accounts Held by That Financial Institution	PUBLIC 88
LD 904	An Act To Make Technical and Supervisory Amendments to the Banking Laws	PUBLIC 79
LD 1428	An Act To Facilitate Reporting by Maine Financial Institutions of Elder Financial Exploitation	PUBLIC 108
LD 1452	An Act To Protect a Borrower's Right To Use the Borrower's Chosen Accounting Service	PUBLIC 185
LD 1829	An Act To Amend the Banking Laws Regarding the Establishment of Branches by Financial Institutions with Affiliates That Engage in Commercial Activity	PUBLIC 69

Not Enacted

LD 100	An Act To Prohibit Retail Store-operated Banks	ONTP
LD 456	An Act To Protect Holders of Small Bank Accounts	ACCEPTED ONTP REPORT
LD 635	An Act To Amend the Banking Laws Regarding Industrial Loan Company Reciprocity across State Lines	ONTP

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Enacted

LD 135	An Act To Amend the Debt Management Services Laws	PUBLIC 36
LD 231	An Act To Modify the Laws Regarding Garnishment of Wages	PUBLIC 7
LD 951	An Act To Amend the Laws Governing Credit Card Companies	PUBLIC 99
LD 1476	An Act Relating to Bad Check Enforcement Programs Operated by Private Entities	PUBLIC 214

Not Enacted

LD 331	An Act To Incorporate the Federal Real Estate Settlement Procedures Act into the Maine Consumer Credit Code	ONTP
LD 371	An Act To Protect Young Consumers	ONTP
LD 958	An Act To Protect Maine Citizens' Credit	ACCEPTED ONTP REPORT
LD 1401	An Act Prohibiting Delivery of Unsolicited Credit Cards	ONTP

Dirigo Health

Enacted

LD 431	An Act To Enable the Dirigo Health Program To Be Self-administered	PUBLIC 447
LD 911	Resolve, To Promote Health Care Insurance for Volunteer Public Safety Personnel through the Dirigo Health Program	RESOLVE 118
LD 1568	Resolve, To Explore the Feasibility of Enrolling the Legislature as an Employer Group in Dirigo Health	RESOLVE 112

Not Enacted

LD 439	An Act To Reform the Dirigo Health Program	ONTP
LD 526	An Act To Increase Eligibility for the Dirigo Health Program	ONTP
LD 773	An Act To Preserve Dirigo Choice	ONTP
LD 959	An Act To Require Insurers To Use Savings from Dirigo Health To Reduce Premiums	ACCEPTED ONTP REPORT
LD 1028	An Act To Reform Dirigo Health	ONTP
LD 1716	An Act To Ensure That DirigoChoice Is Affordable	ONTP

Insurance, Health

Enacted

LD 101	An Act To Enhance Screening for Breast Cancer	PUBLIC 153
LD 416	An Act To Protect Seniors and the Public from Unfair Health Insurance Sales Practices	PUBLIC 53 EMERGENCY

LD 841	An Act To Extend Health Insurance Coverage for Dependent Children up to 25 Years of Age	PUBLIC 115
LD 1208	An Act To Create Uniformity among Certain Self-insureds	PUBLIC 278
LD 1218	An Act To Further Limit Retrospective Denials of Previously Paid Health Insurance Claims	PUBLIC 106
LD 1503	An Act To Clarify and Update the Laws Related to Health Insurance	PUBLIC 199 EMERGENCY
LD 1514	An Act To Require Health Insurance Coverage for Hearing Aids	PUBLIC 452
LD 1521	Resolve, To Provide Education Concerning and Insurance Coverage for Lyme Disease	RESOLVE 143
LD 1753	An Act Regarding Health Insurance Coverage for Persons under the Influence of Alcohol or Narcotics	PUBLIC 216

Not Enacted

LD 278	Resolve, To Assess the Feasibility and Efficiency of Combining All Health Insurance Funds Supported by the State	ONTP
LD 476	An Act To Establish a Reinsurance Fund To Expand Health Insurance Coverage for Individuals and Small Groups	ONTP
LD 578	An Act To Help Maine People Be Informed Medical Consumers	ONTP
LD 589	An Act To Repeal Certain Health Savings Account Provisions	ONTP
LD 658	An Act To Protect the Health of Infants	CARRIED OVER
LD 688	An Act To Establish a Universal Health Care Program	ONTP
LD 842	An Act To Require Insurance Coverage for Infertility Treatments	ONTP
LD 912	An Act To Return Affordable Health Insurance to the State	ONTP
LD 1047	An Act To Lower the Cost of Health Insurance	CARRIED OVER
LD 1072	An Act To Establish a Single-payor Health Care System	CARRIED OVER
LD 1082	An Act To Create a Maine-based Independent Nonprofit Health Insurance Company	CARRIED OVER
LD 1102	An Act To Lower Mandatory Group Participation Rates to 60%	ONTP

LD 1230	An Act To Protect Consumers against Inadequate Health Care Coverage	ONTP
LD 1269	Resolve, To Study the Feasibility of Pine Tree Health Care Insurance Zones	ONTP
LD 1294	An Act To Establish a Health Care Bill of Rights	CARRIED OVER
LD 1429	An Act To Require Insurance Coverage for Temporomandibular Joint Disorders	DIED BETWEEN HOUSES
LD 1517	An Act To Allow Maine Consumers To Purchase Health Insurance from Out-of-State Insurers	ACCEPTED ONTP REPORT
LD 1539	An Act To Implement a Single-Payor Health Care System	ONTP
LD 1592	An Act To Protect Small Businesses and Individual Health Insurance Consumers	ONTP
LD 1640	An Act To Allow Health Insurance Premiums To Vary Based on Behaviors Pertaining to Health	ONTP
LD 1659	An Act To Improve the Affordability of Health Insurance for Maine People	ONTP
LD 1667	An Act To Require Health Insurers To Provide Coverage for Nutritional Wellness and Prevention	CARRIED OVER
LD 1715	An Act To Reduce the Cost of Health Insurance	ONTP
LD 1742	An Act To Permit Greater Flexibility in the Design of Affordable Health Insurance	ONTP
LD 1760	An Act To Restore Competition to Maine's Health Insurance Market	CARRIED OVER
LD 1890	An Act To Make Health Care Affordable, Accessible and Effective for All	DIED ON ADJOURNMENT
LD 1894	An Act To Ensure Affordable Health Care for Maine Families through Shared Responsibilities	ONTP

Insurance, Motor Vehicle

Enacted

LD 1474	An Act To Increase the Minimum Medical Payments Coverage in Automobile Insurance	PUBLIC 213

Insurance, Regulation and Practices

Enacted

LD 138	An Act To Require Prior Notice before Cancellation of a Life Insurance Policy for Nonpayment of Premiums	PUBLIC 40
LD 415	An Act To Enhance Consumer Awareness of Insurance Sales Activity	PUBLIC 32
LD 590	An Act To Amend Certain Requirements Applicable to Insurance Producers	PUBLIC 51
LD 682	An Act To Allow Schools in the State To Self-insure for Fire, Property and Theft Insurance	PUBLIC 84
LD 991	An Act To Clarify the Security Requirements for Self-insurers	PUBLIC 75
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LD 1253	An Act To Protect Consumers from Deceptive Insurance Solicitation	PUBLIC 118
LD 1262	An Act Regarding Property and Casualty Insurance Actuarial Opinion of Reserves	PUBLIC 281
LD 1390	An Act Related to Special Purpose Reinsurance Vehicles	PUBLIC 386 EMERGENCY
LD 1502	An Act To Clarify and Update the Laws Related to Property and Casualty Insurance	PUBLIC 188
LD 1865	An Act To Amend the Long-term Care Insurance Law	PUBLIC 232

Not Enacted

LD 388	An Act Concerning Insurance for Churches and Nonprofit Organizations	ONTP
LD 419	An Act To Restrict the Use of Credit Scoring for Insurance Purposes	DIED BETWEEN HOUSES
LD 713	An Act To Create the Insurance Fraud Division within the Bureau of Insurance	DIED BETWEEN HOUSES
LD 1046	An Act To Make Changes to Maine's Homeowner Property Insurance Laws	ONTP
LD 1066	An Act To Protect Consumers in the Insurance Industry	ONTP
LD 1116	An Act To Create a State-sponsored Mutual Liability Company To Underwrite Risk for Snowmobile and ATV Clubs	ONTP
LD 1287	An Act To Assist Maine Pharmacies	ONTP

LD 1389	An Act To Provide for Prompt Resolution of Insurance Claims	ONTP
LD 1641	An Act To Provide for Transparency in Insurance Rate Proceedings	ONTP

Insurance, Workers' Compensation

Enacted

LD 840	An Act To Update the Authority of the Maine Employers' Mutual Insurance Company To Better Serve the Needs of Maine Employers	PUBLIC 125

Not Enacted

LD 234	An Act To Amend the Laws Concerning the Assessment of Rates for Workers' Compensation	ONTP

Miscellaneous

Enacted

LD 797	An Act To Clarify the Exemption of Federal, State and Local Public Assistance Benefits under State Bankruptcy Law	PUBLIC 276
LD 1489	An Act To Enhance Fairness in Arbitration	PUBLIC 250
LD 1703	An Act To Regulate Presettlement Lawsuit Funding	PUBLIC 394

Not Enacted

LD 675	An Act To Eliminate the Interest on Security Deposits for Mobile Homes	DIED BETWEEN HOUSES
LD 1203	An Act To Amend the Laws Respecting Assignments for the Benefit of Creditors	CARRIED OVER
LD 1334	Resolve, To Establish a Task Force To Study Strategies To Promote Financial Literacy	ONTP

Mortgage Lending

Enacted

LD 1869	An Act To Protect Maine Homeowners from Predatory Lending	PUBLIC 273

Securities

Enacted

LD 332	An Act To Update References to Federal Laws in the Maine Uniform Securities Act and To Make Other Technical Corrections to the Act	PUBLIC 14 EMERGENCY

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

July 2007

MEMBERS:

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SEN. JOHN M. NUTTING
SEN. DAVID R. HASTINGS III

REP. DEBORAH L. SIMPSON, CHAIR
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*Representative Bonnie S. Gould replaced former Representative Abigail Holman on the Judiciary Committee.

LD 1 **An Act To Increase Reimbursement for Jury Duty** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J		

LD 1 raises the mileage paid a juror from 15 cents per mile to 36 cents per mile and raises the compensation from $10 a day to $50 for each day of required attendance at sessions of court.

LD 1 is carried over pursuant to Joint Order, HP 1369.

See also LD 1629.

LD 47 **An Act To Prohibit the Promotion of Travel for Sex Tourism** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	ONTP	

LD 47, which is based on a law passed in Washington State, prohibits travel agencies within the State from engaging in travel for commercial sexual purposes. "Travel for commercial sexual purposes" is defined as advertising or arranging for travel with the intention of enabling the customer to engage in prostitution or to engage a prostitute or to engage in a sexual act, sexual contact or sexual touching for which anything of value is given, promised or received. The bill also makes a violation of this prohibition a Class C crime, with a penalty of up to 5 years in prison and up to a $5,000 fine.

See also LD 461.

LD 49 **Resolve, To Deny Family Status to Fetuses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUPREY PLOWMAN	ONTP	

LD 49 directs the Department of Health and Human Services to amend the rules for all public assistance programs to deny fetuses familial status by January 1, 2008. In amending the rules the department shall prohibit the counting of a fetus as a family member in the computation of income for the family unit. The rules would be routine technical rules.

LD 61 **An Act To Add Abortion Providers to the List of Mandated Reporters to the Department of Health and Human Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUPREY PLOWMAN	ONTP	

LD 61 makes providers of abortion services mandatory reporters of child sex abuse with regard to a child under 16 years of age when the provider knows or has reasonable cause to suspect that the child has been sexually abused by a family member. LD 61 makes confidential the information that the child had sought abortion services.

LD 73 **An Act To Place Land in Centerville in Trust** **PUBLIC 221**

Sponsor(s)	Committee Report	Amendments Adopted
SOCTOMAH	OTP-AM	H-239

LD 73 amends the Act to Implement the Maine Indian Claims Settlement concerning the trust lands of the Passamaquoddy Tribe. The Secretary of the Interior of the United States has until January 31, 2017 to acquire and place in trust on behalf of the Passamaquoddy Tribe all land acquired in Centerville. If that deadline is met, the acquired land becomes part of the trust lands of the Passamaquoddy Tribe.

Committee Amendment "A" (H-239)

This amendment specifies that the land eligible for trust status consists of particular parcels listed in the deed from Bertram C. Tackeff to the Passamaqoddy Tribe.

Enacted Law Summary

Public Law 2007, chapter 221 amends the Act to Implement the Maine Indian Claims Settlement concerning the trust lands of the Passamaquoddy Tribe. The Secretary of the Interior of the United States has until January 31, 2017 to acquire and place in trust on behalf of the Passamaquoddy Tribe particular parcels listed in the deed from Bertram C. Tackeff to the Passamaqoddy Tribe located in Centerville. If that deadline is met, the acquired land becomes part of the trust lands of the Passamaquoddy Tribe. Chapter 221 takes effect upon ratification by the Passamaquoddy Tribe.

LD 74 **An Act To Exempt Certain Parents and Caretakers from Jury Duty** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M DIAMOND	ONTP	

LD 74 exempts from jury duty a mother who is breast-feeding a child; a parent of child who has not attained 10 years of age if the court determines that service of the parent as a juror would jeopardize the safety of the child; and a caretaker of an elderly or disabled person if that person requires full-time attention from the caretaker.

See also LD 1629.

LD 86 **An Act To Require the Collection of Information on Vehicle Accidents on Private Property** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT BRANNIGAN	ONTP	

LD 86 requires that an accident report be filed for a motor vehicle accident on private property as current law requires for an accident on a public way. LD 86 was rereferred from the Transportation Committee.

LD 94 **An Act To Protect Consumer Rights under the Maine Unfair Trade Practices Act** **PUBLIC 222**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH HOBBINS	OTP-AM	H-240

LD 94 clarifies and achieves the original intent of the Maine Unfair Trade Practices Act concerning regulatory boards by exempting from application of the law actions expressly permitted by law by a regulatory board or officer.

Committee Amendment "A" (H-240)

This amendment replaces the bill. The amendment establishes a two-step analysis to determine if a defendant's transactions or actions are excepted from the application of the Maine Unfair Trade Practices Act. First, the defendant must show that its business activities are subject to regulation by a state or federal agency. If the defendant satisfies the first step, then the defendant must show that the specific activity that is the focus of the inquiry is authorized, permitted or required by a state or federal agency or by applicable law, rule or regulation, or that other regulatory approval, which may be less formal than law, rule or regulation, authorizes, permits or requires the specific activity.

Enacted Law Summary

Public Law 2007, c. 222 establishes a two-step analysis to determine if a defendant's transactions or actions are excepted from the application of the Maine Unfair Trade Practices Act. First, the defendant must show that its business activities are subject to regulation by a state or federal agency. If the defendant satisfies the first step, then the defendant must show that the specific activity that is the focus of the inquiry is authorized, permitted or required by a state or federal agency or by applicable law, rule or regulation, or that other regulatory approval, which may be less formal than law, rule or regulation, authorizes, permits or requires the specific activity.

LD 102 **An Act To Amend the Laws Governing Mechanics Liens** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLUMMER DIAMOND	ONTP	

LD 102 requires that for a lien for construction costs to be enforced, it must be for labor, materials or services performed under a written contract.

LD 103 **An Act To Give Children Equal Priority in Creditor Situations Consistent with Bankruptcy** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH MITCHELL	ONTP	

LD 103 amends the law that lists the property of a debtor that is exempt from attachment and execution by adding to the list the debtor's interest in funds or other assets to the extent the funds or other assets are necessary to pay child support under a support order that is either in existence or is anticipated. The exemption applies to protect the payment of child support from all creditors who may have an interest in the debtor's property.

LD 104 **An Act To Protect Minors from Certain Bill Collectors** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	

LD 104 prohibits the collection from a minor of a debt incurred in providing health care, health services or medication to the minor and makes an attempt to collect the debt a Class D crime.

LD 115 **An Act To Recognize the Metis Eastern Tribal Indian Society of Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL NASS R	ONTP	

LD 115 extends state recognition to the Metis Eastern Tribal Indian Society of Maine as a distinct aboriginal group. LD 115 does not alter the application of the laws of the State to the Metis Eastern Tribal Indian Society of Maine or Metis people.

LD 169 **An Act To Place Land in Township 21 in Trust** **PUBLIC 223**

Sponsor(s)	Committee Report	Amendments Adopted
SOCTOMAH	OTP-AM	H-241

LD 169 amends the Act to Implement the Maine Indian Claims Settlement concerning the trust lands of the Passamaquoddy Tribe. The Secretary of the Interior of the United States has until January 31, 2017 to acquire and place in trust on behalf of the Passamaquoddy Tribe all land acquired in Township 21. If that deadline is met, the acquired land becomes part of the trust lands of the Passamaquoddy Tribe.

Committee Amendment "A" (H-241)

This amendment specifies that the land eligible for trust status is Gordon Island in Big Lake, acquired from Domtar Maine Corporation by the Passamaquoddy Tribe.

Enacted Law Summary

Public Law 2007, chapter 223 amends the Act to Implement the Maine Indian Claims Settlement concerning the trust lands of the Passamaquoddy Tribe. The Secretary of the Interior of the United States has until January 31, 2017 to acquire and place in trust on behalf of the Passamaquoddy Tribe Gordon Island in Big Lake, acquired from Domtar Maine Corporation by the Passamaquoddy Tribe located Township 21. If that deadline is met, the acquired land becomes part of the trust lands of the Passamaquoddy Tribe. Chapter 223 takes effect upon ratification by the Passamaquoddy Tribe.

LD 178 **An Act Regarding the Reporting of Sexual Abuse** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP MAJ OTP-AM MIN	

LD 178 creates a two-year window for claims for which the statute of limitations had expired at the time the current law, which imposes no statute of limitations, took effect: August 11, 2000. Starting January 1, 2008, persons who were victims of child sexual abuse have the opportunity to file civil suits if the action was time-barred as of August 11, 2000. The revival of these causes of action lasts through the end of 2009.

Committee Amendment "A" (S-204)

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment provides a one-year window for the bringing of claims against individuals accused of committing sexual acts against minors if those claims were time-barred as of August 11, 2000, rather than the two-year window proposed in the bill. The claims may be filed after January 1, 2008 and no later than December 31, 2008. The plaintiff may be awarded damages only if the plaintiff proves by clear and convincing evidence that the named defendant committed a sexual act toward the plaintiff when the plaintiff was a minor.

LD 198 **An Act To Increase the Value of an Estate Collectible by Affidavit in Probate Law to $20,000** **PUBLIC 30**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD HASTINGS	OTP	

LD 198 increases the amount of personal property of a decedent's estate that can be collected by affidavit from $10,000 to $20,000.

Enacted Law Summary

Public Law 2007, chapter 30 increases the amount of personal property of a decedent's estate that can be collected by affidavit from $10,000 to $20,000.

LD 199 **An Act To Improve the Lien Process** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	ONTP	

LD 199 requires notice of a lien and notice of discharge of a lien on the property of a deceased person for a lien placed by a governmental entity or for medical expenses to be sent by registered mail to the executor or personal representative of the decedent's estate.

LD 200 **Resolve, To Direct the Study of Providing Additional Background Information to the Probate Court** **RESOLVE 74 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
HAYES DIAMOND	OTP-AM	H-339

LD 200 allows probate courts to access nonconviction data from a criminal justice agency.

Committee Amendment "A" (H-339)

This amendment replaces the bill with a resolve directing the Department of Public Safety, Bureau of State Police to convene a working group to look at providing the Probate Court access to criminal history information that the Probate Court will use in determining whether an individual should be appointed as a guardian or a conservator. After reviewing the state and federal laws, the working group shall report to the Joint Standing Committee on Judiciary no later than December 15, 2007. The committee may submit legislation after receiving the report.

Enacted Law Summary

Resolve 2007, chapter 74 directs the Department of Public Safety, Bureau of State Police to convene a working group to look at providing the Probate Court access to criminal history information that the Probate Court will use in determining whether an individual should be appointed as a guardian or a conservator. After reviewing the state and federal laws, the working group shall report to the Joint Standing Committee on Judiciary no later than December 15, 2007. The committee may submit legislation after receiving the report.

Resolve 2007, chapter 74 was enacted as an emergency measure effective June 12, 2007.

LD 216 **Resolve, To Establish the Council on Financial Literacy and Create a Financial Literacy Matching Grant Program** **RESOLVE 126**

Sponsor(s)	Committee Report	Amendments Adopted
CANAVAN SULLIVAN	OTP-AM	H-554 S-348 MARTIN

LD 216 establishes a financial literacy program using excess funds from the Unclaimed Property Fund.

Committee Amendment "A" (H-554)

This amendment replaces the bill with a resolve and establishes the Council on Financial Literacy, and authorizes the council to award matching grants for financial literacy programs using one-time funds in fiscal years 2007-2008 and 2008-2009 from unallocated funds of the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The amendment authorizes the council to apply for and raise additional funds to sustain its matching grants program.

Senate Amendment "A" (S-348)

This amendment adds a second Legislator to the Council on Financial Literacy and requires that one Legislator be a member of the Senate and one member a member of the House of Representatives.

Enacted Law Summary

Resolve 2007, chapter 126 establishes the Council on Financial Literacy, and authorizes the council to award

matching grants for financial literacy programs using one-time funds in fiscal years 2007-2008 and 2008-2009 from unallocated funds of the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The amendment authorizes the council to apply for and raise additional funds to sustain its matching grants program.

LD 223 **An Act To Amend the Maine Tort Claims Act** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLUMMER DIAMOND	ONTP	

LD 223 amends the Maine Tort Claims Act by requiring a school administrative unit, without waiving immunity, to require insurance coverage for an injury to a student who is injured on a playground during normal school hours when students are allowed on the playground and when staff is required to be present.

LD 254 **An Act To Restrict Takings under Eminent Domain** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ANNIS SMITH D	ONTP	

LD 254 amends the current law that provides the right of first refusal for the former owner of a property when the property is not used for the project or purpose for which it was taken by eminent domain. LD 254 requires that the price to be paid by the former owner must be equal to the price paid to the owner when the property was taken; no adjustments are made for improvements or inflation. LD 254 also prohibits the condemnation of property occupied by a business in excess of what is absolutely necessary for the project or purpose for which the power of eminent domain is exercised.

LD 255 **An Act Concerning Litigation Brought by the Attorney General To Enforce Provisions of the Forest Practices Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD HOBBINS	ONTP	

LD 255 allows the Department of Conservation, Bureau of Forestry to recover court costs when an action or proceeding brought by the Attorney General on the bureau's behalf prevails.

LD 275 **An Act To Protect Child Victims of Sexual Abuse** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDGECOMB	ONTP	

LD 275 amends the law concerning the admissibility of out-of-court statements by certain victims of sexual assault in criminal prosecutions. LD 275 allows the admission of statements made by the victim to another person when the statements are not considered testimonial. LD 275 allows the person to whom the statement was made to repeat the statement in testimony in open court if the statement was made in circumstances having

sufficient guarantees of trustworthiness, and the person testifying can be confronted and cross-examined as required under the Constitution of Maine or the United States Constitution. LD 275 applies to statements made by a victim who has a developmental disability as well as to children under 16 years of age. Whether the circumstances have sufficient guarantees of trustworthiness is determined by the facts of each case.

LD 279 **An Act To Improve the Responsiveness of Guardians Ad Litem** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NASS R	ONTP	

LD 279 requires that a guardian ad litem appointed by a District Court under the Child and Family Services and Child Protection Act or a probate court reside within the same jurisdiction as the child.

LD 286 **An Act To Protect Veterinarians Providing Animal Welfare Services for the State** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD	ONTP	

LD 286 provides immunity from civil suit for any veterinarian who performs animal welfare services for the State.

LD 296 **An Act To Amend the Laws Governing Indemnification Agreements** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WHEELER	ONTP	

LD 296 prohibits certain indemnification agreements in contracts, but only when the agreement would indemnify or hold harmless, or both, the promisee from and against liability arising out of any intentional act or omission by the promisee or promisor, or the agents, servants, employees or independent contractors of the promisee or promisor. LD 296 does not affect workers' compensation or other insurance contracts. The parties are not prohibited from agreeing that the promisee must be included as an additional insured in an insurance contract. LD 296 applies to all contracts entered into or renewed on or after January 1, 2008.

LD 303 **An Act To Strengthen the Whistleblowers' Protection Act (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HARLOW	ONTP	

LD 303 authorizes a private citizen to bring an action on behalf of the State for violations of the Whistleblowers' Protection Act.

See also LD 1187 (Health and Human Services Committee).

LD 308 **An Act To Establish the Fully Informed Jury Act (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JOY	ONTP	

LD 308 enacts the Fully Informed Jury Act. It applies to all actions in which the defendant has a right to a jury trial and in which the State or a political subdivision of the State is the plaintiff. The bill provides that the right to a trial by jury includes the right to inform the jury of the jury's power to judge the law as well as all the evidence. Failure to allow the defendant to so inform the jury is grounds for a mistrial or a new trial. A party may present evidence on the law, including its merit, intent, constitutionality or applicability, as well as the motive, moral perspective or circumstances of the defendant. LD 308 applies to juries impaneled on or after October 1, 2007.

LD 341 **An Act To Amend the Probate Code To Affect Claims against an Estate** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	ONTP	

LD 341 amends the Probate Code to allow a proceeding to address a claim of negligence against the decedent limited to the limit of the decedent's insurance policy to be commenced within six years of the decedent's death.

LD 354 **An Act Regarding the Reporting Requirements of Conservators** **PUBLIC 308**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	OTP-AM	H-374

LD 354 requires the filing of annual reports and a final report, and acceptance of the final report by the court, for a guardian who has responsibility over the estate of a protected person or ward and for a conservator for a protected person.

Committee Amendment "A" (H-374)

This amendment replaces the bill. It requires a private conservator to file an annual account with the Probate Court for approval. The Probate Court may waive or modify the duty to file an annual account for good cause shown by the conservator who is the protected person's spouse or domestic partner. The duty does not end until the court approves the account. This change concerning annual accounting applies to conservators appointed after January 1, 2008. This amendment provides that when the Probate Court determines that the minority or disability of the protected person has ceased, the court shall terminate the conservatorship upon approval of a final account. The bill provided reporting requirements for guardians. This amendment deletes those requirements, but requires the Commissioner of Health and Human Services to convene a working group to review the reporting requirements for guardians and report to the Joint Standing Committee on Judiciary by January 11, 2008.

Enacted Law Summary

Public Law 2007, chapter 308 requires a private conservator to file an annual account with the Probate Court

for approval. The Probate Court may waive or modify the duty to file an annual account for good cause shown by the conservator who is the protected person's spouse or domestic partner. The duty does not end until the court approves the account. This change concerning annual accounting applies to conservators appointed after January 1, 2008. Chapter 308 provides that when the Probate Court determines that the minority or disability of the protected person has ceased, the court shall terminate the conservatorship upon approval of a final account. Chapter 308 requires the Commissioner of Health and Human Services to convene a working group to review the reporting requirements for guardians and report to the Joint Standing Committee on Judiciary by January 11, 2008.

LD 367 **An Act To Protect Emergency Room Personnel from Civil Liability** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD		

LD 367 protects from legal liability in a civil action an emergency room health care practitioner who examines a patient requesting a prescription for a scheduled drug and denies the prescription for the scheduled drug to the patient.

LD 367 is carried over pursuant to Joint Order, HP 1369.

LD 373 **An Act To Change the Membership of the Maine Indian Tribal-State Commission To Add Seats for the Houlton Band of Maliseet Indians and the State** **PUBLIC 149**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	OTP-AM	S-77

LD 373 expands membership in the Maine Indian Tribal-State Commission to create two new seats for the Houlton Band of Maliseet Indians and to add two additional seats for the State in order to maintain parity between the tribes and the State. The bill also establishes a new quorum and decision threshold reflecting the increase in its membership. The bill will not take effect until approved by the Legislature, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation.

Committee Amendment "A" (S-77)

This amendment incorporates a fiscal note.

LD 389 **An Act To Allow the District Court To Enter Parental Rights and Responsibilities Orders in Child Protection Proceedings** **PUBLIC 256**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON MILLS P	OTP-AM	H-340

LD 389 gives the District Court the authority to enter an order in a child protection case under the Child and Family Services and Child Protection Act that establishes parental rights and responsibilities in the same manner as permitted in the Maine Revised Statutes, Title 19-A. The bill also ensures that the Department of Health and Human Services will participate as a full party in any subsequent proceeding to modify or terminate that order.

Committee Amendment "A" (H-340)

This amendment clarifies that a parental rights and responsibilities order may be entered by the court in a child protective case upon the request of a parent. This amendment replaces the paragraph in the bill that provides party status to the Department of Health and Human Services with regard to a parental rights and responsibilities order issued in the context of a child protective proceeding. Instead, this amendment makes clear that the department is not a party to any proceeding to modify or terminate the parental rights and responsibilities order unless the court orders otherwise. The department still has the ability to request judicial review under the existing child protective laws. This amendment gives the court discretion to determine in child protective cases in which the court enters a parental rights and responsibilities order whether further reviews of the child protection order are necessary and whether further permanency planning hearings should be held. This amendment gives the court discretion to determine in the same situations whether the appointments of the guardian ad litem and attorneys for the parents should be terminated.

Enacted Law Summary

Public Law 2007, chapter 256 gives the District Court the authority to enter an order upon the request of a parent in a child protection case under the Child and Family Services and Child Protection Act that establishes parental rights and responsibilities in the same manner as permitted in the Maine Revised Statutes, Title 19-A. The department is not a party to any proceeding to modify or terminate the parental rights and responsibilities order unless the court orders otherwise. The department still has the ability to request judicial review under the existing child protective laws. The court has discretion to determine whether further reviews of the child protection order are necessary and whether further permanency planning hearings should be held. Chapter 256 gives the court discretion to determine in the same situations whether the appointments of the guardian ad litem and attorneys for the parents should be terminated.

LD 390 An Act To Allow the District Court To Adjudicate Parentage in Child Protective Custody Cases — PUBLIC 257

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON MILLS P	OTP-AM	H-341

LD 390 gives the District Court the authority to determine parentage as part of a child protection proceeding, and that determination is controlling in all subsequent proceedings, including those established in the Maine Revised Statutes, Title 19-A dealing with child custody, child support and similar actions.

Committee Amendment "A" (H-341)

This amendment deletes language concerning the binding effect of a parentage decision made by the District Court in a child protection proceeding.

Enacted Law Summary

Public Law 2007, chapter 257 gives the District Court the authority to determine parentage as part of a child protection proceeding.

LD 391 **Resolve, To Study Adoption Laws and Practices** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP-AM MAJ ONTP MIN	

LD 391 creates the Adoption Laws and Practices Task Force. The task force consists of three Legislators and 14 other members representing various participants in the adoption process. The task force is charged with reviewing all the laws and practices relating to adoption, proposing a revision of the laws and proposing a comprehensive public policy concerning adoption.

Committee Amendment "A" (H-586)

This amendment revises the membership of the task force to consist of a total of 13 members: three Legislators, two members representing adoptees, two members representing birth parents, two members representing adoptive parents, two members representing adoption agencies, one member representing sexual assault victims' services providers and one member representing Probate Courts and probate registers. This task force may establish a non-voting advisory stakeholders group to provide advice to the task force. This amendment also makes revisions consistent with the requirements of Joint Rule 353.

Senate Amendment "A" (S-336)

This amendment strikes the emergency preamble and the emergency clause from the resolve and delays the date by which the task force is first to be convened. (Not adopted)

LD 397 **An Act To Limit Liability for the Performance of Community Service** **PUBLIC 275**

Sponsor(s)	Committee Report	Amendments Adopted
CLEARY	OTP-AM	H-342

Current law limits the liability of charitable organizations for damages caused by a juvenile participating in a supervised work or service program or performing community service. LD 397 extends the limitation of liability to adults participating in such programs and clarifies that the limitation of liability extends to the State and its political subdivisions.

Committee Amendment "A" (H-342)

This amendment deletes from the bill language pertaining to public entities because they are already immune from suit under the Maine Tort Claims Act. It also deletes language concerning "charitable institution" to retain the current law referring to charitable organization as the defined term in the statute.

Enacted Law Summary

Public Law 2007, chapter 275 limits the liability of charitable organizations for damages caused by adults participating in a supervised work or service program or performing community service.

LD 433 **An Act To Amend the Bond Requirements for Estates of Decedents** **PUBLIC 154**

Sponsor(s)	Committee Report	Amendments Adopted
HASTINGS	OTP-AM	S-76

LD 433 eliminates the requirement that a personal representative of a decedent's taxable estate obtain a bond to secure the payment of estate taxes if the Judge of Probate finds that any estate tax due is not secured by the State's estate tax lien upon real estate in the decedent's estate, since all property of a decedent of the State is already charged with a lien benefiting the State for all taxes, interest or penalties that are or may become due regardless of whether the property is real or otherwise.

Committee Amendment "A" (S-76)

This amendment replaces the bill. This amendment clarifies that a Probate Court need not require a personal representative of a decedent's estate to give a bond to secure the payment of estate taxes if the Probate Court finds that any estate tax due is secured by the statutory estate tax lien upon real property in the decedent's estate or by other adequate security.

Enacted Law Summary

Public Law 2007, chapter 154 clarifies that a Probate Court need not require a personal representative of a decedent's estate to give a bond to secure the payment of estate taxes if the Probate Court finds that any estate tax due is secured by the statutory estate tax lien upon real property in the decedent's estate or by other adequate security.

LD 461 **An Act To Implement the Recommendations of the Human Trafficking Task Force** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-488

LD 461 contains the recommendations of the Human Trafficking Task Force. The bill proposes to:

1. Enact a law criminalizing involuntary servitude and human trafficking, making them Class B offenses, with enhancement to Class A in certain circumstances, and specifying certain defenses that do not apply to involuntary servitude or human trafficking offenses;

2. Authorize the court to order forfeiture of assets acquired as a result of human trafficking;

3. Give the human trafficking victim rights, restitution and the right to collect damages and compensation through criminal restitution law and the Victims Compensation Fund and require rulemaking by the Department of Labor for the purposes of victim restitution;

4. Prohibit travel agencies operating within the State from advertising or arranging for travel for commercial sexual purposes;

5. Require commercial international matchmaking organizations operating within the State to inform recruits and clients of the right to information on the other person's criminal, marital, protection from abuse, harassment and other official records;

6. Direct the Attorney General to convene a broad working group to address human trafficking issues. The working group would report to the Legislature by January 15, 2008; and

7. Provide an effective date of January 1, 2008 except that the provisions enacting the Attorney General's working group on human trafficking and the definition of "work loss" and rulemaking in the Department of Labor regarding work loss take effect 90 days after adjournment of the First Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-488)

This amendment replaces the bill. Like the bill, it is based on the work of the Human Trafficking Task Force and establishes the crimes of causing involuntary servitude, human trafficking and aggravated human trafficking. It also provides that certain circumstances cannot be used as defenses to prosecutions. This amendment creates a new chapter that provides for civil remedies for human trafficking. It allows a trafficked person to bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those remedies and any other appropriate relief. This amendment provides for the civil forfeiture of property used in involuntary servitude and human trafficking offenses. Like the bill, this amendment gives the human trafficking victim the right to collect damages and compensation through criminal restitution law and the Victims' Compensation Fund. It requires rulemaking by the Department of Labor for the purposes of victim restitution.

This amendment directs the Attorney General to convene a broad working group to address human trafficking issues. Monitoring international matchmaking organizations is added to the list of tasks, as is whether a special statute of limitations tolling provision is appropriate because of victims' cultural and linguistic isolation. The working group will report to the Legislature by January 15, 2009.

This amendment provides an effective date of January 1, 2008, except that the provisions establishing the Attorney General's working group on human trafficking and the definition of "work loss" and rulemaking in the Department of Labor regarding work loss take effect 90 days after adjournment of the First Regular Session of the 123rd Legislature.

LD 461 is carried over pursuant to Joint Order, HP 1369.

LD 469 **An Act To Disseminate "Lessons Learned" from Medical Injury Claims** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BOWMAN		

LD 469 requires the Board of Licensure in Medicine each year to analyze and create a report of all claims of medical injury filed in the State in the preceding year to determine cause and to suggest possible means of prevention of reoccurrence. The report will not include names of any of the parties in any claim and must be sent out to all surgeons and physicians practicing medicine in Maine and to the Legislature by March 1st of each year.

LD 469 is carried over pursuant to Joint Order, HP 1369.

LD 477 **An Act To Deter Parental Alienation** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

LD 477 requires that a protection order granting relief not be issued with a finding of abuse against the minor child when the protection order is sought on behalf of a minor child and the only evidence of abuse is from one parent of the minor child against the other parent of the minor child.

LD 488 **An Act To Amend the Child Support Laws (by request)** **PUBLIC 142**

Sponsor(s)	Committee Report	Amendments Adopted
EDGECOMB	OTP-AM	H-174

LD 488 amends the child support laws in two ways. First, this bill revises the payment schedule of child support from weekly payments to biweekly payments. Second, it eliminates the requirement that child support be paid during the time the child is living with the child support obligor, as long as that time period is at least seven days.

Committee Amendment "A" (H-174)

This amendment amends the bill to continue to allow child support payments to be scheduled on a weekly basis and adds in the option of payments on a biweekly basis, as proposed by the bill. The amendment deletes section 2 from the bill, which would have allowed changes in child support payments without a modification of the child support order by the court when the child's residence changed for a period of at least seven days.

Enacted Law Summary

Public Law 2007, chapter 142 amends the law to add the option of making child support payments on a biweekly basis.

LD 489 **Resolve, To Increase the Authority of the Consumer Protection Division of the Office of the Attorney General** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	ONTP	

LD 489 requires the Attorney General to adopt rules to assist consumers in achieving resolution in disputes with businesses when the consumer and the business have reached a solution in mediation and one party changes its position afterwards.

LD 505 **An Act To Clarify the Status of a Case following the Establishment of Permanent Guardianship** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A	ONTP	

LD 505 clarifies that under the child protection laws a court does not need to review a permanency plan once a child has been placed with a permanency guardian unless a party petitions the court to change the plan.

See also LD 515.

LD 506 **An Act To Rescind the Statute of Limitations on the Ability To File a Civil Suit in Cases Dealing with Unlawful Sexual Contact** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD	ONTP	

LD 506 removes the statute of limitations for a civil action based upon the complaint of unlawful sexual contact.

See also LD 178.

LD 507 **An Act Recognizing Native American Religion in Maine Prisons and Jails** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
SOCTOMAH		

LD 507 provides Native Americans incarcerated in a state prison or county jail a right to a reasonable opportunity to conduct or take part in Native American religious practices and ceremonies. LD 507 provides that failure of the facility to provide reasonable accommodation for Native American religious practices and ceremonies is unlawful discrimination pursuant to the Maine Human Rights Act; remedies for such failure are provided under that Act. The bill directs the Commissioner of Corrections to seek to develop, in consultation with an advisory group of Native Americans, guidance policies to assist correctional and detention facilities and county jails in providing reasonable accommodations for Native American religious practices and ceremonies.

LD 507 is carried over pursuant to Joint Order, HP 1369.

LD 515 **An Act To Amend Laws Relating to Persons Serving as Permanency Guardians or Receiving Permanency Guardianship** **PUBLIC 284**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	OTP-AM	S-176

LD 515 allows a person who served as a child's guardian, permanency guardian or legal custodian at the time of the child's 18th birthday to serve as the child's guardian if the child becomes an incapacitated adult, if the person is not otherwise disqualified from serving in that capacity. LD 515 establishes that income from a permanency guardianship subsidy may not be considered income for the purposes of calculating a child support entitlement or child support obligation nor for the computation of taxable income for resident individuals. LD 515 provides that a child protection case in which a court has made a jeopardy order does not need to be reviewed every six months if a permanency guardian has been established, unless judicial review is petitioned for by a party or specifically ordered by the court. LD 515 also provides that the court's appointments of the guardian ad litem and attorneys for the parties terminate upon appointment of a permanency guardian, unless the court has scheduled a judicial review or orders otherwise.

Committee Amendment "A" (S-176)

This amendment strikes from the bill the section eliminating the consideration of permanency guardianship subsidy payments as gross income for income tax purposes.

Enacted Law Summary

Public Law 2007, chapter 284 allows a person who served as a child's guardian, permanency guardian or legal custodian at the time of the child's 18th birthday to serve as the child's guardian if the child becomes an incapacitated adult, if the person is not otherwise disqualified from serving in that capacity. It also establishes that income from a permanency guardianship subsidy may not be considered income for the purposes of calculating a child support entitlement or child support obligation. Chapter 284 provides that a child protection case in which a court has made a jeopardy order does not need to be reviewed every six months if a permanency guardian has been established, unless judicial review is petitioned for by a party or specifically ordered by the court. The court's appointments of the guardian ad litem and attorneys for the parties terminate upon appointment of a permanency guardian, unless the court has scheduled a judicial review or orders otherwise.

LD 540 **An Act To Authorize a Court To Appoint Counsel in Protection from Abuse Hearings** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	ONTP	

LD 540 allows a court to appoint an attorney at the State's expense for an indigent defendant in a protection from abuse hearing if the defendant has other matters before a court or government agency that may be prejudiced by an adverse ruling in the protection from abuse hearing.

LD 552 **An Act To Provide for Punitive Damages against Sex Offenders** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	ONTP	

LD 552 requires a court to award punitive damages to a victim of a gross sexual assault if the victim sues the defendant for the gross sexual assault and presents a certified copy of the conviction to the court.

LD 580 **An Act To Provide for Punitive Damages against Drunk Drivers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	ONTP	

LD 580 requires a court to award punitive damages to a person injured in a motor vehicle accident in which the negligent party was convicted of operating under the influence if the person presents a certified copy of the conviction to the court.

LD 581 **An Act To Amend the Laws Pertaining to Improvident Transfers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

LD 581 increases from 60 years of age to 65 years of age the earliest age at which a person who is dependent on others must be represented by independent counsel to avoid a presumption of undue influence when that person transfers real or personal property or money for less than full consideration or execution of a guaranty.

LD 583 **An Act To Permit Medical and Social Service Professionals To Report Animal Cruelty** **PUBLIC 140**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP-AM	H-172

LD 583 gives those professionals who are already mandated reporters of adult or child abuse, neglect or exploitation and social service agencies under contract with the Department of Health and Human Services the option of also disclosing such limited confidential information related to a reasonable suspicion of animal cruelty, abuse or neglect as would be needed by a local animal control officer or the animal welfare program of the Department of Agriculture, Food and Rural Resources to begin an investigation. LD 583 bill extends the existing good faith immunity provision to the reporters of animal cruelty, abuse or neglect that are social service agencies under contract with the Department of Health and Human Services. In addition, LD 583 permits employees of the Department of Health and Human Services to disclose the same information to local animal control officers or to the animal welfare program of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-172)

This amendment clarifies that the immunity provided for good faith reporting that is established in the Maine Revised Statutes, Title 34-B is available as a defense to any civil or criminal action brought against a reporter of animal cruelty, abuse or neglect. Because the reporting is permissive, this amendment deletes the requirement that a report must be made as soon as possible when an immediate response is judged to be necessary.

Enacted Law Summary

Public Law 2007, chapter 140 gives those professionals who are already mandated reporters of adult or child abuse, neglect or exploitation and social service agencies under contract with the Department of Health and Human Services the option of also disclosing such limited confidential information related to a reasonable suspicion of animal cruelty, abuse or neglect as would be needed by a local animal control officer or the animal welfare program of the Department of Agriculture, Food and Rural Resources to begin an investigation. The existing good faith immunity provision is extended to the reporters of animal cruelty, abuse or neglect that are social service agencies under contract with the Department of Health and Human Services. In addition, employees of the Department of Health and Human Services are permitted to disclose the same information to local animal control officers or to the animal welfare program of the Department of Agriculture, Food and Rural Resources.

LD 584 **An Act Concerning Animal Control Officers as Reporters of Abuse** **PUBLIC 139**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP-AM	H-173

LD 584 adds animal control officers to the list of professionals who are mandated to report suspected cases of abuse of children and incapacitated or dependent adults.

Committee Amendment "A" (H-173)

This amendment replaces the bill. It allows municipal animal control officers to report suspected adult abuse, neglect or exploitation and suspected child abuse or neglect.

Enacted Law Summary

Public Law 2007, chapter 139 allows municipal animal control officers to report suspected adult abuse, neglect or exploitation and suspected child abuse or neglect.

LD 588 **An Act To Allow Civil Penalties for Trespass while Engaging in Activities Regulated by Inland Fisheries and Wildlife** **PUBLIC 334**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M	OTP-AM	H-375

LD 588 establishes a civil trespass law for those involved with activities regulated or requiring licensure by the Maine Revised Statutes, Title 12, Part 13. The "foreign object" provision clarifies the scope of the prohibition on trespass for conservation law purposes. LD 588 also makes commission of this violation grounds for mandatory revocation of a hunting or fishing license or permit.

Committee Amendment "A" (H-375)

This amendment replaces the term "foreign object" with the term "projectile," which is similar to the concept used in Florida statutes to cover instances of trespass. "Projectile" means a bullet, pellet, shot, shell, ball, arrow, bolt or other object propelled or launched from any firearm or a bow, crossbow or similar tensile device. This amendment makes the new violation consistent with the Maine Revised Statutes, Title 12, Part 13 standard that a civil violation becomes a Class E crime if there are at least three prior adjudications of civil violations under that Part. This amendment deletes the section of the bill that made the commission of the new civil violation of civil trespass grounds for mandatory revocation of a hunting or fishing license or permit.

Enacted Law Summary

Public Law 2007, chapter 334 establishes a civil trespass law for those involved with activities regulated or requiring licensure by the Maine Revised Statutes, Title 12, Part 13. The law includes causing a projectile to enter or remain in any place illegally. The "foreign object" provision clarifies the scope of the prohibition on trespass for conservation law purposes. Chapter 334 is consistent with the Maine Revised Statutes, Title 12, Part 13 standard that a civil violation becomes a Class E crime if there are at least three prior adjudications of civil violations under that Part.

LD 602 **An Act To Clarify Confidentiality in Child Protective Proceedings** **PUBLIC 335**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	OTP-AM MAJ OTP-AM MIN	S-303

LD 602 allows the release of child protective information to a parent, custodian, caretaker or legal guardian of a child who is the subject of a child protective action within the Department of Health and Human Services. LD 602 allows that parent, custodian, caretaker or legal guardian to release that information to any person and for any purpose. LD 602 removes the designation of confidentiality that applies to the proceedings, records and conclusions of the child death serious injury review panel. LD 602 requires courts in child protective proceedings to allow into the proceedings a person designated by a parent, custodian, caretaker or legal guardian.

Committee Amendment "B" (S-304)

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment allows the release of child protective information to a parent, custodian, caretaker or legal guardian of a child who is the subject of a child protective action within the Department of Health and Human Services. The amendment allows that parent, custodian, caretaker or legal guardian to release that information to any person if disclosure is intended to contribute to the person's understanding of the action being taken or the person's request for advocacy and support in the current child protective action. The amendment permits courts in child protective proceedings to allow into the proceedings a person designated by a parent, custodian, caretaker or legal guardian as long as no objection is raised by the child or other parties and that presence is not detrimental to any of the other parties. Any person present in the court must abide by the rules of the court.

This amendment directs the Commissioner of Health and Human Services to submit the amended Maine State Plan for federal approval. The rest of the Act does not take effect until February 1, 2008 to provide sufficient time for action should the plan not be approved. (Not adopted)

Committee Amendment "A" (S-303)

This amendment is the majority report of the Joint Standing Committee on Judiciary. This amendment allows the release of child protective information to a parent or legal guardian of a child who is the subject of a child protective action within the Department of Health and Human Services. The amendment allows that parent or legal guardian to release that information to any person if disclosure is intended to contribute to the person's understanding of the action being taken or the person's request for advocacy and support in the current child protective action.
This amendment directs the Commissioner of Health and Human Services to submit the amended Maine State Plan for federal approval. The rest of the Act does not take effect until February 1, 2008 to provide sufficient time for action should the plan not be approved.

Enacted Law Summary

Public Law 2007, chapter 335 allows the release of child protective information to a parent or legal guardian of a child who is the subject of a child protective action within the Department of Health and Human Services. That parent or legal guardian may release that information to any person if disclosure is intended to contribute to the person's understanding of the action being taken or the person's request for advocacy and support in the current child protective action. The Commissioner of Health and Human Services will submit the amended Maine State Plan, which will include the new disclosure provisions, for federal approval. The rest of the Act does not take effect until February 1, 2008 to provide sufficient time for action should the plan not be approved.

LD 608 **An Act To Extend the Statute of Limitations for Certain Medical Malpractice Cases** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO		

LD 608 changes the statute of limitations for medical malpractice from beginning when the act or omission happens to beginning when the harm is discovered by the plaintiff.

LD 608 is carried over pursuant to Joint Order, HP 1369.

LD 628 **An Act To Permit Modification of Department-initiated Paternity Judgments Concerning Parental Rights** **PUBLIC 164**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 628 is a recommendation of the Family Law Advisory Commission. LD 628 addresses situations in which the Department of Health and Human Services initiates a paternity action and the court establishes an initial allocation of parental rights and responsibilities. Under current law, a parent interested in changing that allocation must file a new complaint in District Court. LD 628 allows a parent or other party to file a motion to modify the allocation as part of the paternity case rather than requiring the filing of a new court action.

Enacted Law Summary

Public Law 2007, chapter 164 is a recommendation of the Family Law Advisory Commission. It addresses situations in which the Department of Health and Human Services initiates a paternity action and the court establishes an initial allocation of parental rights and responsibilities. Under current law, a parent interested in changing that allocation must file a new complaint in District Court. Chapter 164 allows a parent or other party to file a motion to modify the allocation as part of the paternity case rather than requiring the filing of a new court action.

LD 659 **An Act To Establish a Mediation Process for Landlord-tenant Disputes** **PUBLIC 246**

Sponsor(s)	Committee Report	Amendments Adopted
WAGNER	OTP-AM	H-343

LD 659 requires mediation prior to a trial in a landlord-tenant forcible entry and detainer court trial and provides a good cause exception process. LD 659 requires the Court Alternative Dispute Resolution Service to provide the mediators for the mediations. LD 659 directs the Supreme Judicial Court to adopt rules for fees and of procedure for landlord-tenant mediation.

Committee Amendment "A" (H-343)

This amendment replaces the bill, which required mediation in all forcible entry and detainer actions. This amendment allows the court to order mediation prior to a trial in a landlord-tenant forcible entry and detainer court trial. The Court Alternative Dispute Resolution Service will provide the mediators for the mediations. The amendment allows the Supreme Judicial Court to adopt rules of procedure for landlord-tenant mediation.

The Supreme Judicial Court may increase filing fees to pay for mediation. This amendment clarifies that the provisions of the bill apply to forcible entry and detainer when used in mobile home evictions. This amendment requires the Court Alternative Dispute Resolution Service to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2009 about the efficiency and use of the mediation program.

This amendment establishes an effective date of January 1, 2008.

Enacted Law Summary

Public Law 2007, chapter 246 allows the court to order mediation prior to a trial in a landlord-tenant forcible entry and detainer court trial. The Court Alternative Dispute Resolution Service will provide the mediators for the mediations. The Supreme Judicial Court may adopt rules of procedure for landlord-tenant mediation, and may increase filing fees to pay for mediation. The mediation provisions also apply to forcible entry and detainer when used in mobile home evictions. The Court Alternative Dispute Resolution Service will report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2009 about the efficiency and use of the mediation program.

Public Law 2007, chapter 246 is effective January 1, 2008.

LD 681 **An Act Concerning the Examination of Persons in Protective Custody** **PUBLIC 178**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP	

Current law requires that a law enforcement officer who seeks to have a person involuntarily committed to a mental health hospital on an emergency basis must have that person examined by a licensed physician, a licensed clinical psychologist, a physician's assistant, a nurse practitioner or a certified psychiatric clinical nurse specialist for the purpose of determining whether that person poses a likelihood of serious harm. A related section of law says that this examination may be performed only by a licensed physician or a licensed clinical psychologist if the examination is performed outside a hospital emergency room. LD 681 allows the examination to be performed by any of the health care professionals authorized to conduct such examinations, whether the examination is performed in a hospital emergency room or elsewhere.

Enacted Law Summary

Public Law 2007, chapter 178 provides that the examination of a person recommended for involuntary commitment may be conducted by a licensed physician, a licensed clinical psychologist, a physician's assistant, a nurse practitioner or a certified psychiatric clinical nurse specialist for the purpose of determining whether that person poses a likelihood of serious harm, regardless of whether the examination takes place in a hospital emergency room or elsewhere.

LD 684 **An Act To Permit Medical Providers an Opportunity To Express Regret for a Medical Error** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P		

LD 684 makes a one-time General Fund appropriation of $75,000 in fiscal year 2007-08 for the Commissioner of Health and Human Services to issue grants to develop communication programs and procure information technology

products to assist health care providers in disclosing medical errors and to improve patient safety. LD 684 also makes privileged and immune from discovery an expression of regret or apology or an explanation of how a medical error occurred made by a health care provider if it is provided within 14 days of when the provider knew or should have known of the consequences of the error. LD 684 bill further establishes the Medical Error Disclosure and Compensation Program, which creates a system that allows health care providers, facilities and medical malpractice insurers to disclose medical errors and negotiate compensation with the subject patient without the threat of litigation, and directs the Commissioner of Health and Human Services to create a patient safety database.

LD 684 is carried over pursuant to Joint Order, HP 1369.

LD 685 **An Act To Amend the Maine Human Rights Act** **PUBLIC 243**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-162

LD 685 amends the Maine Human Rights Act to correct typographical errors, clarify the protections of the act, make certain Maine Human Rights Commission records confidential and prohibit unreasonable housing practices that have a disparate impact on the basis of race, color, sex, sexual orientation, physical or mental disability, religion, country of ancestral origin, familial status or the receipt of public assistance payments.

Committee Amendment "A" (S-162)

This amendment deletes section 2 of the bill, which amends the law concerning unlawful housing discrimination to include the refusal to furnish rental premises or public accommodations to an individual receiving federal, state or local public assistance because of any requirement of that public assistance program.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to MRSA Title 1, §434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2007, chapter 243 amends the Maine Human Rights Act to correct typographical errors, clarify the protections of the act, make certain Maine Human Rights Commission records confidential and prohibit unreasonable housing practices that have a disparate impact on the basis of race, color, sex, sexual orientation, physical or mental disability, religion, country of ancestral origin, familial status or the receipt of public assistance payments.

LD 708 **An Act To Amend the Laws Concerning the Emancipation of Minors (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	ONTP	

LD 708 repeals the laws that allow a minor 16 years of age or older to petition the court to be emancipated.

LD 709 **An Act To Amend the Accord and Satisfaction Laws To Add Juveniles (by request)** **PUBLIC 277**

Sponsor(s)	Committee Report	Amendments Adopted
DOW	OTP-AM	S-163

LD 709 extends the application of the accord and satisfaction provisions in the criminal laws to certain juvenile offenses.

Committee Amendment "A" (S-163)

The bill extends the opportunity for an accord and satisfaction to juvenile cases. This amendment limits the judge's ability to stay further proceedings and discharge a juvenile defendant under the accord and satisfaction law to only those juveniles who have not previously been adjudicated of a juvenile crime or have not previously been the subject of a juvenile petition that was disposed of by accord and satisfaction under that law.

Enacted Law Summary

Public Law 2007, chapter 277 extends the opportunity for an accord and satisfaction to juvenile cases, but only to those juveniles who have not previously been adjudicated of a juvenile crime or have not previously been the subject of a juvenile petition that was disposed of by accord and satisfaction under that law.

LD 714 **An Act To Promote Efficiency in the District Court** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	ONTP	

LD 714 is a concept draft pursuant to Joint Rule 208. It proposes to promote efficiency in the District Court by requiring the court to limit the extent and means of discovery in protection from harassment cases to ensure that such cases remain summary proceedings.

LD 756 **An Act To Enhance and Clarify the Small Claims System (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THERIAULT MARTIN	ONTP	

LD 756 makes changes in the small claims procedures. First, it requires the court to record all small claims hearings. Second, it prohibits the court from requiring that a transcript or record be submitted in any related proceeding or appeal if the party was given leave to proceed in forma pauperis unless the court has waived the fees related to the preparation of the transcript or record.

LD 779 **An Act To Remove Clergy as Signatories on Marriage Licenses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	ONTP	

LD 779 removes the authorization of clergy members to solemnize marriages.

LD 809 **An Act To Amend the Adverse Possession Law** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	ONTP	

LD 809 amends the adverse possession law and makes it consistent with the original intent of the Legislature and with the holding of *Dombkowski v. Ferland*, 2006 ME 24.

LD 843 **An Act To Provide Immunity from Tort Claims against the State of New Hampshire Department of Transportation when Performing Maintenance Operations within the State of Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON DAMON	ONTP	

LD 843 limits claims brought in Maine courts against the State of New Hampshire for damages resulting from the maintenance, construction, cleaning, clearing and repair of public highways, state-owned railroads and other public transportation facilities. LD 843 limits damage awards to the cap on liability that would apply to the State of New Hampshire if the claim had been brought in New Hampshire. The limitation on a recovery may not be less than the tort liability limit expressed in the Maine Revised Statutes, Title 14, section 8105. A similar bill did not pass in New Hampshire.

LD 857 **An Act To Create A Medical Malpractice Study Group** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE		

LD 857 is a concept draft pursuant to Joint Rule 208. It proposes to form a medical malpractice study group to determine ways to limit liability for physicians.

LD 857 is carried over pursuant to Joint Order, HP 1369.

LD 866 **An Act To Amend the Wrongful Death Laws** **PUBLIC 280**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	OTP-AM	H-344

LD 866 increases the cap on wrongful death noneconomic damages from $400,000 to $600,000 and requires adjustments in the future, tied to the Consumer Price Index. LD 866 also requires the court to inform the jury about the statutory caps on both noneconomic and punitive damages if either or both are sought in a wrongful death action.

Committee Amendment "A" (H-344)

This amendment sets the cap on noneconomic damages for wrongful death at $500,000, a reduction of $100,000 from the cap contained in the bill. This amendment deletes the proposed language relating to indexing the cap on wrongful death damages and informing the jury of the damage cap.

Enacted Law Summary

Public Law 2007, chapter 280 increases the cap on wrongful death noneconomic damages from $400,000 to $500,000.

LD 867 **An Act To Implement the Recommendations of a Joint Task Force on Fraudulent Uniform Commercial Code Filings as Adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators** **PUBLIC 228**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP-AM	H-242

LD 867 implements the recommendations of the Joint Task Force on Fraudulent UCC Filings as adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators to provide a remedy to a person who has been adversely affected by the filing of a lien against the person's personal property by an unauthorized filer.

Committee Amendment "A" (H-242)

This amendment establishes a separate crime in the Maine Criminal Code of falsely filing a recordable instrument as a Class D crime. This new crime addresses the problem of persons filing false or spurious documents in public registries, such as those maintained by the registries of deeds or probate and the Office of the Secretary of State, with the intent to defraud, harass or intimidate. This amendment amends the bill to cross-reference the new crime, rather than establishing the crime in the Maine Revised Statutes, Title 5.

Enacted Law Summary

Public Law 2007, chapter 228 implements the recommendations of the Joint Task Force on Fraudulent UCC Filings as adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators to provide a remedy to a person who has been adversely affected by the filing of a lien against the person's personal property by an unauthorized filer. A separate crime is established in the Maine Criminal Code of falsely filing a recordable instrument as a Class D crime. This new crime addresses the problem of persons filing false or spurious documents in public registries, such as those maintained by the registries of deeds or probate and the Office of the Secretary of State, with the intent to defraud, harass or intimidate.

LD 868 **An Act To Amend the Civil Foreclosure Laws** **PUBLIC 103**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP	

LD 868 amends the laws governing civil action foreclosure to require that the judgment of foreclosure entered by the court and evidence of compliance with the notice and public sale requirements be attached to or included within the deed, or both, or otherwise be recorded in the registry of deeds.

Enacted Law Summary

Public Law 2007, chapter 103 amends the laws governing civil action foreclosure to require that the judgment of foreclosure entered by the court and evidence of compliance with the notice and public sale requirements be attached to or included within the deed, or both, or otherwise be recorded in the registry of deeds.

LD 882 **An Act To Create a 10-year Statute of Limitations for Certain Environmental Violations** **PUBLIC 337**

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	OTP-AM	S-202

LD 882 requires enforcement actions for violations of environmental laws to be brought by the Department of Environmental Protection or the Attorney General within five years of the date of knowledge by the department or the Attorney General of the violation.

Committee Amendment "A" (S-202)

This amendment replaces the bill. It requires certain enforcement actions related to air emissions and wastewater discharges to be initiated by the Department of Environmental Protection or the Attorney General's Office within 10 years of the date that the licensee reported the violation to the department.

Enacted Law Summary

Public Law 2007, chapter 337 requires certain enforcement actions related to air emissions and wastewater discharges to be initiated by the Department of Environmental Protection or the Attorney General's Office within 10 years of the date that the licensee reported the violation to the department.

LD 889 **An Act To Allow Apartment Building Owners To Prevent Damage to Property in the Installation of Over-the-air Reception Devices** **PUBLIC 57**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP	

LD 889 adds the installation of over-the-air reception devices such as satellite dishes, television antennae and wireless cable antennae to the laws governing the installation of cable television equipment in apartment buildings.

Enacted Law Summary

Public Law 2007, chapter 57 includes the installation of over-the-air reception devices such as satellite dishes, television antennae and wireless cable antennae in the laws governing the installation of cable television equipment in apartment buildings.

LD 960 **An Act To Base Value in Eminent Domain Takings of Businesses on Going Concern Value** **DIED IN CONCURRENCE**

Sponsor(s)	Committee Report	Amendments Adopted
GILES	OTP-AM MAJ ONTP MIN	H-434

LD 960 establishes the criteria for determination of compensation for loss or impairment of the going concern value of a business when the property of a business is taken by the Department of Transportation or a municipality exercising its eminent domain power. The burden is on the business to prove the loss. The analysis takes place at the request of the owner of the displaced business. LD 960 amends the duties of the State Claims Commission to include determination of just compensation in two categories of municipal condemnations: general eminent domain authority under the Maine Revised Statutes, Title 30-A, chapter 151 and community development under Title 30-A, chapter 205.

Committee Amendment "A" (H-434)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It adds a mandate preamble, and an appropriations and allocations section. This amendment adds an application section to provide that the bill applies to a taking of property that displaces a business for which a notice of condemnation is filed on or after January 1, 2008.

House Amendment "A" (H-471)

This amendment removes provisions from Committee Amendment "A" that apply to compensation to be paid by municipalities when exercising eminent domain authority. This amendment also amends the criteria established in the bill for determination of compensation to be paid by the State when the Department of Transportation exercises eminent domain to apply to the displacement of a business established for more than three years that is located on land that is the subject of the proceedings or on adjoining land if that business owns the land that is the subject of the proceedings. (Not adopted)

LD 988 An Act To Improve the Protection from Abuse Laws — PUBLIC 340

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON HOBBINS	OTP-AM	H-376

LD 988 allows current and former dating partners, whether or not sexual partners, and stalking and sexual assault victims to seek relief under the protection from abuse laws.

Committee Amendment "A" (H-376)

This amendment clarifies that the alleged conduct on which a protection from abuse order may be based includes stalking as set out in the Maine Criminal Code, which is referenced in the Maine Revised Statutes, Title 19-A, section 4005, subsection 1, as amended in the bill.

Enacted Law Summary

Public Law 2007, chapter 340 allows current and former dating partners, whether or not sexual partners, and stalking and sexual assault victims to seek relief under the protection from abuse laws.

LD 989 An Act To Extend Parental Support Obligations for College Students — ONTP

Sponsor(s)	Committee Report	Amendments Adopted
HAYES	ONTP	

LD 989 extends the child support obligation beyond high school if the child attends an institution of higher education until the child graduates, withdraws or is expelled from that or another institution of higher education

or reaches 22 years of age, whichever occurs first. The child must be a full-time student and must have begun attending the institution of higher education within six months of graduating from high school. Child support may be paid directly to the institution of higher education. The definition of "institution of higher education" is that used in Title IV of the federal Higher Education Act.

LD 1011 **An Act To Enhance Child Support Collections in Maine** **PUBLIC 206 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-112

LD 1011 specifies that a snowmobile registration, an ATV registration and a second or subsequent motor vehicle registration may not be issued to a person who has defaulted on a child support order or must be revoked by the issuing agency.

Committee Amendment "A" (S-112)

This amendment replaces the bill. It retains the original purpose of revoking or prohibiting the issuance or renewal of a snowmobile registration or ATV registration for a person who has been certified as failing to comply with a child support order. It requires the Commissioner of Inland Fisheries and Wildlife to provide information about watercraft, snowmobile and ATV registrants to allow the Department of Health and Human Services to identify those registrants who are not in compliance with child support orders.

Enacted Law Summary

Public Law 2007, chapter 206 allows for the revocation or prohibition on issuance or renewal of a snowmobile registration or ATV registration for a person who has been certified as failing to comply with a child support order. It requires the Commissioner of Inland Fisheries and Wildlife to provide information about watercraft, snowmobile and ATV registrants to allow the Department of Health and Human Services to identify those registrants who are not in compliance with child support orders.

Public Law 2007, chapter 206 was enacted as an emergency measure effective June 4, 2007.

LD 1027 **An Act To Clarify the Definition of "Physical or Mental Disability" in the Maine Human Rights Act** **PUBLIC 385 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	OTP-AM	S-248

LD 1027 amends the definition of "physical or mental disability" in the Maine Human Rights Act to mean a condition that substantially limits one or more major life activities, making the definition consistent with federal law and returning the definition to the one used by the Maine Human Rights Commission before the Maine Supreme Judicial Court's decision, *Whitney v. Wal-Mart Stores, Inc.*, 2006 ME 37.

Committee Amendment "A" (S-248)

This amendment replaces the bill and adopts a new definition of "physical or mental disability." A physical or mental impairment qualifies as a physical or mental disability under the Maine Human Rights Act if it:

This amendment adds to the construction provisions of the Maine Human Rights Act a rule of construction that directs that the definition of "physical or mental disability" in the Act is to be interpreted broadly to create greater coverage than under the federal Americans with Disabilities Act of 1990. This amendment provides that rules

adopted by the Maine Human Rights Commission to implement the new definition of "physical or mental disability" are major substantive rules and therefore require review by the Legislature before being finally adopted.

This amendment adds an emergency preamble and emergency clause to make the changes take effect immediately.

Enacted Law Summary

Public Law 2007, chapter 385 adopts a new definition of "physical or mental disability." A physical or mental impairment qualifies as a physical or mental disability under the Maine Human Rights Act if it:

1. Substantially limits one or more of a person's major life activities;

2. Significantly impairs physical or mental health; or

3. Requires special education, vocational rehabilitation or related services.

The definition includes a list of specific physical or mental impairments that qualify as physical or mental disabilities. "Physical or mental disability" includes an individual with a record of physical or mental disability, as defined. It also includes an individual who is regarded as having or likely to develop any of the conditions within the definition of "physical or mental disability." The existence of a physical or mental disability is determined without regard to the ameliorative effects of mitigating measures such as medication, auxiliary aids or prosthetic devices. Also included is a list of conditions that are not included as physical or mental disabilities.

Chapter 385 adds to the construction provisions of the Maine Human Rights Act a rule of construction that directs that the definition of "physical or mental disability" in the Act is to be interpreted broadly to create greater coverage than under the federal Americans with Disabilities Act of 1990. Chapter 385 provides that rules adopted by the Maine Human Rights Commission to implement the new definition of "physical or mental disability" are major substantive rules and therefore require review by the Legislature before being finally adopted.

Public Law 2007, chapter 385 was enacted as an emergency measure effective June 21, 2007.

LD 1029 **An Act To Create the Maine Spyware Prevention Act** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BOWMAN	ONTP	

LD 1029 creates the Maine Spyware Prevention Act, which is modeled after California and Illinois legislation. The bill protects consumers against the illegal use of computer software known as spyware.

LD 1048 **An Act To Provide Greater Permanency for Children in Child Protection Proceedings** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH COURTNEY	ONTP	

LD 1048 gives the District Court jurisdiction over adoptions that follow the termination of parental rights in child protection cases. The Probate Court continues to have jurisdiction over these adoptions.

LD 1084 **An Act To Provide Adult Adoptees Access to Their Original Birth Certificates** **PUBLIC 409**

Sponsor(s)	Committee Report	Amendments Adopted
FARRINGTON SHERMAN	ONTP MAJ OTP-AM MIN	H-601

LD 1084 establishes a process by which an adult adopted person may obtain a copy of that person's original, unaltered birth certificate. LD 1084 also allows a birth parent to include with the child's original birth certificate a form that indicates whether the parent wishes to be contacted by the child and a medical history form.

Committee Amendment "A" (H-601)

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment revises one of the choices that a birth parent can indicate on the contact preference form to "Do not contact me."

Senate Amendment "A" (S-340)

This amendment changes the minimum age at which an adopted person may obtain a copy of that person's birth certificate from 18 to 21. (Not adopted)

Senate Amendment "C" (S-344)

This amendment makes the bill's provision that permits adoptees to have access to their birth certificates apply to original birth certificates of persons whose adoptions are finalized on or after January 1, 2009. (Not adopted)

Enacted Law Summary

Public Law 2007, chapter 409 establishes a process by which an adult adopted person may obtain a copy of that person's original, unaltered birth certificate. It also allows a birth parent to include with the child's original birth certificate a form that indicates whether the parent wishes to be contacted by the child and a medical history form.

Public Law 2007, chapter 409 takes effect January 1, 2009.

LD 1117 **An Act To Amend the Charter of the Somerset Woods Trustees** **P & S 14**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	OTP	

LD 1117 clarifies that the Somerset Woods Trustees corporation has the right to sell, barter and convey any real estate it may hold in the corporation's name. LD 1117 also removes the limitation as to where the corporation may use the proceeds derived from property owned by the corporation.

Enacted Law Summary

Private and Special Law 2007, chapter 14 clarifies that the Somerset Woods Trustees corporation has the right to sell, barter and convey any real estate it may hold in the corporation's name. Chapter 14 also removes the limitation as to where the corporation may use the proceeds derived from property owned by the corporation.

LD 1119 **An Act To Permit Mental Health Professionals To Disclose Risks to People Likely To Be Harmed by a Patient** **PUBLIC 310**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	OTP-AM	S-189

LD 1119 addresses conflicting confidentiality and reporting requirements imposed on mental health professionals who know or have reason to know that a client poses a danger of inflicting harm on a person. LD 1119 provides that a licensed mental health professional may disclose information about the mental or medical status of a client to those who may be affected by the client's conduct to the extent that such information is reasonably necessary to protect any person from risk of harm. It also provides that the mental health professional is required to provide information about the danger to persons who have the responsibility of the care and custody of the client.

Committee Amendment "A" (S-189)

This amendment replaces the bill but carries out the original intent to allow a mental health professional to disclose protected health information about a patient when necessary to avert a serious and imminent threat to health or safety if the disclosure is made in good faith and to a person who is reasonably able to prevent or minimize the threat. It also allows a mental health professional to disclose a client's mental health information to a family member, to another relative, to a close personal friend or caretaker or to anyone identified by the client in circumstances consistent with disclosure under the federal Health Insurance Portability and Accountability Act.
This amendment repeals the designation as a Class D crime for violations and instead provides that a violation of the section subjects a mental health professional to the disciplinary procedures under the regulatory requirements for that profession.

Enacted Law Summary

Public Law 2007, chapter 310 allows a mental health professional to disclose protected health information about a patient when necessary to avert a serious and imminent threat to health or safety if the disclosure is made in good faith and to a person who is reasonably able to prevent or minimize the threat. It also allows a mental health professional to disclose a client's mental health information to a family member, to another relative, to a close personal friend or caretaker or to anyone identified by the client in circumstances consistent with disclosure under the federal Health Insurance Portability and Accountability Act. Chapter 310 repeals the designation as a Class D crime for violations and instead provides that a violation of the section subjects a mental health professional to the disciplinary procedures under the regulatory requirements for that profession.

LD 1125 **An Act To Amend the Maine Liquor Liability Act** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM	ONTP MAJ OTP-AM MIN	

LD 1125 extends the 180-day notice provision to one year in the Maine Liquor Liability Act.

Committee Amendment "A" (H-537)

This amendment is a minority report of the Joint Standing Committee on Judiciary. This amendment clarifies that the extension of the 180-day notice period for good cause shown includes, but is not limited to, the plaintiff's inability to access law enforcement investigative information concerning the time, place and circumstances relating

to the conduct of the person who served liquor.

LD 1126 An Act To Clarify the Status of Subsidy Payments to Guardians **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	ONTP	

LD 1126 establishes that income from a permanency guardianship subsidy may not be considered income for the purposes of calculating a child support entitlement or child support obligation or for the computation of taxable income for resident individuals.

See also LD 515.

LD 1138 An Act To Prohibit Maine from Participating in the Federal REAL ID Act of 2005 **PUBLIC 251**

Sponsor(s)	Committee Report	Amendments Adopted
LANSLEY MITCHELL	OTP-AM MAJ ONTP MIN	H-304

LD 1138 prohibits the State from participating in a national identification card system.

Committee Amendment "A" (H-304)

This amendment is the majority report of the Joint Standing Committee on Judiciary. This amendment changes the title and the text of the bill to specifically refer to the federal REAL ID Act of 2005, which was enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13.

Enacted Law Summary

Public Law 2007, chapter 251 prohibits the State from participating in the federal REAL ID Act of 2005, which was enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13.

LD 1140 An Act To Improve Efficiency in the Courts **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP MAJ OTP MIN	

LD 1140 allows the proprietor or authorized employee of a sole proprietorship or a member, manager or authorized employee of a limited liability company who is not an attorney to represent the organization in an action involving the process of forcible entry and detainer.

LD 1141 An Act To Ensure Basic Rights of Judicial Employees **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	ONTP	

LD 1141 provides that plans, arrangements and files involving court security matters may be provided to a certified bargaining agent of Judicial Department employees.

LD 1156 An Act To Protect Owners and Occupiers of Homes from Civil Liability **PUBLIC 315**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA SNOWE-MELLO	OTP-AM	H-396

LD 1156 immunizes from civil liability an owner, occupier or resident of a home, including a guest, from any death, personal injury or property damage that results from protecting the home or its residents from a person unlawfully present in or attempting to enter the home.

Committee Amendment "A" (H-396)

This amendment replaces the bill. The Maine Criminal Code provides for a defense of premises justification for the use of different degrees of force in specific circumstances. This amendment provides for a defense of premises defense in a civil action if the person used the degree of force that is justified in the specific circumstances under the Maine Criminal Code.

Enacted Law Summary

The Maine Criminal Code provides for a defense of premises justification for the use of different degrees of force in specific circumstances. Public Law 2007, chapter 315 provides for a defense of premises defense in a civil action if the person used the degree of force that is justified in the specific circumstances under the Maine Criminal Code.

LD 1207 An Act To Amend the Mechanics Lien Laws **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCCORMICK	ONTP	

LD 1207 is a concept draft pursuant to Joint Rule 208. LD 1207 proposes to amend the current law to separate the issues of placing a lien for nonpayment of services provided and placing a lien for improper workmanship.

LD 1212 An Act To Exempt Nurse Practitioners and Physician Assistants in Active Patient Care from Jury Service **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

LD 1212 exempts from jury service nurse practitioners and physician assistants providing active patient care.

See also LD 1629.

LD 1213 An Act To Establish Spousal Support Guidelines **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

LD 1213 is a concept draft pursuant to Joint Rule 208. LD 1213 proposes to establish guidelines for the calculation of spousal support. The guidelines would allow the court to exercise discretion in setting aside the guidelines in exceptional circumstances or to take into account unique facts. The intent of the legislation is to assist litigants and practitioners in arriving at a fair, equitable spousal support figure based upon both parties' gross and net income, child support and tax situation.

LD 1231 An Act To Serve the Best Interests of Children in Divorce **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	ONTP	

LD 1231 is a concept draft pursuant to Joint Rule 208. LD 1231 would enact measures to ensure that the best interests of children are served in divorce. The bill was introduced to address child support based on substantially equal parenting.

LD 1258 An Act To Clarify the Laws Governing Landowner Liability **PUBLIC 260**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	OTP	

LD 1258 clarifies existing law to ensure that a landowner is not liable for the actions of a recreational user of the land, whether those actions have an impact on the landowner's property or property of another.

Enacted Law Summary

Public Law 2007, chapter 260 clarifies existing law to ensure that a landowner is not liable for the actions of a recreational user of the land, whether those actions have an impact on the landowner's property or property of another.

LD 1263 Resolve, To Continue the Tribal-State Work Group **RESOLVE 142 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BLANCHARD	OTP-AM	H-395 S-370 ROTUNDO

LD 1263 establishes the Tribal-State Work Group to continue the work of the body created by Executive Order 19 FY 06/07. The work group is charged with examining potential changes to An Act to Implement the Maine Indian Claims Settlement and other issues affecting tribal-state relations. It is required to report its findings to the Legislature, Governor and Wabanaki Tribes by January 2, 2008.

Committee Amendment "A" (H-395)

This amendment changes the reporting date to December 5, 2007 and deletes superfluous extension language.
This resolve as amended includes a legislative study that is inconsistent with Joint Rule 353 but is being reported out of committee with prior approval of the Legislative Council as provided in Joint Rule 353.

Senate Amendment "A" (S-370)

This amendment reduces the General Fund appropriation and clarifies that the funding goes to the Maine Indian Tribal-State Commission program.

Enacted Law Summary

Resolve 2007, chapter 142 establishes the Tribal-State Work Group to continue the work of the body created by Executive Order 19 FY 06/07. The work group is charged with examining potential changes to AN ACT to Implement the Maine Indian Claims Settlement and other issues affecting tribal-state relations. It is required to report its findings to the Legislature, Governor and Wabanaki Tribes by December 5, 2007.

Resolve 2007, chapter 142 was enacted as an emergency measure effective June 29, 2007.

LD 1271 **An Act To Establish Health Care Practitioner Immunity for Consulting Physicians in Critical Specialties or Subspecialties** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
WALKER		

LD 1271 provides limited immunity protection to a specialty or subspecialty consulting physician who provides volunteer, unpaid consultation services to a treating physician in the physician's area of expertise.

LD 1271 is carried over pursuant to Joint Order, HP 1369.

LD 1335 **An Act To Minimize the Litigation Costs to Municipalities Associated with Property Tax Assessment Appeals** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	ONTP	

LD 1335 requires a property owner to pay the reasonable costs and attorney's fees of a successful defense to an appeal of a property assessment if the municipality's assessment on the property for a different year had been previously upheld by a court.

LD 1348 **An Act To Amend the Maine Tort Claims Act** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS		

LD 1348 raises the limitation on damages under the Maine Tort Claims Act from $400,000 to $1,000,000.

LD 1348 is carried over pursuant to Joint Order, HP 1369.

LD 1349 **Resolve, To Waive the Tort Claims Limitation on Damages Relative to the Traumatic Brain Injury of Lucas Tolliver** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS		

LD 1349 authorizes Lucas Tolliver to recover up to $1,000,000 of the damage award amount allocated to the State by an October 10, 2006 Cumberland County Superior Court jury verdict in his favor.

LD 1349 is carried over pursuant to Joint Order, HP 1369.

LD 1372 **An Act To Increase Caps on Damages in Actions under the Maine Human Rights Act** **PUBLIC 457**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP-AM	H-303

LD 1372 increases the caps on damages in actions brought under the Maine Human Rights Act.

Committee Amendment "A" (H-303)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 457 increases the caps on damages in actions brought under the Maine Human Rights Act.

LD 1388 **An Act To Prohibit Attorneys from Litigating Child Custody Cases in the Same District in Which They Serve as Guardians Ad Litem** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS	ONTP	

LD 1388 prohibits an attorney who is appointed guardian ad litem in a district court or probate court from representing a client in a child custody case in the same district court or probate court.

LD 1415 **An Act Regarding the Right of a Person To Appeal from the Action of a State Agency** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	ONTP	

LD 1415 provides that a person who is aggrieved by any preliminary, procedural, intermediate or other nonfinal action of a state agency is entitled to judicial review of that action in the Superior Court. It also provides that a

decision by the Board of Environmental Protection to dismiss a petition submitted under the Maine Revised Statutes, Title 38, section 341-D, subsection 5 must be accompanied by written findings of fact and an order that may be appealed by the petitioner to the Superior Court.

LD 1423 **An Act To Allocate Punitive Damage Awards in Civil Cases To Include an Amount To Ensure Access to Justice for Maine Citizens** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

LD 1423 requires a plaintiff in a civil case who receives punitive or exemplary damages to distribute 25% of those damages to a statewide nonprofit organization devoted exclusively to law-related charitable work for the purpose of funding access to justice programs.

LD 1453 **Resolve, Regarding the Privacy of Social Security Numbers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINKHAM BRYANT B	ONTP	

LD 1453 requires the Department of Administrative and Financial Services to develop a plan allowing the State, a political subdivision, a private business or other person to request but not require a social security number from a person, except for necessary uses such as for tax, paternity, child support enforcement or credit reporting matters, and prohibits penalizing persons for refusing to give their social security numbers.

LD 1505 **An Act To Adopt the Revised Uniform Anatomical Gift Act** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS		

LD 1505 enacts the Revised Uniform Anatomical Gift Act, adopted by the National Conference of Commissioners on Uniform State Laws in 2006. Uniform Comments are included.

LD 1505 is carried over pursuant to Joint Order, HP 1369.

LD 1524 **An Act To Increase Judicial Salaries** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted

LD 1524, submitted by the Judicial Compensation Commission as part of its 2007 report to the Legislature, increases judicial salaries to levels that would have been achieved if the recommendations made in the commission's 1996 report had been fully implemented.

LD 1524 is carried over pursuant to Joint Order, HP 1369.

LD 1540 **An Act To Guarantee Free Speech in Privately Owned Public Gathering Places** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK		

LD 1540 amends the Maine Civil Rights Act to address the right of free of speech and the right to petition at shopping centers that are privately owned. LD 1540 guarantees the right of free speech, including expressive activities, and the right to petition in the common area of a shopping center, as long as such expressive activities do not interfere with commerce and the free flow of pedestrian traffic. The management of a shopping mall may adopt reasonable time, place and manner regulations. LD 1540 prohibits shopping centers, if they provide space for the posting of announcements, public service messages, proclamations, pamphlets and other such material, from prohibiting posting based on the content except where the prohibition is otherwise consistent with constitutional principles relating to free speech.

LD 1540 is carried over pursuant to Joint Order, HP 1369.

LD 1541 **An Act To Improve Child Support Services** **PUBLIC 365**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP-AM MAJ OTP-AM MIN	H-538

LD 1541 adds language necessary to comply with requirements set out in the federal Deficit Reduction Act of 2005, which now requires Maine to impose an annual service fee in each case in which an individual has never received assistance under a state program and from which child support collections total over $500 in a year.

Committee Amendment "A" (H-538)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It adds a fiscal note.

Committee Amendment "B" (H-539)

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment requires gambling facilities operating slot machines to offset gambling winnings in a similar fashion as the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations must when an individual wins the lottery for the purpose of collecting child support debts prior to dispersing winnings to a child support obligor. (Not adopted)

Enacted Law Summary

Public Law 2007, chapter 365 adds language necessary to comply with requirements set out in the federal Deficit Reduction Act of 2005, which now requires Maine to impose an annual service fee in each case in which an individual has never received assistance under a state program and from which child support collections total over $500 in a year.

LD 1542 An Act To Limit the Liability of Organized Clubs **PUBLIC 366**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	OTP-AM	H-377

LD 1542 amends the definition of "charitable organization," to which immunity from civil liability applies, to include nonprofit organizations that qualify as charitable organizations under Section 501(c)(7), which applies to social and recreational clubs, of the United States Internal Revenue Code.

Committee Amendment "A" (H-377)

This amendment deletes from the bill the addition of a reference to nonprofit organizations qualified under the Internal Revenue Code, Section 501(c)(7) and adds a reference to veterans' posts organizations qualified under Section 501(c)(19).

Enacted Law Summary

Public Law 2007, chapter 366 amends the definition of "charitable organization," to which immunity from civil liability applies, to include nonprofit organizations that are veterans' posts organizations qualified under the Iternal Revenue Code, Section 501(c)(19).

LD 1576 An Act To Establish the Leaseholders' Bill of Rights **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	ONTP	

LD 1576 amends the laws governing the relationships between lessees and lessors. It expands the application of the Maine Revised Statutes, Title 14, chapter 710-D to all leases other than those covering trailer parks, apartment buildings, condominiums, time shares or townhouses. LD 1576 provides that a lessee can assign or transfer the lease. LD 1576 proves that the annual lease fee may not exceed 2.5% of the fair market value of the real property leased, not including the value of the buildings, fixtures and improvements. LD 1576 prohibits a lessor from mortgaging or otherwise encumbering the buildings, fixtures and improvements owned by the lessee. If a lessor terminates a lease without cause, the lessor shall reimburse the lessee for the fair market value of all buildings, fixtures and improvements on the real estate. The fair market value is established by a licensed appraiser. If the lessor disputes the appraisal, the appraisal must be submitted to binding arbitration. Violation of these provisions makes the lessor ineligible for tree growth tax benefits. If title to the land on which a lease exists is transferred to a different owner after the effective date of this bill, the lessee at the time of the transfer has the right of first refusal with regard to subsequent leases of the land.

LD 1576 has an effective date of January 1, 2008.

LD 1606 Resolve, To Direct Fines Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation **RESOLVE 92**

Sponsor(s)	Committee Report	Amendments Adopted
SOCTOMAH	OTP-AM	H-491

LD 1606 provides that any civil penalties or fines or criminal fines imposed for a violation of any tribal or state law within the Indian territory of the Passamaquoddy Tribe or the Penobscot Nation must be remitted by the court imposing the penalty or fine to the Passamaquoddy Tribe or the Penobscot Nation, respectively.

Committee Amendment "A" (H-491)

This amendment replaces the bill with a resolve that directs the chief executive officer of the Passamaquoddy Tribe law enforcement agency and the chief executive officer of the Penobscot Nation law enforcement agency to work with the Chief Judge of the District Court to:

1. Develop Violation Summons and Complaint forms for tribal traffic violations;

2. Develop a process to ensure payment is made to the Passamaquoddy Tribe or the Penobscot Nation, as required; and

3. Report to the Joint Standing Committee on Judiciary about the forms, the process and any recommended legislation.

The Joint Standing Committee on Judiciary may submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 92 directs the chief executive officer of the Passamaquoddy Tribe law enforcement agency and the chief executive officer of the Penobscot Nation law enforcement agency to work with the Chief Judge of the District Court to:

1. Develop Violation Summons and Complaint forms for tribal traffic violations;

2. Develop a process to ensure payment is made to the Passamaquoddy Tribe or the Penobscot Nation, as required; and

3. Report to the Joint Standing Committee on Judiciary about the forms, the process and any recommended legislation.

The Joint Standing Committee on Judiciary may submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

LD 1617 An Act To Repeal Strict Foreclosure — PUBLIC 391

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	OTP-AM	S-255

LD 1617 repeals the laws that permit foreclosure of a mortgage on real property by possession and by sale of the property.

Committee Amendment "A" (S-255)

This amendment replaces the bill. It repeals the provisions for strict foreclosure but leaves in place the provisions for power of sale foreclosures that are used by financial institutions for commercial loans.

Enacted Law Summary

Public Law 2007, chapter 391 repeals the provisions for strict foreclosure but leaves in place the provisions for power of sale foreclosures that are used by financial institutions for commercial loans.

LD 1629 An Act Regarding Jury Service — PUBLIC 241

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	OTP-AM	S-164

LD 1629 increases the mileage reimbursement rate for jurors from 15¢ per mile to 50¢ per mile. This bill also limits to three the number of times that a person may be required to serve as a juror or called to service as a juror.

Committee Amendment "A" (S-164)

This amendment deletes from the bill the proposed increases in mileage reimbursement to jurors. This amendment revises the limitations on required jury service. Current law provides that a person may not be required to serve as a grand juror or traverse juror more than once every five years. The bill proposes to limit required service to a total of three times over a person's lifetime. This amendment limits required service to three times in a person's lifetime and no more than once in any five-year period. It also retains the current law limitation of traverse jury service to 15 court days, except if necessary to complete service in a particular case.

Enacted Law Summary

Public Law 2007, chapter 241 limits required jury service service to three times in a person's lifetime and no more than once in any five-year period. It also retains the current law limitation of traverse jury service to 15 court days, except if necessary to complete service in a particular case.

LD 1630 An Act To Address an Inequity in the Judicial Retirement System — PUBLIC 449

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-295
		S-377 ROTUNDO

LD 1630 implements the recommendation of the Judicial Compensation Commission that members of Maine's judiciary with retirement contributions earned in the Maine Legislative Retirement System be allowed to fully transfer these contributions to the Maine Judicial Retirement System.

Committee Amendment "A" (S-295)

This amendment replaces the bill. This amendment addresses the fact that cost-of-living adjustments were not provided to judges in fiscal year 2003-04 and fiscal year 2004-05. This amendment requires the calculation of compensation for retirement benefits to consider the judges' compensation as including the cost-of-living adjustments. The unfunded liability costs associated with this legislation will be paid from the surplus in the Maine Judicial Retirement System. The employee contribution is based on the compensation actually paid and not on the imputed cost-of-living adjustments. This amendment applies to judges who retire on or after the effective date of this Act. This amendment also adds an appropriations and allocations section to the bill.

Senate Amendment "A" (S-377)

This amendment provides clarifying language regarding eligible judges, authorizes Personal Services funds to carry forward into fiscal year 2007-08 and offsets the General Fund costs in the 2008-2009 biennium with one-time deappropriations from the Judicial Department.

Enacted Law Summary

Public Law 2007, chapter 449 requires the calculation of compensation for retirement benefits to consider the judges' compensation as including the cost-of-living adjustments that were not funded in fiscal years 03-04 and 04-05. The unfunded liability costs associated with this legislation will be paid from the surplus in the Maine Judicial Retirement System. The employee contribution is based on the compensation actually paid and not on the imputed cost-of-living adjustments. Chapter 449 applies to judges who were sitting as of June 30, 2005 and who retire on or after the effective date of this Act. Chapter 449 also authorizes Personal Services funds to carry forward into fiscal year 2007-2008 and offsets the General Fund costs in the 2008-2009 biennium with one-time deappropriations from the Judicial Department.

LD 1689 **An Act To Amend the Child and Family Services and Child Protection Act** **PUBLIC 371**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	OTP-AM	S-247

LD 1689 amends the Child and Family Services and Child Protection Act by expanding the status of relatives in the determination of placement of a child.

Committee Amendment "A" (S-247)

This amendment strikes from the bill provisions that propose to change the standard for determining the appropriateness of the placement of a child when in the custody of the State in a child protection proceeding. Retained are provisions expanding the status of relatives in the determination of placement of a child by the Department of Health and Human Services. It also retains the change to mandatory disclosure of information to a relative or other person whom the department is investigating for possible custody or placement of the child.

Enacted Law Summary

Public Law 2007, chapter 371 expands the status of relatives in the determination of placement of a child by the Department of Health and Human Services. It provides for mandatory disclosure of information to a relative or other person whom the department is investigating for possible custody or placement of the child.

LD 1695 **An Act To Amend the Laws Regarding the Conveyance of Manufactured Housing** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
HASTINGS	ONTP MAJ OTP-AM MIN	

LD 1695 affects new HUD-code manufactured housing, providing for the conveyance of the manufactured housing by deed to the consumer, and the recording of the deeds in the applicable county registry of deeds. LD 1695 also provides for deeds of relocation where there is no change of ownership and statements of relocation of the manufactured housing out of state. Forms for deeds and statements are included. LD 1695 makes it clear that title passes to the new owner upon the installation of the manufactured housing and connection of the manufactured housing to the required utilities.

Committee Amendment "A" (S-310)

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment removes the provision for the creation of a security interest in HUD-code manufactured housing under the Uniform Commercial

Code as an alternative to a real estate mortgage. This amendment limits the exemption from the real estate license law to transactions in HUD-code manufactured housing. This amendment mandates the conveyance by deed of HUD-code manufactured housing to a consumer and incorporates the transformation from personal property to real estate caused by the conveyance into the sales and real estate transfer tax laws. This amendment clarifies that all kinds of deeds are available for transfers of title in HUD-code manufactured housing, adds parentheses to the provisions for spousal joinder in the deed forms to remove any suggestion that spousal rights are created in the forms. It also removes the limitation to transfers occurring prior to installation to the requirement of transfer of HUD-code manufactured housing by deed to a consumer and exempts from the real estate transfer tax original transfers by deed of HUD-code manufactured housing to a consumer that are subject to sales tax. This amendment also repeals the language establishing a titling process in the Maine Revised Statutes, Title 29-A, originally enacted by Public Law 2005, chapter 678. The sections dealing with the titling process are repealed September 30, 2007. The provisions establishing the conveyancing by deed of HUD-code manufactured housing take effect January 1, 2008.

LD 1734 **An Act To Provide Adult Adoptees Access to Information** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M	ONTP	

LD 1734 maintains the option of confidential adoption. It applies prospectively to allow birth parents to choose to keep the personally identifying information confidential by so stating at the time of the consent, surrender and release or termination of parental rights. The statement includes an acknowledgment that the birth parent knows that medical and family information can be added to the Probate Court records at any time, and such information will be available to the adoptive parents or the adoptee. The birth parent also acknowledges that the decision to keep the information confidential may be changed and therefore made available. LD 1734 provides that a birth parent may, at any time, provide current medical or other relevant information to the Probate Court to be made available to the adoptee and the adoptee's adoptive parents, descendants or legal guardian. LD 1734 also requires a family history form to be completed before biological parents may surrender and release a child. If the biological parents choose to maintain their records in confidentiality, then they must update the family history form every 10 years, until they reach 40 years of age, and every five years thereafter. Current law provides for the collection of information when an adopted child suffers a serious medical or mental illness. The Department of Health and Human Services, the licensed child-placing agency or other person who assisted in placing the child must attempt to obtain additional information and must provide that information to the adoptive parents. LD 1734 applies that requirement when the adoptee has reached 18 years of age and either the adoptee or the adoptee's descendant suffers a serious medical or mental illness for which the specific medical, psychological or social history of the biological parents or the adoptee may be useful in diagnosis or treatment.

See also LD 1084.

LD 1737 **An Act To Amend the Conservation Easement Laws** **PUBLIC 412**

Sponsor(s)	Committee Report	Amendments Adopted	
PIOTTI	OTP-AM	H-490	
		S-270	HOBBINS
		S-305	DAMON

LD 1737 enacts changes to the laws governing the creation, alteration and termination of conservation easements. Under the bill, a court must find that a change of circumstances makes the conservation easement no longer in the public interest before the conservation easement may be terminated or amended in a manner that diminishes its

conservation purposes. LD 1737 also requires that future conservation easements must clearly recite the conservation purposes and public benefits of the easement. LD 1737 further requires that future conservation easements include a statement of the power of the holder to amend the easement and be accompanied by documentation of the condition of the property. As necessary to future enforcement of conservation easements, holders are required to periodically monitor the condition of the property subject to the easement

LD 1737 also allows the Attorney General to be a party in any action affecting a conservation easement, as the Attorney General may with any charitable trust. LD 1737 also provides that conservation easements will not be destroyed by reason of merger of the fee and easement holder's interests nor by tax foreclosure.

Finally, this bill establishes a conservation easement registration system administered by the Secretary of State and Executive Department, State Planning Office with a modest annual filing fee, and requires that the transfer tax form for property subject to a conservation easement disclose that notice of the property's transfer has been given to the holder of the easement.

Committee Amendment "A" (H-490)

This amendment deletes the section of the bill relating to termination and modification of conservation easements, the section of the bill relating to the termination of a conservation easement when it is no longer in the public interest, the section of the bill relating to entering land to ensure compliance with the terms of a conservation easement, the section of the bill relating to new conservation easement standards, and the section of the bill relating to judicial action affecting a conservation easement. This amendment requires the annual filing by conservation easement holders to be made directly to the Executive Department, State Planning Office rather than through the Secretary of State. The filing fee has been changed to $30 to cover the costs estimated by the State Planning Office for setting up and maintaining the registry. The special reference to filing by government easement holders in the bill is eliminated as unnecessary because the filing is to be made directly to the State Planning Office rather than as part of an annual corporate filing with the Secretary of State. This amendment deletes the requirement in the bill concerning the transfer tax form.

Senate Amendment "A" (S-270)

This amendment provides the correct technical form to insert the allocation.

Senate Amendment "B" (S-305)

This amendment sets certain standards for conservation easements. It provides that a conservation easement executed on or after the effective date of this legislation must include a statement of the conservation purposes and public benefits of the easement. It includes standards for the amendment and termination of a conservation easement. It requires the holder of a conservation easement to monitor the condition of the real property subject to the conservation easement at least every three years and prepare and retain a written monitoring report. The amendment also amends the laws governing judicial actions affecting conservation easements. It provides that an action affecting a conservation easement may be brought or intervened in by the Attorney General and it specifies under what circumstances the Attorney General may initiate action seeking enforcement of a conservation easement. It contains a provision regarding the confidentiality of documents and records obtained by the Attorney General in an action affecting a conservation easement.

Enacted Law Summary

Public Law 2007, chapter 412 sets certain standards for conservation easements. It provides that a conservation easement executed on or after the effective date of this legislation must include a statement of the conservation purposes and public benefits of the easement. It includes standards for the amendment and termination of a conservation easement. It requires the holder of a conservation easement to monitor the condition of the real property subject to the conservation easement at least every three years and prepare and retain a written monitoring report. It also amends the laws governing judicial actions affecting conservation easements. It provides that an action affecting a conservation easement may be brought or intervened in by the Attorney General and it specifies

under what circumstances the Attorney General may initiate action seeking enforcement of a conservation easement. It contains a provision regarding the confidentiality of documents and records obtained by the Attorney General in an action affecting a conservation easement. Chapter 412 directs the State Planning Office to establish and maintain a registry of conservation easements. It requires an annual filing of information about conservation easements by conservation easement holders to be made directly to the Executive Department, State Planning Office.

LD 1741 An Act To Update the Maine Business Corporation Act **PUBLIC 289**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	OTP-AM	S-178

LD 1741 amends the Maine Business Corporation Act to reflect changes made by the American Bar Association to the Model Business Corporation Act, on which the Maine Business Corporation Act is based.

LD 1741 also makes other changes to the Maine Business Corporation Act, including:

1. Adding definitions of "expenses," "public corporation" and "qualified director";

2. Allowing the delivery by a corporation of one copy of a notice, the articles of incorporation or bylaws to be delivered to a common address occupied by more than one shareholder and still satisfy the requirements that all shareholders receive the notice, articles or bylaws. A shareholder can opt out of this arrangement by providing written notice to the corporation;

3. Allowing, with the prior consent of shareholders, the inclusion in the articles of incorporation of a provision that allows action to be taken regarding the corporation without a meeting or notice to the shareholders; and

4. Changing the class or series of shares held by a shareholder for the purpose of limiting the appraisal rights of that shareholder.

Committee Amendment "A" (S-178)

This amendment makes a number of technical corrections to the bill as printed. It also puts into one section the various alternatives defining elements of the term "public corporation."

Enacted Law Summary

Public Law 2007, chapter 289 amends the Maine Business Corporation Act to reflect changes made by the American Bar Association to the Model Business Corporation Act, on which the Maine Business Corporation Act is based.

Chapter 289 also makes other changes to the Maine Business Corporation Act, including:

1. Adding definitions of "expenses," "public corporation" and "qualified director";

2. Allowing the delivery by a corporation of one copy of a notice, the articles of incorporation or bylaws to be delivered to a common address occupied by more than one shareholder and still satisfy the requirements that all shareholders receive the notice, articles or bylaws. A shareholder can opt out of this arrangement by providing written notice to the corporation;

3. Allowing, with the prior consent of shareholders, the inclusion in the articles of incorporation of a provision that allows action to be taken regarding the corporation without a meeting or notice to the shareholders; and

4. Changing the class or series of shares held by a shareholder for the purpose of limiting the appraisal rights of that

shareholder.

LD 1747 **An Act To Enact the Uniform Power of Attorney Act** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS		

The Uniform Power of Attorney Act, "UPAA," replaces and expands the provisions relating to powers of attorney in Maine's Probate Code, currently in the Maine Revised Statutes, Title 18-A, article 5, Part 5. The UPAA does not contain provisions related to so-called durable health care powers of attorney as currently provided in article 5, Part 5 of Maine's Probate Code; however, UPAA does not affect Maine's Uniform Health-Care Decisions Act in article 5, Part 8 of Maine's Probate Code, which already, and concurrently, allows for the creation of so-called durable health care powers of attorney.

LD 1747 is carried over pursuant to Joint Order, HP 1369.

LD 1750 **An Act To Amend the Statute of Limitations for Actions against Professional Land Surveyors** **PUBLIC 345**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	OTP-AM	S-249

LD 1750 decreases the statute of limitations for which actions against a professional land surveyor may be brought from 20 years to 10 years.

Committee Amendment "A" (S-249)

This amendment deletes the reference to malpractice, leaving the civil actions appropriately referred to as "civil actions for professional negligence." This amendment also deletes the provision that allows the statute of limitations applicable to professional land surveyors to be revised by a contract. This amendment includes an application section to clarify that the statute of limitations applicable to an action is the statute of limitation that is in effect when a contract is completed or, if no contract, when the work is completed.

Enacted Law Summary

Public Law 2007, chapter 345 decreases the statute of limitations for which actions against a professional land surveyor may be brought from 20 years to 10 years. Chapter 345 includes an application section to clarify that the statute of limitations applicable to an action is the statute of limitation that is in effect when a contract is completed or, if no contract, when the work is completed.

LD 1771 **Resolve, Directing the Family Law Advisory Commission To Develop Legislation Authorizing the Use of Parenting Coordinators** **RESOLVE 69**

Sponsor(s)	Committee Report	Amendments Adopted
HAYES	OTP-AM	H-345

LD 1771 allows a court to appoint a parenting coordinator in a child custody dispute if the court determines that the dispute is a high-conflict case or upon agreement of the parties. The parenting coordinator aids the parties in identifying and resolving issues in the parenting or custody of the child, and decisions by the coordinator may be overturned only by the court.

Committee Amendment "A" (H-345)

This amendment replaces the bill with a resolve directing the Family Law Advisory Commission to work in consultation with other interested constituencies to develop legislation to authorize the use of parenting coordinators and report the recommended legislation to the Joint Standing Committee on Judiciary by December 15, 2007. The committee may submit legislation after receiving the report.

Enacted Law Summary

Resolve 2007, chapter 69 directs the Family Law Advisory Commission to work in consultation with other interested constituencies to develop legislation to authorize the use of parenting coordinators and report the recommended legislation to the Joint Standing Committee on Judiciary by December 15, 2007. The committee may submit legislation after receiving the report.

LD 1789 **An Act To Ratify the Revised Interstate Compact for the Placement of Children To Promote Compliance with the Federal Safe and Timely Interstate Placement of Foster Children Act of 2006** **PUBLIC 255**

Sponsor(s)	Committee Report	Amendments Adopted
BRANNIGAN	OTP-AM	S-165

LD 1789 repeals the Interstate Compact on the Placement of Children adopted in 1961 and replaces it with the new Interstate Compact for the Placement of Children. This compact affects a child under 18 years of age who is being placed in a different state by a state that has been granted custody of the child, whether because the child has been found to be abused, neglected or deprived or because the child has been adjudicated as delinquent or unmanageable. The sending state must obtain the receiving state's approval before placement, and the sending state retains jurisdiction over and responsibility for the child after placement.

Committee Amendment "A" (S-165)

This amendment deletes provisions of the bill that repealed the existing Interstate Compact on Placement of Children, and retains cross-references to that compact. The revised Interstate Compact for the Placement of Children, included in the bill as the Maine Revised Statutes, Title 22, chapter 1154, does not become effective until at least 35 states ratify it. By retaining the existing compact, this amendment ensures that current law remains in place for the interstate placement of foster children. The existing compact will also govern placements with states that choose not to ratify the revised compact.

This amendment also makes changes to the child protective laws as required by the federal Safe and Timely Interstate Placement of Foster Children Act of 2006. These changes require foster parents, preadoptive families and relative care givers to be provided notice and the right to be heard at any proceeding concerning the child. Current law refers to an opportunity to be heard at any reviews or hearings.

This amendment also amends the definition of "foster parent" to be consistent with the requirements of federal law.

Enacted Law Summary

Public Law 2007, chapter 255 concerns the interstate placement of children. Chapter 255 enacts the revised Interstate Compact for the Placement of Children, but the Compact does not become effective until at least 35 states ratify it. The existing compact is retained to ensure that current law remains in place for the interstate placement of foster children. The existing compact will also govern placements with states that choose not to ratify the revised compact.

Chapter 255 also makes changes to the child protective laws as required by the federal Safe and Timely Interstate

Placement of Foster Children Act of 2006. These changes require foster parents, preadoptive families and relative care givers to be provided notice and the right to be heard at any proceeding concerning the child. Current law refers to an opportunity to be heard at any reviews or hearings. Chapter 255 also amends the definition of "foster parent" to be consistent with the requirements of federal law.

LD 1792 **An Act To Limit the Compensation of Officers and Directors of Nonprofit Corporations** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER		

LD 1792 seeks to ensure that the nonprofit corporate mission of a nonprofit corporation is not overshadowed by excessive compensation to directors and officers. It applies to nonprofit corporations that receive at least 25% of their total funding from one or more municipal, county, state or federal sources. LD 1792 prohibits nonprofit corporations from compensating an officer or director in excess of $250,000 per year. Excessive compensation of a director or officer is added as a ground to dissolution of the nonprofit corporation pursuant to court order.

LD 1792 is carried over pursuant to Joint Order, HP 1369.

LD 1806 **An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships** **PUBLIC 231 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
HASTINGS	OTP	

LD 1806 makes necessary changes to the laws relating to corporations, limited partnerships, limited liability companies, limited liability partnerships and general partnerships. LD 1806 makes uniform changes to filing fees that were changed in 2004 and 2005 that were not changed as part of the overhaul of fee changes. This adjustment of filing fees is necessary to make similar filing fees in all entity laws uniform. LD 1806 adds language to clarify that an entity must file all annual reports due and pay any outstanding fees or penalties due the Secretary of State prior to filing any dissolution or termination filing. LD 1806 also adds a provision to revive domestic entities after dissolution for a specific purpose and specific amount of time. LD 1806 also removes the requirement of a filing with the registers of deeds when cooperatives organize with the Secretary of State's office. Additionally, LD 1806 adds language necessary to correct discrepancies in the original drafting of the Uniform Limited Partnership Act of 2007, which will become effective July 1, 2007.

Enacted Law Summary

Public Law 2007, chapter 231 makes necessary changes to the laws relating to corporations, limited partnerships, limited liability companies, limited liability partnerships and general partnerships. Chapter 231 makes uniform changes to filing fees that were changed in 2004 and 2005 that were not changed as part of the overhaul of fee changes. Chapter 231 clarifies that an entity must file all annual reports due and pay any outstanding fees or penalties due the Secretary of State prior to filing any dissolution or termination filing. It also provides the ability to revive domestic entities after dissolution for a specific purpose and specific amount of time. Chapter 231 removes the requirement of a filing with the registers of deeds when cooperatives organize with the Secretary of State's office. Chapter 231 corrects discrepancies in the original drafting of the Uniform Limited Partnership Act of 2007, which will become effective July 1, 2007.

Public Law 2007, chapter 231 was enacted as an emergency measure effective June 5, 2007.

LD 1813 An Act To Facilitate Collection of Money Owed to the State **PUBLIC 248**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP-AM	H-346

LD 1813 enhances the authority of the Attorney General's office to engage in collections actions for debts, fines, penalties and other money owed to the State. The Attorney General's office is given the authority to add a fee, which is deposited in the General Fund, in its collecting of money owed the State in order to secure some reimbursement for the cost of pursuing payment. Seized property may be sold by the State.

Committee Amendment "A" (H-346)

This amendment deletes from the bill the proposed language to allow the State to add a fee to cover the costs of collecting money owed the State.

Enacted Law Summary

Public Law 2007, chapter 248 enhances the authority of the Attorney General's office to engage in collections actions for debts, fines, penalties and other money owed to the State. Seized property may be sold by the State. This amendment deletes from the bill the proposed language to allow the State to add a fee to cover the costs of collecting money owed the State.

LD 1822 An Act To Implement the Recommendations of the Right To Know Advisory Committee **PUBLIC 349**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-536

LD 1822 consists of the legislative recommendations of the Right To Know Advisory Committee.

LD 1822 requires certain elected officials to complete a training course on the State's freedom of access laws within 90 days of taking elected office beginning January 1, 2008. The bill requires that the Public Access Ombudsman, in conjunction with the Right To Know Advisory Committee, develop a training course of less than two hours using the State's publicly accessible website to be available at no cost to the elected official. The bill also requires that elected officials send electronic notification to the ombudsman upon completion of the training and further requires the ombudsman to make a record of those elected officials who have completed the training available to the public.

LD 1822 establishes the Public Access Division and the Public Access Ombudsman within the Department of the Attorney General. The ombudsman is required to provide information and educational materials and programs to the public, as well as to public agencies and officials, in cooperation with the Right To Know Advisory Committee. The ombudsman will respond to informal inquiries, resolve freedom of access complaints when possible and issue advisory opinions concerning the State's freedom of access laws. The ombudsman is not permitted to issue an advisory opinion on an issue that is the subject of a lawsuit filed under the freedom of access laws. The ombudsman must make the advisory opinions available to the public once they are distributed to the persons requesting the advisory opinion and the parties involved. The ombudsman is required to make recommendations concerning ways to improve public access to public records and public proceedings. The ombudsman may request the assistance of any public agency or official in carrying out these responsibilities. The ombudsman may access records that a public agency or official believes are confidential in order to determine whether the records may be released to the public. Records that would be confidential if they were in the possession or custody of a public agency or official are confidential if those records are in the possession of the ombudsman. The ombudsman shall maintain the

confidentiality of confidential records and information provided to the ombudsman.

Beginning in March 2008, the ombudsman is required to report annually to the Legislature and the Right To Know Advisory Committee regarding the ombudsman's activities and the inquiries and complaints received. The report must also include recommendations concerning ways to improve public access to public records and proceedings.

Committee Amendment "A" (H-536)

This amendment revises the freedom of access training requirement for elected officials to delay the effective date to July 1, 2008. The amendment deletes the section of the bill that creates the Public Access Ombudsman and instead requires that the training course be approved by the Right To Know Advisory Committee. It also requires elected officials to send a written or electronic notification to the Right To Know Advisory Committee when they have completed their training. It also adds a mandate preamble to the bill.

See also LD 1923.

Enacted Law Summary

Public Law 2007, chapter 349 includes part of the legislative recommendations of the Right To Know Advisory Committee. Chapter 349 requires certain elected officials to complete a training course on the State's freedom of access laws within 90 days of taking elected office beginning July 1, 2008. The training course must be approved by the Right To Know Advisory Committee. Elected officials must send a written or electronic notification to the Right To Know Advisory Committee when they have completed their training.

LD 1853 **An Act To Enact the Model Registered Agents Act and Amend Entity Acts To Rationalize Annual Filings** **PUBLIC 323**

Sponsor(s)	Committee Report	Amendments Adopted
DILL	OTP-AM	H-397

Part A of LD 1853 enacts the Model Registered Agents Act, adopted by the National Conference of Commissioners on Uniform State Laws and the American Bar Association. Part A includes Maine language on clerks of corporations and standard language governing rules, publications and other responsibilities of the Secretary of State. Parts B, C, D, E, F and G include conforming amendments to the laws governing nonprofit corporations, business corporations, limited liability companies and limited liability partnerships, respectively. Part G contains an effective date of July 1, 2008 for the entire Act.

Committee Amendment "A" (H-397)

This amendment corrects a numbering conflict in Part A of the bill and adds to the bill the prefatory note, model act comments and a Maine comment.

Enacted Law Summary

Public Law 2007, chapter 323 enacts the Model Registered Agents Act, adopted by the National Conference of Commissioners on Uniform State Laws and the American Bar Association. It is effective July 1, 2008.

LD 1864 **An Act To Prevent Disclosure of Certain Identifying Information in Child Protective and Other Court Proceedings** **PUBLIC 351**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	OTP-AM	S-254

LD 1864 requires the court in child protection proceedings to protect the confidentiality of information pertaining to the current address or location of a person when that person either has a current order prohibiting contact by another party to the proceeding or has alleged under oath that the health, safety or liberty of the person would be jeopardized by disclosure of the information.

Committee Amendment "A" (S-254)

This amendment retains the provisions of the bill and adds general language to the Maine Revised Statutes, Title 4 that pertains to the Supreme Judicial Court adopting rules that protect, in any court in any case, a party's or participant's address or location information if a no contact order exists or the party or participant submits an allegation or pleading under oath that the person's health, safety or liberty would be jeopardized by the disclosure of that information.

Enacted Law Summary

Public Law 2007, chapter 351 requires the court in child protection proceedings to protect the confidentiality of information pertaining to the current address or location of a person when that person either has a current order prohibiting contact by another party to the proceeding or has alleged under oath that the health, safety or liberty of the person would be jeopardized by disclosure of the information. Chapter 351 adds general language to the Maine Revised Statutes, Title 4 that pertains to the Supreme Judicial Court adopting rules that protect, in any court in any case, a party's or participant's address or location information if a no contact order exists or the party or participant submits an allegation or pleading under oath that the person's health, safety or liberty would be jeopardized by the disclosure of that information.

LD 1881 An Act To Improve Transparency and Accountability in Government — CARRIED OVER

Sponsor(s)	Committee Report	Amendments Adopted
WESTON		

LD 1881 amends the freedom of access laws in the following ways.

1. It creates a timeline that must be followed to comply with requests for public records.

2. It permits a person to request by telephone that a copy of a public record be mailed to that person.

3. It allows a copy of a requested public record to be mailed if the requester pays for the mailing service.

4. It establishes procedures for requests for inspection or copies of public records.

LD 1881 is carried over pursuant to Joint Order, HP 1369.

LD 1904 An Act To Correct Errors and Inconsistencies in the Laws of Maine — PUBLIC 466 EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-630
		H-631 SIMPSON

LD 1904 makes technical corrections in the Laws of Maine.

Committee Amendment "A" (H-630)

This amendment establishes the sections in the bill as Part A. This amendment strikes from the bill sections 13, 29, 58, 59, 69, 76 and 79 because the errors are addressed by other legislation. Section 52 is amended to incorporate a recently enacted Public Law chapter. Section 75 is amended to correct the application section for corrections to the income tax statutes.

This amendment adds a Part B that makes technical corrections.

This amendment adds a Part C that does the following and contains provisions that are or may be considered substantive.

Part C, section 1 repeals the subchapter that established the Court Unification Oversight Committee, because the committee has completed its work. Part C, section 2 includes an amendment to allow the Director of the Bureau of General Services within the Department of Administrative and Financial Services to waive the competitive bidding process in emergency circumstances. The same changes were made in Public Law 2007, chapter 9, which was not an emergency measure.

Public Law 2007, chapter 240, Part LLL directs the Commissioner of Professional and Financial Regulation to annually conduct a survey of all the fees collected by the Department of Professional and Financial Regulation and provide a written report identifying any recommended fee changes to the State Budget Officer and three joint standing committees of the Legislature. The language was placed in Title 32, which includes laws regulating professions and occupations, but not the other duties of the department. Part C, section 8 repeals the Title 32 provision enacted in Public Law 2007, chapter 240, Part LLL. Part C, section 5 enacts the language in Title 10 in the chapter that provides for the organization of the department and the duties of the commissioner. Part C, section 6 includes an exception from the prohibition of firearms in courthouse for a courier or security service approved by the state judicial marshal. Part C, section 7 clarifies that compliance and satisfactory participation in a plan or program are contemporaneous requirements for participation in cocurricular activities for a child with a disability.

Part D contains technical cross-reference corrections in the Maine Insurance Code.

House Amendment "A" (H-631)

LD 1851 created the Maine Energy Conservation Board, including three public members. The unallocated language provided for staggered terms: one's initial term was for one year, another's initial term was for two years and the third initial term was for three years. The committee amendment added an additional public member, but did not amend the unallocated language to address the length of the initial term. This amendment amends the unallocated language in Public Law 2007, chapter 317 to provide that the initial terms for two of the public members are for three years.

Enacted Law Summary

Public Law 2007, chapter 466 corrections in the Laws of Maine. Parts A, B and D contain technical corrections. Parts C and E contain corrections that are or may be considered substantive.

Public Law 2007, chapter 466 was enacted as an emergency measure effective June 29, 2007.

LD 1906 An Act To Clarify the Authority of Boards and Committees

PUBLIC 396
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON MARTIN	OTP-AM	H-495

LD 1906 overturns the portion of the Law Court decision in *Stevenson v. Town of Kennebunk*, 2007 ME 55, that held that a municipal board was not authorized to take any action because there was a vacancy on the board. The Law

Court held that a charter or ordinance must specifically authorize a board to act in the event of a vacancy. LD 1906 requires a charter or ordinance to specifically prohibit a municipal board or committee from acting in the event of a vacancy in order to have that effect.

LD 1906 is an emergency and applies retroactively to the date of the decision.

Committee Amendment "A" (H-495)

This amendment clarifies Maine law generally, and county and municipal laws specifically, to require a statute, charter or ordinance to specifically prohibit a body from acting in the event of a vacancy in order to have that effect. Because the Law Court decision declared the actions of bodies having vacancies null and void, the amendment also clarifies that no action previously taken is invalid solely because of the existence of a vacancy or vacancies on the body.

The amendment is an emergency and validates all past actions taken by boards during periods of vacancies.

Enacted Law Summary

Public Law 2007, chapter 396 overturns the portion of the Law Court decision in *Stevenson v. Town of Kennebunk*, 2007 ME 55, that held that a municipal board was not authorized to take any action because there was a vacancy on the board. The Law Court held that a charter or ordinance must specifically authorize a board to act in the event of a vacancy. Chapter 396 clarifies Maine law generally, and county and municipal laws specifically, to require a statute, charter or ordinance to specifically prohibit a body from acting in the event of a vacancy in order to have that effect. Because the Law Court decision declared the actions of bodies having vacancies null and void, the chapter 396 also clarifies that no action previously taken is invalid solely because of the existence of a vacancy or vacancies on the body. Chapter 396 validates all past actions taken by boards during periods of vacancies.

Public Law 2007, chapter 396 was enacted as an emergency measure effective June 21, 2007.

LD 1923 **An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	H-607 SIMPSON

LD 1923 is introduced by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G and is based on the Right To Know Advisory Committee's recommendation to establish a Public Access Ombudsman.

LD 1923 establishes the Public Access Ombudsman within the Department of the Attorney General. The ombudsman will provide information and educational materials and programs to the public, as well as public agencies and officials, in cooperation with the Right To Know Advisory Committee. The ombudsman will respond to informal inquiries, resolve freedom of access complaints when possible and issue advisory opinions concerning the State's freedom of access laws. The ombudsman is not permitted to issue an advisory opinion on an issue that is the subject of a lawsuit filed under the freedom of access laws. The ombudsman must make the advisory opinions available to the public once they are distributed to the persons requesting the advisory opinion and the parties involved. The ombudsman will make recommendations concerning ways to improve public access to public records and public proceedings. The ombudsman may request the assistance of any public agency or official in carrying out these responsibilities. The ombudsman may access records that a public agency or official believes are confidential in order to determine whether the records may be released to the public. Records that would be confidential if they were in the possession or custody of a public agency or official are confidential if those records are in the possession of the ombudsman. The ombudsman shall maintain the confidentiality of confidential records and information provided to the ombudsman. Beginning in March 2008, the ombudsman will report annually to the Legislature and

the Right To Know Advisory Committee regarding the ombudsman's activities and the inquiries and complaints received. The report must also include recommendations concerning ways to improve public access to public records and proceedings.

LD 1923 is carried over pursuant to Joint Order, HP 1369.

House Amendment "A" (H-607)

This amendment clarifies that the Public Access Ombudsman makes nonbinding recommendations concerning the release of records to the public and clarifies the manner in which those records must be handled.

Joint Standing Committee on Judiciary

SUBJECT INDEX

Adoption

Enacted

LD 1084	An Act To Provide Adult Adoptees Access to Their Original Birth Certificates	PUBLIC 409

Not Enacted

LD 391	Resolve, To Study Adoption Laws and Practices	DIED BETWEEN HOUSES
LD 1734	An Act To Provide Adult Adoptees Access to Information	ONTP

Attorney General

Enacted

LD 94	An Act To Protect Consumer Rights under the Maine Unfair Trade Practices Act	PUBLIC 222
LD 1813	An Act To Facilitate Collection of Money Owed to the State	PUBLIC 248

Not Enacted

LD 255	An Act Concerning Litigation Brought by the Attorney General To Enforce Provisions of the Forest Practices Laws	ONTP
LD 489	Resolve, To Increase the Authority of the Consumer Protection Division of the Office of the Attorney General	ONTP

Business & Nonprofit Organizations

Enacted

LD 1117	An Act To Amend the Charter of the Somerset Woods Trustees	P & S 14
LD 1542	An Act To Limit the Liability of Organized Clubs	PUBLIC 366
LD 1741	An Act To Update the Maine Business Corporation Act	PUBLIC 289
LD 1806	An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships	PUBLIC 231 EMERGENCY

LD 1853	An Act To Enact the Model Registered Agents Act and Amend Entity Acts To Rationalize Annual Filings	PUBLIC 323

Not Enacted

LD 1792	An Act To Limit the Compensation of Officers and Directors of Nonprofit Corporations	CARRIED OVER

Child Protection

Enacted

LD 515	An Act To Amend Laws Relating to Persons Serving as Permanency Guardians or Receiving Permanency Guardianship	PUBLIC 284
LD 584	An Act Concerning Animal Control Officers as Reporters of Abuse	PUBLIC 139
LD 602	An Act To Clarify Confidentiality in Child Protective Proceedings	PUBLIC 335
LD 1689	An Act To Amend the Child and Family Services and Child Protection Act	PUBLIC 371
LD 1789	An Act To Ratify the Revised Interstate Compact for the Placement of Children To Promote Compliance with the Federal Safe and Timely Interstate Placement of Foster Children Act of 2006	PUBLIC 255
LD 1864	An Act To Prevent Disclosure of Certain Identifying Information in Child Protective and Other Court Proceedings	PUBLIC 351

Not Enacted

LD 61	An Act To Add Abortion Providers to the List of Mandated Reporters to the Department of Health and Human Services	ONTP
LD 505	An Act To Clarify the Status of a Case following the Establishment of Permanent Guardianship	ONTP
LD 1048	An Act To Provide Greater Permanency for Children in Child Protection Proceedings	ONTP
LD 1126	An Act To Clarify the Status of Subsidy Payments to Guardians	ONTP

Commercial Code

Enacted

LD 867	An Act To Implement the Recommendations of a Joint Task Force on Fraudulent Uniform Commercial Code Filings as Adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators	PUBLIC 228

Confidentiality/Freedom of Access

Enacted

LD 1119	An Act To Permit Mental Health Professionals To Disclose Risks to People Likely To Be Harmed by a Patient	PUBLIC 310
LD 1822	An Act To Implement the Recommendations of the Right To Know Advisory Committee	PUBLIC 349

Not Enacted

LD 86	An Act To Require the Collection of Information on Vehicle Accidents on Private Property	ONTP
LD 1453	Resolve, Regarding the Privacy of Social Security Numbers	ONTP
LD 1881	An Act To Improve Transparency and Accountability in Government	CARRIED OVER
LD 1923	An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman	CARRIED OVER

Contracts

Not Enacted

LD 296	An Act To Amend the Laws Governing Indemnification Agreements	ONTP

Courts and Court Procedure

Enacted

LD 659	An Act To Establish a Mediation Process for Landlord-tenant Disputes	PUBLIC 246

Not Enacted

LD 275	An Act To Protect Child Victims of Sexual Abuse	ONTP
LD 303	An Act To Strengthen the Whistleblowers' Protection Act (by request)	ONTP
LD 308	An Act To Establish the Fully Informed Jury Act (by request)	ONTP
LD 714	An Act To Promote Efficiency in the District Court	ONTP
LD 756	An Act To Enhance and Clarify the Small Claims System (by request)	ONTP
LD 1140	An Act To Improve Efficiency in the Courts	ACCEPTED ONTP REPORT
LD 1141	An Act To Ensure Basic Rights of Judicial Employees	ONTP

LD 1335	An Act To Minimize the Litigation Costs to Municipalities Associated with Property Tax Assessment Appeals	ONTP
LD 1415	An Act Regarding the Right of a Person To Appeal from the Action of a State Agency	ONTP

Courts, Jury Duty

Enacted

LD 1629	An Act Regarding Jury Service	PUBLIC 241

Not Enacted

LD 1	An Act To Increase Reimbursement for Jury Duty	CARRIED OVER
LD 74	An Act To Exempt Certain Parents and Caretakers from Jury Duty	ONTP
LD 1212	An Act To Exempt Nurse Practitioners and Physician Assistants in Active Patient Care from Jury Service	ONTP

Courts, Justices and Judges

Enacted

LD 1630	An Act To Address an Inequity in the Judicial Retirement System	PUBLIC 449

Not Enacted

LD 1524	An Act To Increase Judicial Salaries	CARRIED OVER

Domestic Violence/Protection from Abuse

Enacted

LD 988	An Act To Improve the Protection from Abuse Laws	PUBLIC 340

Not Enacted

LD 540	An Act To Authorize a Court To Appoint Counsel in Protection from Abuse Hearings	ONTP

Family Law, General

Enacted

LD 389	An Act To Allow the District Court To Enter Parental Rights and Responsibilities Orders in Child Protection Proceedings	PUBLIC 256

LD 390	An Act To Allow the District Court To Adjudicate Parentage in Child Protective Custody Cases	PUBLIC 257
LD 628	An Act To Permit Modification of Department-initiated Paternity Judgments Concerning Parental Rights	PUBLIC 164
LD 1771	Resolve, Directing the Family Law Advisory Commission To Develop Legislation Authorizing the Use of Parenting Coordinators	RESOLVE 69

Not Enacted

LD 477	An Act To Deter Parental Alienation	ONTP
LD 779	An Act To Remove Clergy as Signatories on Marriage Licenses	ONTP
LD 1213	An Act To Establish Spousal Support Guidelines	ONTP

Family Law, Child Support

Enacted

LD 488	An Act To Amend the Child Support Laws (by request)	PUBLIC 142
LD 1011	An Act To Enhance Child Support Collections in Maine	PUBLIC 206 EMERGENCY
LD 1541	An Act To Improve Child Support Services	PUBLIC 365

Not Enacted

LD 103	An Act To Give Children Equal Priority in Creditor Situations Consistent with Bankruptcy	ONTP
LD 989	An Act To Extend Parental Support Obligations for College Students	ONTP
LD 1231	An Act To Serve the Best Interests of Children in Divorce	ONTP

Guardians ad litem

Not Enacted

LD 279	An Act To Improve the Responsiveness of Guardians Ad Litem	ONTP
LD 1388	An Act To Prohibit Attorneys from Litigating Child Custody Cases in the Same District in Which They Serve as Guardians Ad Litem	ONTP

Human Rights and Medical Rights

Enacted

LD 685	An Act To Amend the Maine Human Rights Act	PUBLIC 243
LD 1027	An Act To Clarify the Definition of "Physical or Mental Disability" in the Maine Human Rights Act	PUBLIC 385 EMERGENCY
LD 1372	An Act To Increase Caps on Damages in Actions under the Maine Human Rights Act	PUBLIC 457

Not Enacted

LD 47	An Act To Prohibit the Promotion of Travel for Sex Tourism	ONTP
LD 49	Resolve, To Deny Family Status to Fetuses	ONTP
LD 461	An Act To Implement the Recommendations of the Human Trafficking Task Force	CARRIED OVER
LD 1505	An Act To Adopt the Revised Uniform Anatomical Gift Act	CARRIED OVER

Mechanics's Liens

Not Enacted

LD 102	An Act To Amend the Laws Governing Mechanics Liens	ONTP
LD 1207	An Act To Amend the Mechanics Lien Laws	ONTP

Minors and Juveniles

Enacted

LD 709	An Act To Amend the Accord and Satisfaction Laws To Add Juveniles (by request)	PUBLIC 277

Not Enacted

LD 104	An Act To Protect Minors from Certain Bill Collectors	ONTP
LD 708	An Act To Amend the Laws Concerning the Emancipation of Minors (by request)	ONTP

Probate

Enacted

LD 198	An Act To Increase the Value of an Estate Collectible by Affidavit in Probate Law to $20,000	PUBLIC 30
LD 200	Resolve, To Direct the Study of Providing Additional Background Information to the Probate Court	RESOLVE 74 EMERGENCY

LD 354	An Act Regarding the Reporting Requirements of Conservators	PUBLIC 308
LD 433	An Act To Amend the Bond Requirements for Estates of Decedents	PUBLIC 154

Not Enacted

LD 341	An Act To Amend the Probate Code To Affect Claims against an Estate	ONTP
LD 1747	An Act To Enact the Uniform Power of Attorney Act	CARRIED OVER

Property Rights and Eminent Domain

Enacted

LD 889	An Act To Allow Apartment Building Owners To Prevent Damage to Property in the Installation of Over-the-air Reception Devices	PUBLIC 57

Not Enacted

LD 254	An Act To Restrict Takings under Eminent Domain	ONTP
LD 960	An Act To Base Value in Eminent Domain Takings of Businesses on Going Concern Value	DIED IN CONCURRENCE
LD 1576	An Act To Establish the Leaseholders' Bill of Rights	ONTP

Real Property

Enacted

LD 868	An Act To Amend the Civil Foreclosure Laws	PUBLIC 103
LD 1617	An Act To Repeal Strict Foreclosure	PUBLIC 391
LD 1737	An Act To Amend the Conservation Easement Laws	PUBLIC 412

Not Enacted

LD 199	An Act To Improve the Lien Process	ONTP
LD 581	An Act To Amend the Laws Pertaining to Improvident Transfers	ONTP
LD 809	An Act To Amend the Adverse Possession Law	ONTP

LD 1695	An Act To Amend the Laws Regarding the Conveyance of Manufactured Housing	ACCEPTED ONTP REPORT

Torts and Immunity, General

Enacted

LD 397	An Act To Limit Liability for the Performance of Community Service	PUBLIC 275
LD 866	An Act To Amend the Wrongful Death Laws	PUBLIC 280
LD 1156	An Act To Protect Owners and Occupiers of Homes from Civil Liability	PUBLIC 315
LD 1258	An Act To Clarify the Laws Governing Landowner Liability	PUBLIC 260

Not Enacted

LD 223	An Act To Amend the Maine Tort Claims Act	ONTP
LD 286	An Act To Protect Veterinarians Providing Animal Welfare Services for the State	ONTP
LD 552	An Act To Provide for Punitive Damages against Sex Offenders	ONTP
LD 580	An Act To Provide for Punitive Damages against Drunk Drivers	ONTP
LD 843	An Act To Provide Immunity from Tort Claims against the State of New Hampshire Department of Transportation when Performing Maintenance Operations within the State of Maine	ONTP
LD 1125	An Act To Amend the Maine Liquor Liability Act	ACCEPTED ONTP REPORT
LD 1348	An Act To Amend the Maine Tort Claims Act	CARRIED OVER
LD 1349	Resolve, To Waive the Tort Claims Limitation on Damages Relative to the Traumatic Brain Injury of Lucas Tolliver	CARRIED OVER
LD 1423	An Act To Allocate Punitive Damage Awards in Civil Cases To Include an Amount To Ensure Access to Justice for Maine Citizens	ONTP

Torts and Immunity, Medical Malpractice

Not Enacted

LD 367	An Act To Protect Emergency Room Personnel from Civil Liability	CARRIED OVER

LD 469	An Act To Disseminate "Lessons Learned" from Medical Injury Claims	CARRIED OVER
LD 608	An Act To Extend the Statute of Limitations for Certain Medical Malpractice Cases	CARRIED OVER
LD 684	An Act To Permit Medical Providers an Opportunity To Express Regret for a Medical Error	CARRIED OVER
LD 857	An Act To Create A Medical Malpractice Study Group	CARRIED OVER
LD 1271	An Act To Establish Health Care Practitioner Immunity for Consulting Physicians in Critical Specialties or Subspecialties	CARRIED OVER

Torts and Immunity, Statutes of Limitation

Enacted

LD 882	An Act To Create a 10-year Statute of Limitations for Certain Environmental Violations	PUBLIC 337
LD 1750	An Act To Amend the Statute of Limitations for Actions against Professional Land Surveyors	PUBLIC 345

Not Enacted

LD 178	An Act Regarding the Reporting of Sexual Abuse	ACCEPTED ONTP REPORT
LD 506	An Act To Rescind the Statute of Limitations on the Ability To File a Civil Suit in Cases Dealing with Unlawful Sexual Contact	ONTP

Tribal-State Relations

Enacted

LD 73	An Act To Place Land in Centerville in Trust	PUBLIC 221
LD 169	An Act To Place Land in Township 21 in Trust	PUBLIC 223
LD 373	An Act To Change the Membership of the Maine Indian Tribal-State Commission To Add Seats for the Houlton Band of Maliseet Indians and the State	PUBLIC 149
LD 1263	Resolve, To Continue the Tribal-State Work Group	RESOLVE 142 EMERGENCY
LD 1606	Resolve, To Direct Fines Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation	RESOLVE 92

Not Enacted

LD 115	An Act To Recognize the Metis Eastern Tribal Indian Society of Maine	ONTP
LD 507	An Act Recognizing Native American Religion in Maine Prisons and Jails	CARRIED OVER

Uncategorized

Enacted

LD 216	Resolve, To Establish the Council on Financial Literacy and Create a Financial Literacy Matching Grant Program	RESOLVE 126
LD 583	An Act To Permit Medical and Social Service Professionals To Report Animal Cruelty	PUBLIC 140
LD 588	An Act To Allow Civil Penalties for Trespass while Engaging in Activities Regulated by Inland Fisheries and Wildlife	PUBLIC 334
LD 681	An Act Concerning the Examination of Persons in Protective Custody	PUBLIC 178
LD 1138	An Act To Prohibit Maine from Participating in the Federal REAL ID Act of 2005	PUBLIC 251
LD 1904	An Act To Correct Errors and Inconsistencies in the Laws of Maine	PUBLIC 466 EMERGENCY
LD 1906	An Act To Clarify the Authority of Boards and Committees	PUBLIC 396 EMERGENCY

Not Enacted

LD 1029	An Act To Create the Maine Spyware Prevention Act	ONTP
LD 1540	An Act To Guarantee Free Speech in Privately Owned Public Gathering Places	CARRIED OVER

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON LABOR

July 2007

MEMBERS:

SEN. ETHAN STRIMLING, CHAIR
SEN. NANCY B. SULLIVAN
SEN. DANA L. DOW

REP. JOHN L. TUTTLE, JR., CHAIR
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REP. JAMES M. HAMPER*
REP. RICHARD M. SYKES
REP. DOUGLAS A. THOMAS

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JOHN T. MITCHELL, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
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*Representative James M. Hamper replaced Representative Philip A. Cressey, Jr. on the Labor Committee

LD 5 **An Act To Provide Equal Treatment for All Veterans in the Laws Governing the Maine State Retirement System** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL	ONTP	

This bill allows members of the Maine State Retirement System with at least 5 years of creditable service who served in the Armed Forces of the United States and received an honorable discharge to purchase service credit for the time spent in the armed forces at a subsidized cost, whether or not the military time was during a federally recognized period of conflict or the member was awarded a campaign or expeditionary medal.

LD 41 **An Act Regarding Final Agency Action Subject to Appeal Pursuant to the Maine Workers' Compensation Act of 1992** **PUBLIC 78**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This bill clarifies that decisions issued by the Workers' Compensation Board pursuant to the Maine Revised Statutes, Title 39-A, section 360 are final agency action subject to appeal to the Superior Court whether or not a penalty is imposed.

Enacted Law Summary

Public Law 2007, Chapter 78 clarifies that decisions issued by the Workers' Compensation Board pursuant to the Maine Revised Statutes, Title 39-A, section 360 are final agency action subject to appeal to the Superior Court whether or not a penalty is imposed.

LD 75 **An Act To Prohibit Credit Checks for Purposes of Employment** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW BARTLETT	ONTP	

This bill prohibits an employer, including the State, from running a credit check on a prospective or current employee as a condition of hiring, appointment or employment.

LD 105 **An Act To Promote Hiring of Seasonal Workers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE SNOWE-MELLO	ONTP	

This bill changes the amount of time an employer may hire an employee without being charged for unemployment benefits from 5 weeks to 10 weeks. It also changes the most recent employment period that defines the chargeable employer from 5 consecutive weeks to 10 consecutive weeks.

LD 124 **An Act To Allow the Recovery of Reasonable Attorney's Fees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HARLOW	ONTP	

This bill requires that a judgment in favor of an employee in an action brought against an employer for an unfair agreement include, in addition to the actual damages, liquidated damages equal to the amount of actual damages plus the costs of suit, including reasonable attorney's fees.

LD 125 **Resolve, To Expedite a Workers' Compensation Case** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE		

This resolve requires the Joint Standing Committee on Labor to review the case of Joseph Greenier. The resolve also requires the committee to make recommendations to the Workers' Compensation Board for resolution of the case. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 136 **An Act Regarding the Enforcement of Penalties under the Maine Workers' Compensation Act of 1992** **PUBLIC 26**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	S-18 STRIMLING

This bill repeals and replaces a section of Title 39-A relating to penalties. The new section retains all of the language of the existing section which provides that:

- penalties are payable to the Workers' Compensation Board Admnistrative Fund; and
- Fund amounts attributable to penalties that are not required to support the activities of the board shall be tranferred to the General Fund.

The bill adds language which provides that:

- all penalties are enforceable by the Superior Court;
- the Attorney General shall prosecute any action necessary to recover penalties or the board may retain private counsel for that purpose; and
- if a person fails to pay a penalty and enforcement by the Superior Court is necessary, that person shall pay court costs, including reasonable attorney's fees, and, if the failure to pay was without due cause, double the penalty.

Senate Amendment "A" (S-18)

This amendment corrects an internal reference to be consistent with other references.

Enacted Law Summary

Public Law 2007, Chapter 26 repeals and replaces a section of Title 39-A relating to penalties. The new section retains all of the language of the existing section which provides that:

- penalties are payable to the Workers' Compensation Board Admnistrative Fund; and

o Fund amounts attributable to penalties that are not required to support the activities of the board shall be tranferred to the General Fund.

The bill adds language which provides that:

o all penalties are enforceable by the Superior Court;

o the Attorney General shall prosecute any action necessary to recover penalties or the board may retain private counsel for that purpose; and

o if a person fails to pay a penalty and enforcement by the Superior Court is necessary, that person shall pay court costs, including reasonable attorney's fees, and, if the failure to pay was without due cause, double the penalty.

LD 155 **An Act To Eliminate the Offset for Social Security and Certain Other Pensions for Unemployment Benefits** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL	ONTP	

This bill eliminates the pension offset against unemployment benefits for persons who receive Social Security or any other pension or plan to which the individual made at least 50% of the contributions. If the person contributed some amount to the pension, but less than 50%, the offset is made after deduction of that portion of the pension that is directly attributable to the percentage of the contributions made to the pension by that person.

LD 201 **An Act To Increase the State's Share of Retired Teachers' Health Insurance** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
CROCKETT SAVAGE C	OTP-AM	H-170

This bill increases the State's contribution to the retired teacher members' share of health insurance costs from 45% to 50% from January 1, 2007 to December 31, 2007 and 55% after December 31, 2007.

Committee Amendment "A" (H-170)

This amendment adds an appropriations and allocations section to the bill.

LD 224 **An Act To Provide for Minimum Wage and Overtime Coverage for Certain Domestic Workers** **PUBLIC 22**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL BRYANT B	OTP	

This bill clarifies that the exemption from minimum wage and overtime requirements for individuals employed in domestic service in or about a private home applies only to individuals engaged directly by the resident or owner of that private home or the family of the resident or homeowner.

Enacted Law Summary

Public Law 2007, Chapter 22 clarifies that the exemption from minimum wage and overtime requirements for

individuals employed in domestic service in or about a private home applies only to individuals engaged directly by the resident or owner of that private home or the family of the resident or homeowner.

LD 225 **An Act To Provide Flexibility in Health Insurance for Spouses under the State Employee Health Insurance Plan** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER	ONTP	

This bill provides the spouse of a retiree an additional opportunity to elect to enroll in the State's group health plan. At present, an enrolled spouse who leaves the plan is not eligible to re-enroll. This bill would allow a spouse who obtains health insurance from an employer to make a one-time election to leave the plan and be eligible to enroll at a future date. The spouse must demonstrate coverage for at least 18 months immediately prior to enrollment under the plan.

LD 233 **An Act To Provide Funds for Voice-activated Telephones** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	ONTP	

This bill establishes a program within the Department of Labor, Bureau of Rehabilitation Services to lend voice-activated telephones to persons with disabilities and to deaf, hard-of-hearing or speech-impaired persons. The program is required to lend out a minimum of 5 voice-activated telephones. This program is funded by the Communications Equipment Fund, which receives funds from the state universal service fund.

LD 256 **An Act To Assist Maine Military Families** **PUBLIC 388**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	OTP-AM	H-502

This bill provides leave, under the family medical leave laws, for an employee whose spouse is a member of the armed forces who has been killed or injured.

Committee Amendment "A" (H-502)

This amendment expands the applicability of family military leave by reducing from 50 to 15 the number of employees that an employer must have to trigger the requirement that such leave be provided. The amendment also allows family members the option of using unpaid leave while the service member has returned on leave granted during deployment. Finally, the amendment expands the coverage of the bill's provision adding a new family medical leave authorization by providing leave if the employee is a domestic partner, parent or child of the member of the armed forces and the member dies or incurs a serious health condition while on active duty.

Enacted Law Summary

Public Law 2007, Chapter 388 provides leave, under the family medical leave laws, for an employee whose spouse is a member of the armed forces who has been killed or injured. The bill expands the applicability of family military leave by reducing from 50 to 15 the number of employees that an employer must have to trigger the requirement that such leave be provided. This bill also allows family members the option of using unpaid

leave while the service member has returned on leave granted during deployment. Finally, the bill expands the coverage of the bill's provision adding a new family medical leave authorization by providing leave if the employee is a domestic partner, parent or child of the member of the armed forces and the member dies or incurs a serious health condition while on active duty.

LD 259 **An Act To Clarify the Composition of the Advisory Council on Tax-deferred Arrangements** **PUBLIC 298**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE STRIMLING	OTP-AM	H-389

This bill replaces three named employee organizations with the phrase "employee organization certified to represent the unit" in describing the entities who recommend the employee representatives to be appointed to the Advisory Council on Tax-deferred Arrangements.

Committee Amendment "A" (H-389)

This amendment replaces the bill. Like the bill, it provides that employee representatives are recommended by the employee organizations certified to represent units, recognized under the Maine Revised Statutes, but it adds 2 more employee representatives, one each from the legislative branch and the judicial branch, to the Advisory Council on Tax-deferred Arrangements.

Enacted Law Summary

Public Law 2007, Chapter 298 replaces three named employee organizations with the phrase "employee organization certified to represent the unit" in describing the entities who recommend the employee representatives to be appointed to the Advisory Council on Tax-deferred Arrangements. The bill also adds 2 more employee representatives, one each from the legislative branch and the judicial branch, to the Advisory Council on Tax-deferred Arrangements.

LD 297 **Resolve, Authorizing Elizabeth O'Connor To Rejoin the Maine State Retirement System** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE		

This resolve authorizes the Maine State Retirement System to allow Elizabeth O'Connor to rejoin the Maine State Retirement System and buy back service credits without paying any applicable interest charges from October 2005 to December 2006.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 323 **An Act Permitting Substitute Teachers To Opt Out of the Maine State Retirement System** **PUBLIC 305**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS COURTNEY	OTP-AM	H-390

This bill makes membership in the Maine State Retirement System optional for substitute public school teachers.

Committee Amendment "A" (H-390)

This amendment adds provisions to the bill similar to those governing municipal employees regarding the purchase of creditable service and rejoining the Maine State Retirement System. The amendment allows substitute public school teachers to rejoin the retirement system 2 times.

Enacted Law Summary

Public Law 2007, Chapter 305 makes membership in the Maine State Retirement System optional for substitute public school teachers. The bill adds provisions with respect to state employee and teacher retirement plans similar to those governing municipal employees regarding the purchase of creditable service and rejoining the Maine State Retirement System. The bill allows substitute public school teachers to rejoin the retirement system 2 times.

LD 375 An Act To Amend the Family Medical Leave Laws — PUBLIC 261

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM MAJ ONTP MIN	S-121

This bill adds domestic partners to the list of family members that employees may use family medical leave to take care of. The bill also defines domestic partner to mean the partner of an employee who:

- is a mentally competent adult, as is the employee;
- has been legally domiciled with the employee for at least 12 months;
- is not legally married to or legally separated from another individual;
- is the sole partner of the employee and expects to remain so; and
- is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.

Committee Amendment "A" (S-121)

This amendment adds to the definition of "domestic partner" by excluding a sibling of an employee from the definition.

Enacted Law Summary

Public Law 2007, Chapter 261 adds domestic partners to the list of family members that employees may use family medical leave to take care of. The bill also defines "domestic partner" to mean the partner of an employee who:

- is a mentally competent adult, as is the employee;
- has been legally domiciled with the employee for at least 12 months;
- is not legally married to or legally separated from another individual;
- is the sole partner of the employee and expects to remain so; and
- is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.

The bill also adds to the definition of "domestic partner" by excluding a sibling of an employee from the definition.

LD 382 **An Act To Correct an Inconsistency in Unemployment Insurance Tax Law** **PUBLIC 23**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	OTP	

This bill repeals a provision of State law that conflicts with a federal mandate prohibiting the practice of State Unemployment Tax Act (SUTA) "dumping", whereby an employer seeks to avoid unemployment taxes by forming a shell corporation with typically lower new employer unemployment tax rates and transferring its employees to the new entity. The conflicting provision of state law relates to transfers of experience for unemployment tax rate purposes.

Enacted Law Summary

Public Law 2007, Chapter 23 repeals a provision of State law that conflicts with a federal mandate prohibiting the practice of State Unemployment Tax Act (SUTA) "dumping", whereby an employer seeks to avoid unemployment taxes by forming a shell corporation with typically lower new employer unemployment tax rates and transferring its employees to the new entity. The conflicting provision of state law relates to transfers of experience for unemployment tax rate purposes.

LD 392 **An Act To Establish Penalties for Violation of the Severance Pay Law** **PUBLIC 333**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK DAMON	OTP-AM	H-391

Current law requires a person proposing to relocate a business outside of the State to provide notice of the relocation to the employees of that business and the officers of the municipality in which the business is located. This bill requires the same notice if the person proposes to terminate the business. The bill also adds a penalty section for violations of the severance pay law.

Committee Amendment "A" (H-391)

This amendment allows the Director of Labor Standards within the Department of Labor to waive the notice of termination or relocation requirement and provides that fines won't be collected if their payment would prevent the payment of required severance payments to employees. The amendment also specifies the provision to which the penalty provision applies.

Enacted Law Summary

Public Law 2007, Chapter 333 requires a person proposing to terminate a business to provide notice of the termination to the employees of that business and the officers of the municipality in which the business is located in the same manner as is required under current law if the person proposes to relocate the business outside of the State. The bill also allows the Director of Labor Standards within the Department of Labor to waive the notice of termination or relocation requirement, adds a penalty section for violations of a specific provision of the severance pay laws and provides that fines won't be collected if their payment would prevent the payment of required severance payments to employees.

LD 412 **An Act To Clarify the Application of Prevailing Wage Requirements** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK		

This bill clarifies that in publicly-funded construction projects under the jurisdiction of the federal Davis-Bacon Act or other federal act, minimum wages and benefits under Maine law apply unless minimum wages and benefits established by the federal Secretary of Labor are higher than the minimum wages and benefits under Maine law.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 457 **An Act To Require Nonprofit Employers To Disclose All Benefits Available, Including Unemployment Insurance, to Employees and Prospective Employees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to require nonprofit organizations to disclose the benefits provided with employment, including unemployment insurance, so an employee will know if unemployment benefits are available.

LD 512 **An Act To Change the Name of the Maine State Retirement System** **PUBLIC 58**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	OTP	

This bill changes the name of the Maine State Retirement System to the Maine Public Employees Retirement System and requires the Revisor of Statutes to implement this revision throughout the Maine Revised Statutes.

Enacted Law Summary

Public Law 2007, Chapter 58 changes the name of the Maine State Retirement System to the Maine Public Employees Retirement System and requires the Revisor of Statutes to implement this revision throughout the Maine Revised Statutes.

LD 522 **An Act To Require the Posting of Proof of Workers' Compensation Insurance at Construction Sites** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK STRIMLING	ONTP	

This bill requires the Workers' Compensation Board to appoint an abuse investigator to investigate whether construction contractors provide workers' compensation insurance coverage and are posting notices as required by the Workers' Compensation Act of 1992. It allows the workers' compensation audit, enforcement and monitoring program to stop work at a construction site if a contractor on the site has failed to provide workers' compensation

insurance coverage and requires employers to post notice. The bill also provides penalties and for a redirection of penalties to the Workers' Compensation Board Administrative Fund.

LD 541 **An Act To Encourage the Owners of Sole Proprietorships To Hire More Employees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to encourage the owners of sole proprietorships to hire more employees by reducing the regulatory burdens placed on employers during the probationary period for employees.

LD 549 **An Act To Fund the Purchase of Maine State Retirement System Time by Certain Veterans** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	OTP-AM	H-500

This bill makes General Fund appropriations of $88,202 in fiscal year 2007-08 and $127,138 in fiscal year 2008-09 to the Maine State Retirement System to allow for 3 members per year who the Maine State Retirement System has determined are qualified to purchase military service credit at a subsidized rate pursuant to Public Law 2003, chapter 693.

Committee Amendment "A" (H-500)

This amendment replaces the appropriations and allocations section of the bill.

LD 591 **An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK	ONTP OTP	

This bill requires a successful bidder and all subcontractors of the successful bidder entering into a public works contract on or after July 1, 2008 that is worth $10,000 or more to certify and provide documentation demonstrating that all employees working on the project have completed a course in construction safety, no shorter than 10 hours in duration, approved by the United States Occupational Safety and Health Administration. The bill also specifies that, in addition to fines provided in existing law, violation of these requirements may result in removal of employees for whom the required documentation is not provided, as well as cancellation or enforcement of performance of the contract.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 595 **An Act To Define "Livable Wage"** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

This bill directs the Department of Labor to annually calculate the livable wage for various household sizes using the methodology used by the Maine Center for Economic Policy and to report the livable wage calculations to the Legislature. The bill also defines "livable wage." The bill is based on the work of the Study Commission Regarding Livable Wages established pursuant to Resolve 2005, chapter 128.

LD 619 **An Act To Require All State Employees To Carry State Health Insurance** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

The bill requires that eligible state employees receive health coverage through the Dirigo Health Program. The bill does not apply to any health coverage plan negotiated pursuant to current collective bargaining agreements.

LD 660 **An Act To Change the Qualifications for the Chair of the Maine Unemployment Insurance Commission** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	ONTP	

Current law requires the chair of the Maine Unemployment Insurance Commission to be an attorney. This bill provides that the chair hold a master's degree in public administration or business administration, or hold an equivalent degree or have comparable experience, or be an attorney.

LD 661 **An Act To Maintain Retirement Health Benefits for State Retirees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	ONTP	

This bill requires the State to pay the retirees' share of the Medicare Part B supplemental coverage premiums for Medicare-eligible retirees.

LD 689 **An Act To Facilitate MaineCare Reimbursement in Workers' Compensation Cases** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON STRIMLING	ONTP	

This bill provides that 10% of the reimbursement recovered by MaineCare for an employee's medical expenses for a work-related injury after compensation has been approved under the Maine Workers' Compensation Act of 1992 must be paid to the employee or the employee's attorney where the employee or employee's attorney had informed the Director of the Office of MaineCare Services of the reimbursement owed.

LD 712 **An Act To Continue To Allow Public Retiree Organizations Access to the Maine State Retirement System's List of All State Retirees** **PUBLIC 47 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	OTP MAJ ONTP MIN	

Public Law 2005, chapter 149 allows nonprofit or public organizations established to provide programs and services to Maine public sector retirees access to the Maine State Retirement System's lists of names and home addresses of retirees for membership recruitment purposes, but repeals that law September 15, 2007. This bill repeals the sunset provision, allowing the Maine State Retirement System to continue to provide the names and home addresses of retirees to those organizations unless a retiree "opts out" from authorizing the disclosure. The bill also repeals the general waiver provision in current law.

Enacted Law Summary

Public Law 2007, Chapter 47, repeals a sunset provision, allowing the Maine State Retirement System to continue to provide the names and home addresses of retirees to nonprofit or public organizations established to provide programs and services to Maine public sector retirees, unless a retiree "opts out" from authorizing the disclosure. Public Law 2005, chapter 149 had allowed those organizations access to the Maine State Retirement System's lists of names and home addresses of retirees for membership recruitment purposes, but repealed that law September 15, 2007. The bill also repeals the general waiver provision in current law.

Public Law 2007, Chapter 47, was enacted as an emergency measure effective April 12, 2007.

LD 729 **An Act To Compensate Employees Required To Be "On-call" by Their Employers** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
GREELEY	ONTP MAJ OTP MIN	

This bill prohibits an employer from requiring an employee to be on-call unless on-call status was a condition of employment agreed to by the employee. The bill also requires an employer to pay an employee for all on-call time unless the employer and employee concur in a written contractual agreement that compensation is neither needed nor expected.

Committee Amendment "A" (H-135)

This amendment incorporates a fiscal note.

LD 757 **An Act To Improve the Ability of Superintendents To Act in the Best Interests of Students** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. The purpose of this bill is to provide consistency in the process of reaching superintendents' agreements and to eliminate the process whereby employment contracts can override local superintendents' decisions.

LD 763 **An Act To Allow Early Retirement for Captains in the Maine State Ferry Service** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE DAMON	ONTP	

This bill allows captains in the Maine State Ferry Service to qualify for service retirement benefits after 20 years of creditable service for the Maine State Ferry Service.

LD 776 **An Act To Establish the Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2008** **P & S 9 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-100

The Maine State Retirement System is required by statute to present its annual operating budget to the Legislature for approval. This bill for fiscal year 2008 is the system's 14th annual budget. The bill identifies the system's personal services costs and its costs for other operating expenses for fiscal year 2008. For information purposes, the bill presents the attribution of expenses to the system's 2 employer categories: the State of Maine and Participating Local Districts.

Committee Amendment "A" (H-100)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2007, Chapter 9, requires the Maine State Retirement System to present its annual operating budget to the Legislature for approval. This bill for fiscal year 2008 is the system's 14th annual budget. The bill identifies the system's personal services costs and its costs for other operating expenses for fiscal year 2008. For information purposes, the bill presents the attribution of expenses to the system's 2 employer categories: the State of Maine and Participating Local Districts.

Private and Special Law 2007, Chapter 9, was enacted as an emergency measure effective May 10, 2007.

LD 814 **An Act To Incorporate Binding Arbitration for Monetary Issues in Collective Bargaining for All State Employees** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	OTP-AM MAJ ONTP MIN	S-268

This bill makes binding a determination of a salary, pension or insurance issue by an arbitrator in collective bargaining for state or municipal employees and prohibits certain practices by a public employer of state and municipal employees including:

1. Invoking a lockout;
2. Failing to comply with the provisions of the municipal public employees labor relations laws or the state employees labor relations laws or any rule adopted by the Maine Labor Relations Board pursuant to these laws;
3. Breaching a collective bargaining agreement; or
4. Enacting any law or adopting any rule relative to the terms and conditions of employment that would invalidate a portion of an agreement entered into by the public employer enacting the law or adopting the rule.

Committee Amendment "A" (S-268)

The amendment removes from the bill the prohibitions against certain practices by public employers of state and municipal employees and limits binding arbitration to state collective bargaining practices. The amendment also provides that, with respect to controversies over salaries, pensions and insurance, the arbitrator must take the last best offer as the arbitrator's determination. This provision will be repealed 90 days after adjournment of the Second Regular Session of the 125th Legislature. The amendment also changes the title of the bill.

LD 827 **An Act To Allow Certain Special Education Teachers To Acquire Time from the Maine State Retirement System** **PUBLIC 303**

Sponsor(s)	Committee Report	Amendments Adopted
DRISCOLL	OTP-AM	H-392

This bill allows teachers to obtain service credit in the Maine State Retirement System for years in which they taught children with disabilities in private schools before such children were provided access to the public school system.

Committee Amendment "A" (H-392)

This amendment strikes and replaces the bill but retains a provision for the acquisition of service credit similar to the bill, in which educators can acquire service credit in the Maine State Retirement System for years in which they taught children with disabilities in private schools before such children were provided access to the public school system. The bill granted one year of service credit. Under the amendment, up to one year of service credit may be purchased at full actuarial cost.

Enacted Law Summary

Public Law 2007, Chapter 303 allows teachers to acquire service credit in the Maine State Retirement System for time during which they taught children with disabilities in private schools before such children were provided access to the public school system. Under the bill, up to one year of service credit may be purchased at full actuarial cost.

LD 844 **An Act To Change the Name of the Division of Labor Market Information Services to the Center for Workforce Research and Information** **PUBLIC 126**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR DIAMOND	OTP	

This bill changes the name of the Department of Labor's Division of Labor Market Information Services to the Center for Workforce Research and Information.

Enacted Law Summary

Public Law 2007, Chapter 126 changes the name of the Department of Labor's Division of Labor Market Information Services to the Center for Workforce Research and Information.

LD 845 **An Act To Tie the Percentage of Health Insurance Benefits for Retired Teachers to That of Retired Legislators** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDGECOMB BOWMAN	ONTP	

This bill provides that the percentage of a retired teacher's share of the premiums for the teachers' group accident and sickness and health insurance plan paid by the State may not be less than the percentage of the share of premiums of a retired Legislator with 10 or more years of participation in the standard group health insurance plan paid by the State.

LD 869 **Resolve, Directing the Maine State Retirement System To Recalculate the Retirement Benefits of D'Lila Terracin** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE		

This bill directs the Maine State Retirement System to retroactively recalculate the retirement benefits of D'Lila Terracin to allow her to receive 2 years of disability payments between 58 and 60 years of age and to calculate her Maine State Retirement System retirement benefits at 60 years of age to enable her to avoid early retirement penalties. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 870 **An Act To Enhance Education Services for Blind and Visually Impaired Children** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	OTP-AM	H-137

This bill provides funding to Education Services for Blind and Visually Impaired Children for two additional teacher positions and increased salaries, which should result in a decrease in the number of blind and visually impaired

students per program teacher to more appropriate levels. The bill also provides funding for purchasing and updating assistive technology for teachers of blind and visually impaired children and for training the teachers in the use of this technology.

Committee Amendment "A" (H-137)

This amendment incorporates a fiscal note.

LD 871 **An Act To Amend the Laws Relating to the Treatment of Maine State Retirement System Contributions for Terminated** **PUBLIC 137**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	OTP-AM	H-138

This bill repeals the current statutory provisions governing the refund of accumulated contributions to members and the treatment of accumulated contributions for terminated members and replaces those provisions. The replacement language is substantively the same for terminated members who apply for a refund of accumulated contributions. For nonvested terminated members, the bill permits the Maine State Retirement System to make an automatic refund of accumulated contributions to the member and permits the member to reinstate membership upon the return of automatically refunded accumulated contributions. The bill also contains transitional language to assist the retirement system in its effort to improve the quality of member data.

Committee Amendment "A" (H-138)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, Chapter 137 repeals the current statutory provisions governing the refund of accumulated contributions to members and the treatment of accumulated contributions for terminated members and replaces those provisions. The replacement language is substantively the same for terminated members who apply for a refund of accumulated contributions. For nonvested terminated members, the bill permits the Maine State Retirement System to make an automatic refund of accumulated contributions to the member and permits the member to reinstate membership upon the return of automatically refunded accumulated contributions. The bill also contains transitional language to assist the retirement system in its effort to improve the quality of member data.

LD 903 **An Act To Assist Maine Military Families** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	ONTP	

This bill expands the applicability of family military leave by reducing from 50 to 15 the number of employees that an employer must have to trigger the requirement that such leave be provided. The bill also allows family members the option of using unpaid leave while the service member is on leave granted during deployment. The substance of this bill is part of an amendment to LD 256, and enacted as Public Law 2007, Chapter 388.

LD 913 **An Act To Amend State Employees' Bargaining Agents' Election Contributions** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON DOW	ONTP	

This bill requires a poll by the bargaining agent for a State executive or legislative branch bargaining unit of the members of that unit if 10 per cent of those members make a written request for such a poll to the executive director of the Maine Labor Relations Board. The poll would be by secret ballot and would be for the sole purpose of determining the political party affiliation totals for the members of the unit. Any monetary contributions made by the bargaining agent to political parties, the campaigns of political candidates or political action committees whose principal officers or primary fund-raisers or decision makers are political candidates or political officeholders must be made in such a way that the total percentage of money given to a candidate or candidates from each political party is the same as the percentage of members of that bargaining unit that indicated an affiliation with that political party.

LD 933 **An Act To Authorize the Certification of Workplace Safety Programs Offered by Workers' Compensation Insurers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	ONTP	

This bill directs the Superintendent of Insurance to adopt rules establishing the standards for approval of workplace health and safety consultations provided to employers by insurance carriers. The rules must include a process by which insurers may be certified by the superintendent as meeting or exceeding those standards. The bill authorizes the Department of Labor to decline providing safety consulting services to employers that can obtain comparable services from their insurers and exempts insurers that are certified as meeting or exceeding the standards for approval of workplace health and safety consultations from the annual assessment by the Department of Labor to fund its consultations.

LD 934 **An Act To Establish Working Hours and Wages for Teenagers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CURTIS	ONTP	

This bill sets the minimum wage for a minor under 17 years of age at $5.25 per hour, increases from 20 to 30 the hours a minor under 18 years of age may work during a week while school is in session and increases from 18 to 22 the hours a minor under 16 years of age may work during a week while school is in session.

LD 955 **An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing of Temporary Workers** **PUBLIC 339**

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	OTP-AM	S-190

This bill, for purposes of being required to be tested under the labor substance abuse testing laws, excludes from the definition of "employee" and includes in the definition of "applicant," a person who is on an employment agency

roster of eligibility for a work assignment with a client company to which the person has not been assigned in the last 30 days.

Committee Amendment "A" (S-190)

This amendment replaces the bill with a provision that, rather than amending the definitions of "applicant" and "employee," allows an employment agency to request a written waiver from an individual already in its employ or on a roster of eligibility to allow a drug test for a temporary placement, under certain conditions.

Enacted Law Summary

Public Law 2007, Chapter 339 provides that, for purposes of being required to be tested under the labor substance abuse testing laws, an employment agency may request a written waiver from an individual already in its employ or on a roster of eligibility to allow a drug test for a temporary placement, under certain conditions.

LD 998 **An Act To Further Facilitate the Regionalization of Emergency Communications Dispatching Services** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	S-124

The bill provides that a member of the Maine State Retirement System whose previous membership was based upon employment as a public safety emergency communications dispatcher with a participating local district and whose employment with the participating local district was terminated as a result of the consolidation of the participating local district's public safety dispatching services with the Department of Public Safety and who then becomes employed as a public safety emergency communications technician for the department may elect to include that previously earned creditable service with service earned as a state employee under certain conditions.

Committee Amendment "A" (S-124)

This amendment incorporates a fiscal note.

LD 1015 **An Act To Amend the Unemployment Laws** **PUBLIC 230**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-122

This bill allows an individual in the employ of a son, daughter or spouse or an individual under the age of 18 in the employ of a parent to receive unemployment compensation for periods of service for which unemployment insurance is paid.

Committee Amendment "A" (S-122)

This amendment adds the word "contributions" to clarify what constitutes "employment" under the Maine Revised Statutes, Title 26, section 1043, subsection 11, paragraph F, subparagraph (6).

Enacted Law Summary

Public Law 2007, Chapter 230 allows an individual in the employ of a son, daughter or spouse or an individual under the age of 18 in the employ of a parent to receive unemployment compensation for periods of service for which unemployment insurance contributions have been paid.

LD 1024 **An Act To Address Labor Practices with On-call Workers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	ONTP	

This bill requires an employer to pay an on-call, part-time employee wages for at least 3 hours of work or travel expenses set at the standard mileage rate for business purposes set by the federal Internal Revenue Service if the employer calls the employee in to work. If the employer opts to pay an employee travel expenses, the employer is not exempt from paying the wages of the employee for the time that the employee worked.

LD 1032 **An Act To Improve Employment Opportunities for Persons with Disabilities in Maine** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	OTP-AM	S-71

This bill requires state agencies to provide copies of their disability employment plans and annual updates to the joint standing committee of the Legislature having jurisdiction over labor matters and to the Commission on Disability and Employment within the Department of Labor, Maine Jobs Council by March 1st of each year. The bill also provides funding for one Disability Employment Services Coordinator position within the Department of Administrative and Financial Services, Bureau of Human Resources.

Committee Amendment "A" (S-71)

This amendment replaces the appropriations and allocations section of the bill. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1032 is carried over pursuant to Joint Order, HP 1369.

LD 1055 **Resolve, To Establish a Working Group To Study the Prevalence and Cost of Hearing Loss and the Use of Hearing Aids and Other Devices in Maine's Elderly Population** **RESOLVE 100 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	OTP-AM	H-501

This bill establishes the hearing assistance program within the Department of Labor, Bureau of Rehabilitation Services to provide grants to low-income persons who are deaf or hard-of-hearing and elderly or disabled for the purchase of hearing aids and subsidies for cap-tel service. The program is funded through the state universal service fund, which is administered by the Public Utilities Commission.

Committee Amendment "A" (H-501)

This amendment replaces the bill and establishes the Working Group to Study the Prevalence and Cost of Hearing Loss and Use of Hearing Aids and Other Devices in Maine's Elderly Population. The working group shall submit a report of its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Labor and the Joint Standing Committee on Health and Human Services by December 7, 2007. The committees are authorized to submit legislation pertaining to the report.

Enacted Law Summary

Resolves 2007, Chapter 100, was enacted as an emergency measure effective June 20, 2007. This resolve establishes the Working Group to Study the Prevalence and Cost of Hearing Loss and Use of Hearing Aids and Other Devices in Maine's Elderly Population. The working group shall submit a report of its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Labor and the Joint Standing Committee on Health and Human Services by December 7, 2007. The committees are authorized to submit legislation pertaining to the report.

LD 1060 **Resolve, To Study the State's Career Center Network and Create a Sustainable System** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO		

This resolve is a concept draft pursuant to Joint Rule 208. The purpose of this resolve is to study the State's job opportunities with the intent of creating a sustainable career center network.

This resolve is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1086 **An Act To Clarify Worker Payment for Clothing and Equipment** **PUBLIC 357**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N SCHNEIDER	OTP-AM	H-371

This bill provides that, in the context of employee compensation required to be returned to the employer for the payment of a debt owed to the employer, uniforms, personal protective equipment or other tools of the trade that are considered to be primarily for the benefit or convenience of the employer may not be considered a "debt". The bill also prohibits an employer from mandating that an employee pay for the cleaning and maintenance of a uniform, but may have a written agreement with the employee whereby the employee chooses to have a payroll deduction for the cost of cleaning and maintenance.

Committee Amendment "A" (H-371)

This amendment clarifies the provisions of the bill and incorporates the provisions of federal law in Maine statutory determinations as to what, in the context of employee compensation required to be returned to the employer for the payment of a debt owed to the employer, is considered to be primarily for the benefit or convenience of the employer and may not be considered a "debt."

Enacted Law Summary

Public Law 2007, Chapter 357 incorporates the provisions of federal law in Maine statutory determinations regarding employee compensation required to be returned to the employer for the payment of a debt owed to the employer. The bill provides that the cost of uniforms and of their laundering, the cost of any construction by and for the employer, the cost of tools of the trade and other materials and services incidental to carrying on the employer's business and other costs of furnishing facilities primarily for the benefit or convenience of the employer may not be considered a "debt."

LD 1087 **An Act To Facilitate Debarment of State Contractors with Serious or Repeated Labor Violations** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE STRIMLING	ONTP	

This bill broadens the Department of Labor's authority to debar contractors seeking state contracts if these contractors have serious or repeated violations of state labor laws or certain federal laws.

LD 1107 **An Act To Promote Compliance with the Workers' Compensation Laws** **PUBLIC 265**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-174

This bill raises the penalty not-to-exceed amount from $10,000 to $100,000 that the Workers' Compensation Board may assess, where there has been a finding, after hearing, that an employer, insurer or 3rd-party administrator for an employer has engaged in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims.

Committee Amendment "A" (S-174)

This amendment changes from mandatory to permissive the assessment of a penalty by the Workers' Compensation Board against an employer or insurance carrier for failure to pay compensation. The amendment increases the maximum penalty for engaging in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims from $10,000 to $25,000, as opposed to the $100,000 maximum proposed in the bill. The amendment also requires that the amount of the penalty be commensurate with the severity of the proscribed acts and that penalties collected go to the General Fund. Finally, the amendment provides that an insurance carrier's payment of any penalty assessed under the Maine Revised Statutes, Title 39-A, section 359 may not be considered an element of loss for the purpose of establishing rates for workers' compensation insurance. This amendment also makes several technical corrections to current law to conform to drafting standards.

Enacted Law Summary

Public Law 2007, Chapter 265 raises the penalty not-to-exceed amount from $10,000 to $25,000 that the Workers' Compensation Board may assess, where there has been a finding, after hearing, that an employer, insurer or 3rd-party administrator for an employer has engaged in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims. The bill requires that the amount of the penalty be commensurate with the severity of the proscribed acts and that penalties collected go to the General Fund. The bill also changes from mandatory to permissive the assessment of a penalty by the Workers' Compensation Board against an employer or insurance carrier for failure to pay compensation. Finally, the bill provides that an insurance carrier's payment of any penalty assessed under the Maine Revised Statutes, Title 39-A, section 359 may not be considered an element of loss for the purpose of establishing rates for workers' compensation insurance.

LD 1113 **An Act To Prevent Workplace Bullying** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. The bill seeks to address behavior in the workplace that is intimidating, demeaning and reprehensible but falls short of being actionable under current criminal laws and laws against sexual harassment and discrimination.

LD 1158 **An Act To Increase the Per Diem for Members of the State Board of Arbitration and Conciliation** **PUBLIC 175**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	OTP-AM	H-139

This bill increases the per diem for members of the State Board of Arbitration and Conciliation from $75 to $150.

Committee Amendment "A" (H-139)

This amendment adds a fiscal note to the bill.

Enacted Law Summary

Public Law 2007, Chapter 175 increases the per diem for members of the State Board of Arbitration and Conciliation from $75 to $150.

LD 1177 **Resolve, To Establish the Commission on Retirement Policy Funding and Reform** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY MILLS P	ONTP	

This resolve creates the Commission on Retirement Policy Funding and Reform to review and recommend reforms to the Maine State Retirement System that make the system more consistent with the labor market of 2010 and beyond.

LD 1223 **An Act To Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-286

Contingent upon the full actuarial costs having been accumulated in a reserve of the Maine State Retirement System, this bill adds mental health workers to the 1998 Special Plan for certain Maine State Retirement System members and requires that service retirement benefits for corrections and mental health workers included in the 1998 Special Plan be computed on the basis of all the member's creditable service, regardless of when that service was earned. The bill provides for funding the full actuarial costs of new corrections and mental health worker retirement benefits by creating a reserve and transferring funds to it that would otherwise qualify for transfer to the Retirement Allowance Fund from unappropriated surplus of the General Fund. Transfers continue until the accumulation of funds to cover the full actuarial costs, including normal costs for 6 years, is complete. Under the bill, retirement service credit may not be given and increased benefits may not be paid until the full actuarial costs of the liability for the increased value of that service has been funded.

Committee Amendment "A" (S-286)

This amendment provides that the Corrections and Mental Health Workers Service Retirement Benefit Reserve is held by the Maine State Retirement System rather than in the General Fund. The amendment also provides for 1% contributions to the reserve by affected classifications of corrections officers and mental health workers.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1259 **An Act To Use the Date of Injury To Calculate the Average Weekly Wage in Occupational Disease Cases** **PUBLIC 313**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	OTP-AM	H-372

This bill provides that the amount of compensation in occupational disease cases must be based on the average weekly wages of the employee on the date of injury rather than on the date the employee was last exposed to the disease. Where the employee is no longer working on the date of incapacity, the average wages of a comparable employee as of the date of injury must be used to determine the amount of compensation.

Committee Amendment "A" (H-372)

The amendment clarifies that the amount of compensation in occupational disease cases is based on wages in the occupation in which the employee was working at the time of the employee's last injurious exposure, even though the employee may no longer be working in that occupation.

Enacted Law Summary

Public Law 2007, Chapter 313 provides that the amount of compensation in occupational disease cases must be based on the average weekly wages of the employee on the date of injury rather than on the date the employee was last exposed to the disease. Where the employee is no longer working on the date of incapacity, the average wages of a comparable employee in the occupation in which the employee was working at the time of the employee's last injurious exposure, and as of the date of injury, must be used to determine the amount of compensation.

LD 1261 **An Act To Clarify Intermittent Leave under the Family Medical Leave Laws** **PUBLIC 233**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP	

This bill amends the family medical leave laws to provide for intermittent leave as is provided under the federal Family and Medical Leave Act of 1993.

Enacted Law Summary

Public Law 2007, Chapter 233 amends the family medical leave laws to provide for intermittent leave as is provided under the federal Family and Medical Leave Act of 1993.

LD 1272 **An Act To Repeal Certain Unemployment Benefit Disqualifications** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	ONTP	

Under current law, an individual is disqualified for unemployment compensation benefits if the unemployment is due to a stoppage of work that exists because of a labor dispute. This bill repeals this provision of law.

LD 1275 **An Act To Promote Workplace Safety and Certainty within the Construction Industry by Authorizing the Workers' Compensation Board To Issue Construction Contractor Certificates** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON		

This bill requires the Workers' Compensation Board to issue a construction contractor certificate to a person working in the construction industry upon proof that the person functions in a particular trade or occupation as an independent contractor rather than an employee or upon proof that the person has secured the payment of compensation by obtaining insurance coverage. The certificate creates a binding presumption that the person is an independent contractor so long as the person works in the trade, business, occupation or profession identified in the certificate. The application for and issuance of a certificate constitutes a waiver of rights under the Maine Workers' Compensation Act of 1992. A person who engages in construction work without a certificate is deemed an employee of the person's hiring agent.

This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1285 **An Act To Amend the Laws Regarding Appeals from Decisions Issued by the Workers' Compensation Board** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	ONTP	

Under current law, if the Workers' Compensation Board reviews the decision of a hearing officer, the Maine Supreme Judicial Court has discretion to review the decision of the board, upon the appeal of an aggrieved party. This bill removes this discretion and provides instead that a party aggrieved by such a decision of the Workers' Compensation Board may appeal that decision to the Maine Supreme Judicial Court as a matter of right.

LD 1295 **An Act To Amend the Labor Laws Regarding Automobile Dealerships** **PUBLIC 360**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	OTP-AM MAJ OTP-AM MIN	H-476

This bill amends the wage and hour overtime laws in relation to automobile dealership employees primarily engaged in financing and insurance assistance and individuals employed as automobile service writers at automobile dealerships.

Committee Amendment "A" (H-476)

This amendment is the majority report of the Joint Standing Committee on Labor. It adds the qualifying language that a person's annual compensation must exceed 3,000 times the state minimum hourly wage to the definitions of "automobile mechanic," "automobile parts clerk" and "automobile service writer."

Committee Amendment "B" (H-477)

This amendment is the minority report of the Joint Standing Committee on Labor. It adds the qualifying language that a person's annual compensation must exceed 4,000 times the state minimum hourly wage to the definitions of "automobile mechanic," "automobile parts clerk" and "automobile service writer." This amendment was not adopted.

Enacted Law Summary

Public Law 2007, Chapter 360 amends the wage and hour overtime laws in relation to automobile dealership employees primarily engaged in financing and insurance assistance and individuals employed as automobile service writers at automobile dealerships. The bill requires that a person's annual compensation exceed 3,000 times the state minimum hourly wage in order to meet the statutory definitions of "automobile mechanic," "automobile parts clerk" and "automobile service writer."

LD 1310 An Act To Make Unemployment Compensation Law More Fair to Seniors **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP	

This bill eliminates the pension offset against unemployment benefits for persons who receive Social Security and rewrites the remaining statutory language of the offset law to clarify it.

LD 1314 An Act To Reimburse MaineCare in Certain Workers' Compensation Cases **PUBLIC 311**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK	OTP-AM	H-393

This bill requires MaineCare to be reimbursed for 100% of any expenses it incurs for the treatment of an injury to an employee covered by workers' compensation. The bill also requires the Workers' Compensation Board to notify the Commissioner of Health and Human Services within 10 days after the receipt of notice of an approved agreement for payment of compensation or within 10 days after any order or decision of the board awarding compensation, identifying the employee who is to receive the compensation.

Committee Amendment "A" (H-393)

This amendment adds to the bill a provision authorizing the Department of Health and Human Services to contract for attorney services in order to pursue reimbursement of MaineCare costs in workers' compensation claims cases.

Enacted Law Summary

Public Law 2007, Chapter 311 requires MaineCare to be reimbursed for 100% of any expenses it incurs for the treatment of an injury to an employee covered by workers' compensation. The bill also requires the Workers' Compensation Board to notify the Commissioner of Health and Human Services within 10 days after the receipt of notice of an approved agreement for payment of compensation or within 10 days after any order or decision of the board awarding compensation, identifying the employee who is to receive the compensation. Finally, the bill authorizes the Department of Health and Human Services to contract for attorney services in order to pursue reimbursement of MaineCare costs in workers' compensation claims cases.

LD 1327 **An Act To Amend Survivors' Benefits under the Workers' Compensation Laws** **PUBLIC 361**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	OTP-AM	H-504

This bill amends the law governing survivors' benefits under the workers' compensation laws to remove the 500-week limitation on survivors' benefits.

Committee Amendment "A" (H-504)

This amendment restores the 500-week limitation on payment of survivors' benefits removed by the bill but removes the death benefit credit employers have under current law for indemnity payments made to an injured worker up to the time of death.

Enacted Law Summary

Public Law 2007, Chapter 361 removes the death benefit credit employers have under current law for indemnity payments made to an injured worker up to the time of death.

LD 1345 **An Act To Simplify Standards for Determining Independent Contractor Status for Unemployment Compensation Purposes** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP OTP	

This bill defines "independent contractor" under the laws governing unemployment compensation to make it consistent with the definition of that term under the laws governing workers' compensation. In addition, this bill authorizes the Bureau of Unemployment Compensation to issue a predetermination of independent contractor status. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

Committee Amendment "A" (H-323)

This amendment, which is the minority report of the Joint Standing Committee on Labor, adds an appropriations and allocations section to the bill. This amendment was not adopted.

LD 1355 **An Act Regarding the Calculation of the Livable Wage** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DOW	ONTP	

This bill directs the Department of Labor to calculate annually the livable wage for various household sizes using the methodology used by the Maine Center for Economic Policy and to report the livable wage calculations to the Legislature. The bill also defines "livable wage." The bill is based on the work of the Study Commission Regarding Livable Wages established pursuant to Resolve 2005, chapter 128.

LD 1373 **An Act To Authorize the Board of Trustees of the Maine State Retirement System To Provide a Cost-of-living Adjustment to Retired Employees of Participating Local Districts** **P & S 17 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL	OTP-AM	H-273

Cost-of-living adjustments to retirement allowances for retirees of participating local districts under the Maine State Retirement System are currently limited to a maximum of 4%. The Consumer Price Index adjustment for September 2006 was 4.3%. This bill authorizes the Board of Trustees of the Maine State Retirement System to implement a one-time additional increase of .3% for retirees of participating local districts who were eligible for a cost-of-living adjustment in September 2006. The additional .3% increase will be paid retroactively to September 2006.

Committee Amendment "A" (H-273)

This amendment incorporates a fiscal note.

Enacted Law Summary

Private and Special Law 2007, Chapter 17, was enacted as an emergency measure effective June 4, 2007. This bill authorizes the Board of Trustees of the Maine State Retirement System to implement a one-time additional increase in the cost-of-living adjustment of .3% for retirees of participating local districts who were eligible for a cost-of-living adjustment in September 2006. The additional .3% increase will be paid retroactively to September 2006.

LD 1406 **An Act To Improve the Retirement Benefit Plan for Children's Services Caseworkers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	ONTP	

This bill includes children's services caseworkers, supervisors and program administrators working in the Department of Health and Human Services on or hired by the department after July 1, 2007 in the 1998 Special Plan under the Maine State Retirement System. The plan's option to retire at age 55 recognizes the dangerous and stressful situations these staff face in their positions daily.

LD 1407 **Resolve, To Address Issues Concerning the Employment of Senior Citizens** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL	ONTP	

This resolve directs the Commissioner of Labor to convene a stakeholder group to study barriers to senior employment and how to promote best practices in senior employment, to review benefit reductions for working seniors and to undertake a public education campaign to promote the value of senior citizens in the workforce.

LD 1416 **An Act To Create a Workers' Compensation Board Appeals Process** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	ONTP	

This bill provides for the appeal of decisions of hearing officers on workers' compensation claims to the Workers' Compensation Board, together with procedures.

LD 1435 **An Act To Adopt a Regional Cost Differential for State Salaries, School Funding and Contracted Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to adopt a cost-of-living differential based on housing cost variations among the State's 31 labor market areas, as determined by the federal Department of Labor using commuting patterns from the 2000 U.S. Census. Under this bill, this regional adjustment would then be applied to the essential programs and services school funding formula, state employee salary negotiations and contracts for services by the Department of Health and Human Services and other state agencies.

LD 1436 **Resolve, To Reduce the Level of Unfunded Liability for Health Benefits Owed to Retired State Employees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill directs the Commissioner of Administrative and Financial Services and the Executive Director of the Maine State Retirement System to review the amount currently owed to fund health insurance premiums for retired teachers and state employees, and develop a proposal to redefine such benefits for state employees and teachers so as to reduce the unfunded liability for retirees by 20% of its present assessed value. The commissioner and the executive director are directed to submit the proposal, together with any necessary implementing legislation, to the Joint Standing Committee on Labor no later than December 1, 2007.

LD 1438 **An Act To Reverse the Effects of the Grant Case on Workers' Compensation (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill allows an employer a setoff of the amount of earnings paid to an employee after the filing of a petition for discontinuance or reduction of benefits against the weekly benefits that otherwise would have to be paid during the period following the filing of the certificate or petition.

LD 1439 An Act To Enhance the Workers' Compensation Board Advocate Program **PUBLIC 312**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM	S-179

This bill requires that individuals hired as worker advocates by the Workers' Compensation Board on or after the effective date of this legislation either be admitted to practice law in the State or be eligible to practice law in the State upon hiring and, within 12 months of hiring, be admitted to practice law in the State. This bill also increases the salary of the general counsel from salary range 86 to salary range 89 and reclassifies numerous additional positions.

Committee Amendment "A" (S-179)

This amendment establishes a new Workers' Compensation Advocate Attorney classification, reclassifies qualified Workers' Compensation Advocates to Workers' Compensation Advocate Attorneys, provides for the reclassification of vacant Workers' Compensation Advocate positions to Workers' Compensation Advocate Attorney positions, reclassifies other staff attorney and paralegal positions and provides a range change from 86 to 89 for the Workers' Compensation Board General Counsel position.

Enacted Law Summary

Public Law 2007, Chapter 312 establishes a new Workers' Compensation Advocate Attorney classification, reclassifies qualified Workers' Compensation Advocates to Workers' Compensation Advocate Attorneys, provides for the reclassification of vacant Workers' Compensation Advocate positions to Workers' Compensation Advocate Attorney positions, reclassifies other staff attorney and paralegal positions and provides a range change from 86 to 89 for the Workers' Compensation Board General Counsel position.

LD 1445 An Act To Define “Livable Wage” **PUBLIC 363**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS STRIMLING	OTP-AM	H-394 S-215 DOW

This bill directs the Department of Labor to annually calculate the livable wages for various household sizes using the methodology employed by the Maine Center for Economic Policy and to report the livable wage calculations to the Legislature. The bill also defines "livable wage" and requires the department to measure and report on the costs to workers paid less than a livable wage and the bureaucratic costs to subsidize workers paid less than a livable wage.

Committee Amendment "A" (H-394)

This amendment changes the defined household in the livable wage definition from a single-parent, one-child household to a 2-parent household with 2 earners and 2 children. The amendment also removes a section of the bill requiring the Department of Labor to measure annually the costs to workers paid less than a livable wage and the bureaucratic costs to subsidize workers paid less than a livable wage. This amendment also adds an appropriations and allocations section.

Senate Amendment "A" (S-215)

This amendment strikes the appropriations and allocations section.

Enacted Law Summary

Public Law 2007, Chapter 363 directs the Department of Labor to annually calculate the livable wages for various household sizes using the methodology employed by the Maine Center for Economic Policy and to report the livable wage calculations to the Legislature. The bill also defines "livable wage" using a 2-parent household with 2 earners and 2 children.

LD 1454 An Act To Care for Working Families **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
NORTON		

This bill requires an employer to pay each employee a minimum of one hour of paid sick leave for every 30 hours worked by the employee. An employer is not required to provide to an employee paid sick leave in excess of 72 hours or 9 days annually. Paid sick leave may be used by an employee during an absence from employment due to the illness of the employee or the illness of an immediate family member. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1455 An Act Concerning the Duties of Employers in the Case of Mass Employee Termination **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK BRYANT B	ONTP	

This bill enacts a new chapter in Title 26 relating to mass termination notification and assistance. The bill provides:

o An employer of at least 100 employees must give a one-year notice of an intended mass reduction of employees to the Director of Labor Standards, the employees, the affected municipalities and the relevant employee organizations, and must give severance pay to the employees and continue the employees' health benefits for up to one year after the reduction;
o For the creation of a plant closing assistance fund, funded by payments from the employer, for technical assistance to keep the plant open and to reimburse communities for property tax loss;
o An employer must offer the plant that is closing and its equipment and inventory for sale at fair market prices to interested employee organizations, private business concerns or government-owned or jointly owned businesses; and
o An employee, affected municipality, employee organization or the Director of Labor Standards may bring an action against an employer who violates the proposed law.

LD 1467 Resolve, To Create Improved Employment Opportunities for People with Disabilities **RESOLVE 101**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	OTP-AM	S-258

This resolve implements the recommendations of the report issued pursuant to Public Law 2005, chapter 570. It directs the Department of Health and Human Services and the Department of Labor to create an interdepartmental committee to develop a statewide transition plan to facilitate the implementation of a waiver allowing the expansion of supported employment as an alternative for people with developmental disabilities who are currently receiving freestanding day habilitation through MaineCare. This resolve also directs the Department of Health and Human

Services and the Department of Labor to design and implement a system of community services using existing resources that supports the attainment of gainful employment in integrated settings in the community by persons with developmental disabilities. Finally, this resolve directs the Maine Jobs Council to convene a task force to oversee the development of a professional strategic marketing plan by marketing professionals and to identify resources for employer outreach. This bill also appropriates funds to accomplish this task.

Committee Amendment "A" (S-258)

This amendment changes the appropriations and allocations section and directs the Department of Labor to seek outside funds to supplement existing budgeted resources in order to pay the costs of developing a plan and identifying resources.

Enacted Law Summary

Resolves 2007, Chapter 101 implements the recommendations of the report issued pursuant to Public Law 2005, Chapter 570. It directs the Department of Health and Human Services and the Department of Labor to create an interdepartmental committee to develop a statewide transition plan to facilitate the implementation of a waiver allowing the expansion of supported employment as an alternative for people with developmental disabilities who are currently receiving freestanding day habilitation through MaineCare. This resolve also directs the Department of Health and Human Services and the Department of Labor to design and implement a system of community services using existing resources that supports the attainment of gainful employment in integrated settings in the community by persons with developmental disabilities. The resolve directs the Maine Jobs Council to convene a task force to oversee the development of a professional strategic marketing plan by marketing professionals and to identify resources for employer outreach. Finally, the resolve directs the Department of Labor to seek outside funds to supplement existing budgeted resources in order to pay the costs of developing a plan and identifying resources.

LD 1492 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Incurring Any New Unfunded Liabilities for Retiree Health Benefits and To Require a 20-year Amortization of Public Retiree Benefits** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This resolution proposes to amend the Constitution of Maine to prohibit the State from incurring any new unfunded liabilities for retiree health benefits and to require the retirement within 20 years of the unfunded liability of all retirement benefits, including health benefits, owed by the State.

LD 1493 **An Act To Authorize the Employer To Adjust Workers' Compensation Benefits When the Employee Returns To Work for Another Employer** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill permits an employer, insurer or group self-insurer responsible for paying benefits to reduce compensation to an employee pending a hearing when the employee receives an increase in pay from an employer who is not the employer responsible for paying compensation. The bill obligates the payer to increase benefits when an employee on partial compensation sustains a loss of earnings and files a petition for increased benefits. The bill increases the rate of interest payable on withheld benefits from 6% a year to 1% a month.

LD 1511 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dispose of Unfunded Liabilities in State Retiree Health Care Plans** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	OTP-AM	S-259

This constitutional resolution proposes the amendment of the Constitution of Maine to eliminate the unfunded liabilities of the state retiree health care plans by fiscal year 2033 and to prohibit any further plan liabilities unless those liabilities are fully funded when they are incurred.

Committee Amendment "A" (S-259)

This amendment provides a requirement for the allocation of funds in the proposed constitutional amendment, identifies state employee and teacher plans as the subject of the amendment, changes from 25 to 30 years the time period by the end of which unfunded liabilities will be retired, provides that actuarial analyses be conducted every 2 years as a basis for annual payments and removes a prohibition on incurring further liability.

LD 1538 **Resolve, To Further the Collection of Hospital Quality Data Regarding Nurse Staffing** **RESOLVE 88**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	OTP-AM	H-517

This bill provides minimum staffing requirements for direct-care registered nurse-to-patient staffing in all hospitals, with an increase of direct-care registered nurses and other licensed and unlicensed nursing staff required based on the individual acuity of the patients. The bill includes professional responsibilities for direct-care registered nurses and protections for certain functions and activities. The bill requires daily posting of staffing ratios, requires that patients be given the toll-free telephone number of the Division of Licensing and Regulatory Services within the Department of Health and Human Services and provides fines of up to $25,000 for violations of the provisions of the bill. Hospital management, nursing services or medical personnel who violate or interfere with protected rights under the bill are also subject to penalties.

Committee Amendment "A" (H-517)

This amendment strikes the bill and the title and replaces the bill with a resolve. The resolve requires the Maine Health Data Organization to adopt rules that require the submission of measures of nursing satisfaction using only metrics that can be compared to national benchmark data. The resolve also requires the Department of Health and Human Services to adopt rules that direct hospitals to provide annual notice of the provisions of the Whistleblowers' Protection Act to registered nurses.

Enacted Law Summary

Resolves 2007, Chapter 88 requires the Maine Health Data Organization to adopt rules that require the submission of measures of nursing satisfaction using only metrics that can be compared to national benchmark data. The resolve also requires the Department of Health and Human Services to adopt rules that direct hospitals to provide annual notice of the provisions of the Whistleblowers' Protection Act to registered nurses.

LD 1543 An Act To Clarify the Use of Tips in Payment of Service Employees **PUBLIC 367**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	OTP-AM	H-370

This bill clarifies that tips belong to the employee providing direct service and that the entire tip, less a pro-rated percentage, if any, charged by a credit card company from any credit card payment must go to the employee by the next regular payday. The bill also allows the pooling of tips in limited circumstances. The bill amends the definition of service employee by providing examples and raising the minimum amount that must be earned in tips in order to meet the definition.

Committee Amendment "A" (H-370)

This amendment removes the word "evenly" from language allowing service employees to split tips and strikes a provision allowing an employer to deduct a prorated percentage of the credit card charge from an employee's tip.

Enacted Law Summary

Public Law 2007, Chapter 367 clarifies that tips belong to the employee providing direct service and that the entire tip must go to the employee by the next regular payday. The bill also allows the pooling of tips in limited circumstances. The bill amends the definition of service employee by providing examples and raising the minimum amount that must be earned in tips in order to meet the definition.

LD 1544 An Act To Enact the Home Care Consumer and Worker Protection Act **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON W	OTP-AM	H-535

This bill creates the Home Care Consumer and Worker Protection Act. The purpose of this bill is to ensure that both the consumer and the home care services worker are given the ability to make informed, knowledgeable decisions regarding their status as employers, independent contractors and employees.

Committee Amendment "A" (H-535)

This amendment strikes the bill and replaces it with language amending a section of the Maine Revised Statutes pertaining to the regulation of personal care agencies by adding placement agencies to the regulatory scheme. The amendment increases penalties for violations of the regulatory requirements of the section and adds an unallocated section that requires the Department of Health and Human Services to convene a work group to make recommendations regarding the regulation of personal care agencies and placement agencies.

LD 1545 An Act To Protect Workers from Political or Religious Intimidation **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	ONTP	

This bill prohibits an employer from discriminating in employment matters on the basis of an employee's refusal to participate in meetings or communication related to the employer's political or religious views. An employee

seeking redress must allow the employer to correct the violation; any further action by the employee must be through the Maine Human Rights Commission. The bill does not affect the right of the employer to ban political speech in the workplace during work hours.

LD 1546 **An Act To Require Employees Injured at Work To Report Those Injuries within 24 Hours** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUPREY	ONTP	

This bill amends the current requirement that the employee give notice of injury within 90 days of the date of injury to require that the employee give notice within 24 hours of the date of injury in order to maintain proceedings for compensation under the Workers' Compensation Act.

LD 1569 **An Act To Allow Certain Veterans Who Did Not Previously Qualify To Buy Maine State Retirement System Time at a Subsidized Rate** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	ONTP	

This bill makes General Fund appropriations of $88,202 in fiscal year 2007-08 and $127,138 in fiscal year 2008-09 to the Maine State Retirement System to allow for 3 members per year who the Maine State Retirement System has determined are qualified to purchase military service credit at a subsidized rate pursuant to Public Law 2003, chapter 693.

LD 1583 **An Act To Provide Retirement Equity to Forest Ranger Supervisory Personnel Whose Retirement Plans Were Changed after Initial Date of Hire** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

This bill provides that service retirement benefits for District Ranger, Regional Ranger, State Ranger Supervisor and Chief Ranger Pilot job classifications included in the 1998 Special Plan be computed on the basis of all the member's creditable service, regardless of when that service was earned.

LD 1585 **An Act To Assist the Independent Medical Examiner Program for Workers' Compensation** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE		

This bill changes independent medical examiner eligibility criteria which currently provide that a physician is ineligible where any 207 examination has been performed during the previous 52 weeks. Under the bill, a physician is not ineligible unless the physician has examined:

- the employee; or
- ten or more employees in accordance with section 207; or

o ten or more employees referred to the physician directly or indirectly by counsel for the employee during the previous 52 weeks.

The bill also provides that the Workers' Compensation Board's determination of an independent medical examiner's eligibility may not be raised as an issue in the dispute resolution process for the claim of an employee and that such Board determinations constitute final agency action. Finally, the bill requires that the deposition of an independent medical examiner may take place only in accordance with section 309, subsection 3, and that the subject matter of the deposition must be confined to the claim of the employee and the medical questions arising from that claim. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1586 **Resolve, Directing the Department of Labor To Examine Policy and Programmatic Alternatives for the Establishment of a Wage Loss Insurance System To Provide Wage Security in the Event of Loss of Earnings** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	ONTP	

This resolve requires the Department of Labor to conduct a study of the laws, policies and programs, including those in other jurisdictions, relating to the establishment of a wage loss insurance system. The department shall call upon interested parties in conducting its study and shall submit a report to the Joint Standing Committee on Labor with its findings, recommendations and any proposed implementing legislation.

LD 1593 **An Act To Require the Consent of Union Members To Have Dues Used for Political Purposes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
LANSLEY	ONTP	

This bill requires a bargaining agent who receives a fee or dues from an employee for representation of that employee to obtain written consent from that employee before using a portion of the fee or dues for political purposes.

LD 1599 **An Act To Allow Service Credit for Teachers in the Retirement System for Certain Educational Development** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	ONTP	

This bill provides that teachers covered under the Maine State Retirement System may purchase service credit for educational development activities. It also allows teachers with creditable service for leave taken for educational development activities prior to July 1, 1993 to use that service time for the purpose of completing the 10-year requirement pursuant to the Maine Revised Statutes, Title 5, section 17851, subsection 1-B if the member purchases that creditable service under Title 5, section 17767 before January 1, 2009.

LD 1603 **An Act To Make Actuarially Fair Adjustments in Retirement Benefits for Older Employees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	ONTP	

Sections 1 through 5 of the bill replace the current retirement system for state employees, which provides for normal retirement benefits beginning at age 60 or 62, with a system that indexes the age of eligibility to the number of years of remaining life expectancy. The reform is calibrated to retain the identical life expectancy in retirement as is projected for individuals retiring this year. For those currently eligible for retirement benefits at age 60, the indexed system would provide normal benefits at the age when there are 22 years and 2 months of remaining life expectancy. For those currently eligible for retirement benefits at age 62, the indexed system would provide normal benefits at the age when there are 20 years and 7 months of remaining life expectancy. These ages of eligibility would be revised annually, based on life expectancy statistics maintained by the National Center for Health Statistics. Section 6 of the bill provides for a 6% increase in the retirement benefit amount for each year that an employee works after the normal retirement age. This adjustment prevents older workers from losing the actuarial value of their accumulated benefits if they continue to work beyond the normal retirement age.

LD 1604 **An Act To End the Automatic Deduction of Union Dues from the Paychecks of Nonunion Members** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
LANSLEY	ONTP	

This bill specifies that public employees, including state and legislative employees, university, academy and community college employees, judicial employees and agricultural employees, may not be required by an employer or other person to join a union, labor organization or bargaining agent unit and may not be required to pay union dues or fees of any type.

LD 1616 **An Act To Allow Temporary State Workers To Contribute to Social Security** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NASS R	ONTP	

This bill makes membership in the Maine State Retirement System optional for temporary state employees, including temporary employees of the Maine Turnpike Authority, and requires the State to enter into agreements with the Federal Security Administrator to extend social security benefits to them as an alternative.

LD 1653 **An Act To Prevent Real Minimum Wages from Falling** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK	ONTP	

This bill provides for the state minimum hourly wage to be adjusted for inflation beginning January 1, 2008 and annually thereafter. The bill requires the Department of Labor to calculate the inflation-adjusted minimum hourly

wage based on changes in the consumer price index and to exclude from the calculation any month in which the State's unemployment rate exceeds the national unemployment rate.

LD 1672 **An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-257

This bill allows detectives in the Office of the Attorney General to elect to participate in the 1998 Special Plan of the Maine State Retirement System. Under that plan, a person may retire at 55 years of age with 10 years of creditable service, or may retire before 55 years of age with 25 years of creditable service and a reduced benefit. This bill also amends the definition of "law enforcement officer" for purposes of the law governing death benefits to ensure that all sworn law enforcement officers are eligible to receive so-called "line of duty" death benefits.

Committee Amendment "A" (S-257)

This amendment removes the option to participate in the 1998 Special Plan of the Maine State Retirement System for persons hired by the Office of the Attorney General prior to July 1, 2007, making participation mandatory for all detectives in the employment of the Office of the Attorney General on July 1, 2007 or hired thereafter. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1691 **An Act To Improve the Independent Medical Examiner System** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	ONTP MAJ OTP-AM MIN	

This bill provides that the Workers' Compensation Board may order an examination by an independent medical examiner only if both parties to a dispute request such an examination.

Committee Amendment "A" (S-300)

This amendment is the minority report of the Joint Standing Committee on Labor. It requires the Workers' Compensation Board to expend resources to pay independent medical examiner fees to determine the extent and causation of work-related injuries. The amendment increases the assessments that the board may levy against insurers. The amendment also adds an appropriations and allocations section and corrects cross-references to repealed sections of law.

LD 1693 **An Act To Restore Equity to the Maine State Retirement System** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS		

The Maine State Retirement System currently contains two separate benefit structures based upon the status of participants on July 1, 1993. This bill addresses one of the major benefit reductions imposed upon employees with less than ten years of service on July 1, 1993 by reducing the penalty for retiring earlier than 62 years of age from 6% per year to 3% per year. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1697 An Act To Ensure Fair Wages **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING		

This bill increases the minimum wage to $7.70 per hour in 2008 and to $8.40 per hour in 2009. Each year after that, the minimum wage is adjusted based on changes in prices, so that the minimum hourly wage will retain its purchasing power. The price adjustment is based on the change in the Consumer Price Index. The bill also removes exemptions to the State's minimum wage and overtime laws. The bill also changes the tip credit to $3 per hour rather than 50% of the state minimum wage as under current law. The bill also amends the laws governing enforcement of minimum wage and overtime laws by increasing penalties, increasing remedies in private civil actions and expanding the scope of antiretaliation provisions. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1738 An Act To Amend the Laws Relating to the Maine State Retirement System **PUBLIC 249**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	OTP	

The bill makes the following changes to the laws governing the Maine State Retirement System.

1. It removes language that became obsolete when the retirement system became a public instrumentality in 1993.
2. It clarifies when Maine State Retirement System creditable service may be transferred to the Maine Legislative Retirement System.
3. It amends the laws that govern when the retirement system must report to the Legislature regarding the occurrence of a Consumer Price Index increase that exceeds the statutory cap on cost-of-living adjustments in retirement benefits for retirees from the judicial plan and the participating local district plans.
4. It gives judges the same retirement beneficiary provision as was enacted for other system members by Public Law 2005, chapter 560.
5. It repeals references to health insurance and health insurance funds, in which the retirement system no longer serves a role.
6. It repeals some sections of law and amends other sections that refer to funds that are no longer segregated by the retirement system into separate funds.
7. It clarifies that "early retirement" includes retirement from the 1998 Special Plan prior to reaching the normal retirement age of that plan.
8. It makes clear that the employer contribution rate must support the payment of survivors' benefits and disability retirement benefits. This is not a change but a clarification.
9. It removes an incorrect cross-reference and inserts a definition of "federally recognized period of conflict" for participating local district members that is consistent with that for other retirement system members.
10. It permits an individual to be duly designated as a member of the Participating Local District Advisory Committee by respective constituent groups who formerly made nominations to the Governor. It removes the requirement that those individuals also be appointed by the Governor. It also deletes obsolete requirements pertaining to initial terms of committee members.
11. It provides that the laws governing the unauthorized practice of law do not apply to a person who is not an attorney who is representing a party in any hearing, action or proceeding before the Maine State Retirement System.

Enacted Law Summary

Public Law 2007, Chapter 249 makes the following changes to the laws governing the Maine State Retirement System.

1. It removes language that became obsolete when the retirement system became a public instrumentality in 1993.
2. It clarifies when Maine State Retirement System creditable service may be transferred to the Maine Legislative Retirement System.
3. It amends the laws that govern when the retirement system must report to the Legislature regarding the occurrence of a Consumer Price Index increase that exceeds the statutory cap on cost-of-living adjustments in retirement benefits for retirees from the judicial plan and the participating local district plans.
4. It gives judges the same retirement beneficiary provision as was enacted for other system members by Public Law 2005, chapter 560.
5. It repeals references to health insurance and health insurance funds, in which the retirement system no longer serves a role.
6. It repeals some sections of law and amends other sections that refer to funds that are no longer segregated by the retirement system into separate funds.
7. It clarifies that "early retirement" includes retirement from the 1998 Special Plan prior to reaching the normal retirement age of that plan.
8. It makes clear that the employer contribution rate must support the payment of survivors' benefits and disability retirement benefits. This is not a change but a clarification.
9. It removes an incorrect cross-reference and inserts a definition of "federally recognized period of conflict" for participating local district members that is consistent with that for other retirement system members.
10. It permits an individual to be duly designated as a member of the Participating Local District Advisory Committee by respective constituent groups who formerly made nominations to the Governor. It removes the requirement that those individuals also be appointed by the Governor. It also deletes obsolete requirements pertaining to initial terms of committee members.
11. It provides that the laws governing the unauthorized practice of law do not apply to a person who is not an attorney who is representing a party in any hearing, action or proceeding before the Maine State Retirement System.

LD 1777 **An Act for Fair Treatment of Workers (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRANNIGAN	ONTP	

This bill provides that an employer may terminate an employee for misconduct only. If an employer violates this provision, the employer must pay the employee an amount equal to one week's pay for each year the employee worked for the employer after the first year of employment.

LD 1809 **An Act To Base Minimum Wage Increases on the Consumer Price Index** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE STRIMLING	ONTP	

This bill provides that, starting July 1, 2009 and every July 1st thereafter, the Commissioner of Labor shall adjust the minimum hourly wage by any positive percentage change in the Consumer Price Index in the previous year. The changes in the bill are contingent upon approval by the voters at referendum in November 2008.

LD 1832 **An Act To Amend the Unemployment Compensation Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUPREY STRIMLING	ONTP	

This bill provides that an individual who is receiving unemployment benefits and who finds work no later than 3 weeks after making an initial claim for benefits must receive a bonus equal to 2 weeks of benefits, payable as a lump sum. An individual who is receiving benefits and who finds work no later than 6 weeks after making an initial claim for benefits must receive a bonus equal to one week of benefits. The bill also requires that an individual provide proof of having contacted a minimum of 5 employers in a week in order to be eligible to receive unemployment compensation for that week.

LD 1861 **An Act Regarding Payment of Penalties for Nonpayment of Bills for Medical or Health Care Services under the Maine Workers' Compensation Act of 1992** **PUBLIC 218**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This bill provides that penalties for nonpayment of bills for medical or health care services provided in a workers' compensation case are payable to the provider of the medical or health care services or the employee who paid for the medical or health care services instead of the Workers' Compensation Board Administrative Fund.

Enacted Law Summary

Public Law 2007, Chapter 218 provides that penalties for nonpayment of bills for medical or health care services provided in a workers' compensation case are payable to the provider of the medical or health care services or the employee who paid for the medical or health care services instead of the Workers' Compensation Board Administrative Fund.

LD 1862 **An Act Regarding Fairness for Families Regarding Workers' Compensation Coverage** **PUBLIC 350**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-475

This bill adds registered domestic partners to the list of individuals who may waive workers' compensation coverage in certain circumstances.

Committee Amendment "A" (H-475)

This amendment changes a definitional reference throughout the bill.

Enacted Law Summary

Public Law 2007, Chapter 350 adds registered domestic partners to the list of individuals who may waive workers' compensation coverage in certain circumstances.

LD 1884 **An Act To Create the Competitive Skills Scholarship Fund and To Improve Maine Employment Security Programs** **PUBLIC 352**

Sponsor(s)	Committee Report	Amendments Adopted
CAMPBELL STRIMLING	OTP-AM	H-503

This bill contains four parts. Part A establishes the Competitiveness Training Program to provide access to education, training and support through the Department of Labor's career centers, to prepare individuals for high-wage jobs in industries with significant demand for skilled labor, as designated by the department. Part A establishes the Competitiveness Training Fund which receives payments from employers in the same manner as unemployment insurance contributions. These payments are offset by a reduction in unemployment insurance contributions for a zero net effect. Part A also reduces the benefit reserve cap on the Unemployment Trust Fund from 21 months to 18 months, giving employers a reduction in unemployment taxes for the first two years following implementation.

Part B eliminates the pension offset against unemployment benefits for persons who receive social security or any other pension or plan to which the individual made at least 50% of the contributions. If the person contributed some amount to the pension, but less than 50%, the offset is made after deduction of that portion of the pension that is directly attributable to the percentage of the contributions made to the pension by that person.

Part C provides for the continuation of the unemployment compensation provision that permits certain people who are able and available for part-time work to receive unemployment benefits.

Part D provides for the distribution to the Department of Labor of federal funds under the Reed Act. In 2002, Maine received $32,486,816 in Reed Act funds. Under federal law, these funds may be used only to maintain the State's unemployment and public employment system or to pay regular unemployment benefits. Part D authorizes the use of $5,200,000 of Reed Act funds to make technological upgrades and improvements to the unemployment insurance and employment services computer systems as well as improvements to the labor market information services computer systems as they pertain to the analysis of unemployment and employment data. Additionally, a portion of these funds will be used to pay the administrative costs associated with helping unemployment benefit recipients return to work more quickly and to reduce the benefit costs of the unemployment insurance program.

Committee Amendment "A" (H-503)

This amendment changes the name of the training fund to the Competitive Skills Scholarship Fund and the name of the program to the Competitive Skills Scholarship Program. The title of the bill is replaced to reflect these name changes. The amendment provides that unencumbered balances in the Competitive Skills Scholarship Fund remain in the fund and do not lapse to the General Fund. The amendment also provides that Competitive Skills Scholarship Fund dollars must be used to supplement, and not supplant, other state or local funds that are used to deliver workforce investment services through Maine's CareerCenters. The amendment includes technical changes to make the bill internally consistent and clarifies that an individual career plan is developed in cooperation with the participant and that it must, to the maximum extent feasible, reflect the preferences of the participant, provided that the individual career plan remains within the confines of the goals of the program. The amendment also clarifies that participants must be given a description of the program as well as a list of services and supports available through the program. The amendment also permits the Department of Administrative and Financial Services, Bureau of Revenue Services to disclose to designated employees of the Department of Labor information necessary to administer the contributions to the Competitive Skills Scholarship Fund. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2007, Chapter 352 contains four parts. Part A establishes the Competitive Skills Scholarship Program to

provide access to education, training and support through the Department of Labor's career centers, to prepare individuals for high-wage jobs in industries with significant demand for skilled labor, as designated by the department. Part A establishes the Competitive Skills Scholarship Fund which receives payments from employers in the same manner as unemployment insurance contributions. These payments are offset by a reduction in unemployment insurance contributions for a zero net effect. Part A also reduces the benefit reserve cap on the Unemployment Trust Fund from 21 months to 18 months, giving employers a reduction in unemployment taxes for the first two years following implementation. The bill provides that unencumbered balances in the Competitive Skills Scholarship Fund remain in the fund and do not lapse to the General Fund. The bill also provides that Competitive Skills Scholarship Fund dollars must be used to supplement, and not supplant, other state or local funds that are used to deliver workforce investment services through Maine's CareerCenters.

Part B eliminates the pension offset against unemployment benefits for persons who receive social security or any other pension or plan to which the individual made at least 50% of the contributions. If the person contributed some amount to the pension, but less than 50%, the offset is made after deduction of that portion of the pension that is directly attributable to the percentage of the contributions made to the pension by that person.

Part C provides for the continuation of the unemployment compensation provision that permits certain people who are able and available for part-time work to receive unemployment benefits.

Part D provides for the distribution to the Department of Labor of federal funds under the Reed Act. In 2002, Maine received $32,486,816 in Reed Act funds. Under federal law, these funds may be used only to maintain the State's unemployment and public employment system or to pay regular unemployment benefits. Part D authorizes the use of $5,200,000 of Reed Act funds to make technological upgrades and improvements to the unemployment insurance and employment services computer systems as well as improvements to the labor market information services computer systems as they pertain to the analysis of unemployment and employment data. Additionally, a portion of these funds will be used to pay the administrative costs associated with helping unemployment benefit recipients return to work more quickly and to reduce the benefit costs of the unemployment insurance program.

LD 1915 An Act To Protect Fair Share Workers from Termination — PUBLIC 415

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	OTP-AM MAJ ONTP MIN	S-274

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to prohibit an employer from discharging an employee who refuses to pay service fees imposed by a union.

Committee Amendment "A" (S-274)

This amendment specifies that public employees, including state and legislative employees, university, academy and community college employees and judicial employees, may not be required by an employer or other person to join a union, labor organization or bargaining agent and may not be terminated for nonpayment of any service fee. The amendment permits the employer to deduct service fees from the pay of unit members who do not join the union. The amendment further provides that any fee balance owed to the union may be deducted only to the extent that the total deduction for the current fee and arrears installment does not exceed in each pay period 10% of the employee's gross pay. Finally, the amendment directs the Maine Labor Relations Board to develop recommendations to improve the procedures for resolving disputes over a union's calculation of its service fee and report those recommendations to the Joint Standing Committee on Labor.

Enacted Law Summary

Public Law 2007, Chapter 415 specifies that public employees, including state and legislative employees, university, academy and community college employees and judicial employees, may not be required by an employer or other

person to join a union, labor organization or bargaining agent and may not be terminated for nonpayment of any service fee. This law permits the employer to deduct service fees from the pay of unit members who do not join the union. The law further provides that any fee balance owed to the union may be deducted only to the extent that the total deduction for the current fee and arrears installment does not exceed in each pay period 10% of the employee's gross pay. Finally, this law directs the Maine Labor Relations Board to develop recommendations to improve the procedures for resolving disputes over a union's calculation of its service fee and report those recommendations to the Joint Standing Committee on Labor.

LD 1931 **An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN		

This bill removes language from the regional school unit authorization laws requiring the merger of bargaining units on a regional school unit-wide basis and enacts new provisions preserving existing bargaining units, existing collective bargaining agents and existing collective bargaining obligations. This bill is carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

Joint Standing Committee on Labor

SUBJECT INDEX

Employee Benefits

Enacted

LD 256	An Act To Assist Maine Military Families	PUBLIC 388
LD 375	An Act To Amend the Family Medical Leave Laws	PUBLIC 261
LD 1261	An Act To Clarify Intermittent Leave under the Family Medical Leave Laws	PUBLIC 233

Not Enacted

LD 903	An Act To Assist Maine Military Families	ONTP
LD 1454	An Act To Care for Working Families	CARRIED OVER

Employment Practices

Enacted

LD 955	An Act To Amend the Employment Practices Law Regarding Substance Abuse Testing of Temporary Workers	PUBLIC 339
LD 1086	An Act To Clarify Worker Payment for Clothing and Equipment	PUBLIC 357
LD 1538	Resolve, To Further the Collection of Hospital Quality Data Regarding Nurse Staffing	RESOLVE 88

Not Enacted

LD 75	An Act To Prohibit Credit Checks for Purposes of Employment	ONTP
LD 729	An Act To Compensate Employees Required To Be "On-call" by Their Employers	ACCEPTED ONTP REPORT
LD 1024	An Act To Address Labor Practices with On-call Workers	ONTP
LD 1113	An Act To Prevent Workplace Bullying	ONTP
LD 1545	An Act To Protect Workers from Political or Religious Intimidation	ONTP

Individuals with Disabilities Employment

Enacted

LD 1055	Resolve, To Establish a Working Group To Study the Prevalence and Cost of Hearing Loss and the Use of Hearing Aids and Other Devices in Maine's Elderly Population	RESOLVE 100 EMERGENCY
LD 1467	Resolve, To Create Improved Employment Opportunities for People with Disabilities	RESOLVE 101

Not Enacted

LD 233	An Act To Provide Funds for Voice-activated Telephones	ONTP
LD 870	An Act To Enhance Education Services for Blind and Visually Impaired Children	DIED ON ADJOURNMENT
LD 1032	An Act To Improve Employment Opportunities for Persons with Disabilities in Maine	CARRIED OVER

Insurance

Not Enacted

LD 201	An Act To Increase the State's Share of Retired Teachers' Health Insurance	DIED ON ADJOURNMENT
LD 225	An Act To Provide Flexibility in Health Insurance for Spouses under the State Employee Health Insurance Plan	ONTP
LD 619	An Act To Require All State Employees To Carry State Health Insurance	ONTP
LD 661	An Act To Maintain Retirement Health Benefits for State Retirees	ONTP
LD 845	An Act To Tie the Percentage of Health Insurance Benefits for Retired Teachers to That of Retired Legislators	ONTP
LD 1436	Resolve, To Reduce the Level of Unfunded Liability for Health Benefits Owed to Retired State Employees	ONTP
LD 1492	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Incurring Any New Unfunded Liabilities for Retiree Health Benefits and To Require a 20-year Amortization of Public Retiree Benefits	ONTP
LD 1511	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dispose of Unfunded Liabilities in State Retiree Health Care Plans	DIED BETWEEN HOUSES

Labor Department

Enacted

LD 844	An Act To Change the Name of the Division of Labor Market Information Services to the Center for Workforce Research and Information	PUBLIC 126
LD 1445	An Act To Define “Livable Wage”	PUBLIC 363
LD 1884	An Act To Create the Competitive Skills Scholarship Fund and To Improve Maine Employment Security Programs	PUBLIC 352

Not Enacted

LD 595	An Act To Define "Livable Wage"	ONTP
LD 1060	Resolve, To Study the State's Career Center Network and Create a Sustainable System	CARRIED OVER
LD 1087	An Act To Facilitate Debarment of State Contractors with Serious or Repeated Labor Violations	ONTP
LD 1355	An Act Regarding the Calculation of the Livable Wage	ONTP
LD 1407	Resolve, To Address Issues Concerning the Employment of Senior Citizens	ONTP
LD 1544	An Act To Enact the Home Care Consumer and Worker Protection Act	DIED BETWEEN HOUSES

Labor Relations

Enacted

LD 1158	An Act To Increase the Per Diem for Members of the State Board of Arbitration and Conciliation	PUBLIC 175
LD 1915	An Act To Protect Fair Share Workers from Termination	PUBLIC 415

Not Enacted

LD 757	An Act To Improve the Ability of Superintendents To Act in the Best Interests of Students	ONTP
LD 814	An Act To Incorporate Binding Arbitration for Monetary Issues in Collective Bargaining for All State Employees	DIED BETWEEN HOUSES
LD 913	An Act To Amend State Employees' Bargaining Agents' Election Contributions	ONTP
LD 1593	An Act To Require the Consent of Union Members To Have Dues Used for Political Purposes	ONTP

LD 1604	An Act To End the Automatic Deduction of Union Dues from the Paychecks of Nonunion Members	ONTP
LD 1931	An Act To Protect Employee Choice of Collective Bargaining Agents in the Educational Unit Consolidation Process	CARRIED OVER

Miscellaneous

Enacted

LD 259	An Act To Clarify the Composition of the Advisory Council on Tax-deferred Arrangements	PUBLIC 298

Not Enacted

LD 125	Resolve, To Expedite a Workers' Compensation Case	CARRIED OVER
LD 297	Resolve, Authorizing Elizabeth O'Connor To Rejoin the Maine State Retirement System	CARRIED OVER
LD 541	An Act To Encourage the Owners of Sole Proprietorships To Hire More Employees	ONTP
LD 869	Resolve, Directing the Maine State Retirement System To Recalculate the Retirement Benefits of D'Lila Terracin	CARRIED OVER
LD 1435	An Act To Adopt a Regional Cost Differential for State Salaries, School Funding and Contracted Services	ONTP

Occupational Safety

Not Enacted

LD 591	An Act Regarding Occupational Safety and Health Training for Workers on State-funded Construction Projects	CARRIED OVER
LD 933	An Act To Authorize the Certification of Workplace Safety Programs Offered by Workers' Compensation Insurers	ONTP

State Retirement System

Enacted

LD 323	An Act Permitting Substitute Teachers To Opt Out of the Maine State Retirement System	PUBLIC 305
LD 512	An Act To Change the Name of the Maine State Retirement System	PUBLIC 58
LD 712	An Act To Continue To Allow Public Retiree Organizations Access to the Maine State Retirement System's List of All State Retirees	PUBLIC 47 EMERGENCY
LD 776	An Act To Establish the Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2008	P & S 9 EMERGENCY

LD 827	An Act To Allow Certain Special Education Teachers To Acquire Time from the Maine State Retirement System	PUBLIC 303
LD 871	An Act To Amend the Laws Relating to the Treatment of Maine State Retirement System Contributions for Terminated	PUBLIC 137
LD 1373	An Act To Authorize the Board of Trustees of the Maine State Retirement System To Provide a Cost-of-living Adjustment to Retired Employees of Participating Local Districts	P & S 17 EMERGENCY
LD 1738	An Act To Amend the Laws Relating to the Maine State Retirement System	PUBLIC 249

Not Enacted

LD 5	An Act To Provide Equal Treatment for All Veterans in the Laws Governing the Maine State Retirement System	ONTP
LD 549	An Act To Fund the Purchase of Maine State Retirement System Time by Certain Veterans	DIED ON ADJOURNMENT
LD 763	An Act To Allow Early Retirement for Captains in the Maine State Ferry Service	ONTP
LD 998	An Act To Further Facilitate the Regionalization of Emergency Communications Dispatching Services	DIED ON ADJOURNMENT
LD 1177	Resolve, To Establish the Commission on Retirement Policy Funding and Reform	ONTP
LD 1223	An Act To Provide a Uniform Retirement Plan for Corrections Officers and Mental Health Workers	CARRIED OVER
LD 1406	An Act To Improve the Retirement Benefit Plan for Children's Services Caseworkers	ONTP
LD 1569	An Act To Allow Certain Veterans Who Did Not Previously Qualify To Buy Maine State Retirement System Time at a Subsidized Rate	ONTP
LD 1583	An Act To Provide Retirement Equity to Forest Ranger Supervisory Personnel Whose Retirement Plans Were Changed after Initial Date of Hire	ONTP
LD 1599	An Act To Allow Service Credit for Teachers in the Retirement System for Certain Educational Development	ONTP
LD 1603	An Act To Make Actuarially Fair Adjustments in Retirement Benefits for Older Employees	ONTP
LD 1616	An Act To Allow Temporary State Workers To Contribute to Social Security	ONTP
LD 1672	An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers	CARRIED OVER
LD 1693	An Act To Restore Equity to the Maine State Retirement System	CARRIED OVER

Unemployment Compensation

Enacted

LD 382	An Act To Correct an Inconsistency in Unemployment Insurance Tax Law	PUBLIC 23
LD 1015	An Act To Amend the Unemployment Laws	PUBLIC 230

Not Enacted

LD 105	An Act To Promote Hiring of Seasonal Workers	ONTP
LD 155	An Act To Eliminate the Offset for Social Security and Certain Other Pensions for Unemployment Benefits	ONTP
LD 457	An Act To Require Nonprofit Employers To Disclose All Benefits Available, Including Unemployment Insurance, to Employees and Prospective Employees	ONTP
LD 660	An Act To Change the Qualifications for the Chair of the Maine Unemployment Insurance Commission	ONTP
LD 1272	An Act To Repeal Certain Unemployment Benefit Disqualifications	ONTP
LD 1310	An Act To Make Unemployment Compensation Law More Fair to Seniors	ONTP
LD 1345	An Act To Simplify Standards for Determining Independent Contractor Status for Unemployment Compensation Purposes	CARRIED OVER
LD 1586	Resolve, Directing the Department of Labor To Examine Policy and Programmatic Alternatives for the Establishment of a Wage Loss Insurance System To Provide Wage Security in the Event of Loss of Earnings	ONTP
LD 1832	An Act To Amend the Unemployment Compensation Laws	ONTP

Wages

Enacted

LD 224	An Act To Provide for Minimum Wage and Overtime Coverage for Certain Domestic Workers	PUBLIC 22
LD 392	An Act To Establish Penalties for Violation of the Severance Pay Law	PUBLIC 333
LD 1295	An Act To Amend the Labor Laws Regarding Automobile Dealerships	PUBLIC 360
LD 1543	An Act To Clarify the Use of Tips in Payment of Service Employees	PUBLIC 367

Not Enacted

LD 124	An Act To Allow the Recovery of Reasonable Attorney's Fees	ONTP
LD 412	An Act To Clarify the Application of Prevailing Wage Requirements	CARRIED OVER
LD 934	An Act To Establish Working Hours and Wages for Teenagers	ONTP
LD 1455	An Act Concerning the Duties of Employers in the Case of Mass Employee Termination	ONTP
LD 1653	An Act To Prevent Real Minimum Wages from Falling	ONTP
LD 1697	An Act To Ensure Fair Wages	CARRIED OVER
LD 1777	An Act for Fair Treatment of Workers (by request)	ONTP
LD 1809	An Act To Base Minimum Wage Increases on the Consumer Price Index	ONTP

Workers' Compensation

Enacted

LD 41	An Act Regarding Final Agency Action Subject to Appeal Pursuant to the Maine Workers' Compensation Act of 1992	PUBLIC 78
LD 136	An Act Regarding the Enforcement of Penalties under the Maine Workers' Compensation Act of 1992	PUBLIC 26
LD 1107	An Act To Promote Compliance with the Workers' Compensation Laws	PUBLIC 265
LD 1259	An Act To Use the Date of Injury To Calculate the Average Weekly Wage in Occupational Disease Cases	PUBLIC 313
LD 1314	An Act To Reimburse MaineCare in Certain Workers' Compensation Cases	PUBLIC 311
LD 1327	An Act To Amend Survivors' Benefits under the Workers' Compensation Laws	PUBLIC 361
LD 1439	An Act To Enhance the Workers' Compensation Board Advocate Program	PUBLIC 312
LD 1861	An Act Regarding Payment of Penalties for Nonpayment of Bills for Medical or Health Care Services under the Maine Workers' Compensation Act of 1992	PUBLIC 218
LD 1862	An Act Regarding Fairness for Families Regarding Workers' Compensation Coverage	PUBLIC 350

Not Enacted

LD 522	An Act To Require the Posting of Proof of Workers' Compensation Insurance at Construction Sites	ONTP
LD 689	An Act To Facilitate MaineCare Reimbursement in Workers' Compensation Cases	ONTP
LD 1275	An Act To Promote Workplace Safety and Certainty within the Construction Industry by Authorizing the Workers' Compensation Board To Issue Construction Contractor Certificates	CARRIED OVER
LD 1285	An Act To Amend the Laws Regarding Appeals from Decisions Issued by the Workers' Compensation Board	ONTP
LD 1416	An Act To Create a Workers' Compensation Board Appeals Process	ONTP
LD 1438	An Act To Reverse the Effects of the Grant Case on Workers' Compensation (by request)	ONTP
LD 1493	An Act To Authorize the Employer To Adjust Workers' Compensation Benefits When the Employee Returns To Work for Another Employer	ONTP
LD 1546	An Act To Require Employees Injured at Work To Report Those Injuries within 24 Hours	ONTP
LD 1585	An Act To Assist the Independent Medical Examiner Program for Workers' Compensation	CARRIED OVER
LD 1691	An Act To Improve the Independent Medical Examiner System	ACCEPTED ONTP REPORT

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON LEGAL AND VETERANS' AFFAIRS

July 2007

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* Representative Stacey Fitts replaced former Representative Abigail Holman on the Legal and Veterans' Affairs Committee.

LD 10 **An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
WEDDELL	ONTP MAJ OTP-AM MIN	

This bill makes a one-time General Fund appropriation of $28,000 in fiscal year 2007-08 to reimburse Philip Wolley for litigation expenses incurred in connection with his termination and subsequent reinstatement as a state employee.

LD 27 **An Act To Clarify Election Laws Concerning Election Clerks' Qualifications** **PUBLIC 422 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	OTP-AM	H-568 H-587 PATRICK

This bill relaxes the residency requirement for the appointment of election clerks, permitting a municipal clerk to appoint election clerks who are residents of the county of the municipality if insufficient numbers of municipal residents are available.

Committee Amendment "A" (H-568)

This amendment requires a municipal clerk to notify the chairs of the local and state party committees of the lack of available election clerks necessary to provide a balance among the major political parties. After providing this notice the clerk may appoint election clerks from within the county. This amendment also requires municipal officers to consider persons nominated from the county and state party committees when appointing election clerks. Finally, this amendment requires the municipal clerk to complete a form provided by the Secretary of State, when a registered voter changes party enrollment status in order to be available to serve as an election clerk to maintain a balance between the major political parties and that election clerk participates in the counting of ballots. That form must be filed with tabulation results sent to the Secretary of State and attached to the sorted group of ballots counted by an election clerk who conducted the count on those ballots. This amendment also requires the Secretary of State to report how many forms regarding election clerks who changed party enrollment status were submitted.

House Amendment "A" (H-587)

This amendment removes the mandate preamble, which was included in the committee amendment in error.

Enacted Law Summary

Public Law 2007, chapter 422 requires a municipal clerk to notify the chairs of the local and state party committees of the lack of available election clerks necessary to provide a balance among the major political parties. After providing this notice the clerk may appoint election clerks from within the county. It also requires municipal officers to consider persons nominated from the county and state party committees when appointing election clerks. Chapter XXX requires the municipal clerk to complete a form provided by the Secretary of State, when a registered voter changes party enrollment status in order to be available to serve as an election clerk to maintain a balance between the major political parties and that election clerk participates in the counting of ballots. That form must be filed with tabulation results sent to the Secretary of State and attached to the sorted group of ballots counted by an election clerk who conducted the count on those ballots. This law also requires the Secretary of State to report how many forms regarding election clerks who changed party enrollment status were submitted.

Public Law 2007, chapter 422 was enacted as an emergency measure effective June 27, 2007.

LD 35 **An Act To Require Approval by the Gambling Control Board for the Transfer of Ownership of an Off-track Betting Facility** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
VALENTINO	ONTP	

Current law places the administration of licensing off-track betting facilities with the Harness Racing Commission. This bill would amend the provisions of law that govern off-track betting facilities to provide that the transfer of ownership of an off-track betting facility would be subject to the approval of the Gambling Control Board. The Gambling Control Board is the authority that licenses and administers the law governing the operation of slot machines at a slot machine facility.

LD 42 **An Act To Repeal Term Limits for Legislators** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	OTP-AM	

This bill eliminates term limits for Legislators if the people of the State favor the idea at a referendum.

LD 62 **An Act To Recognize Gold Star Parents and Family Members** **PUBLIC 461**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS BOWMAN	OTP-AM	S-350 ROTUNDO H-84

This bill directs the Adjutant General to establish an award to give to "gold star" parents and close family members of armed services members who are killed in action or die as a consequence of wounds received in battle if one of the "gold star" parents or close family members lives in this State.

Committee Amendment "A" (H-84)

This amendment clarifies the system to be developed by the Adjutant General to award gold star medals to relatives living in Maine of members of the United States Armed Forces who are killed in action or die as a result of injuries received in battle since September 11, 2001. The system is to be administered by the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management. The amendment provides that up to 3 medals may be awarded. One medal would be issued to a surviving spouse and one to the parents or 2 if the parents are divorced. If the service member has no surviving spouse or parents or they live outside of the State, a medal may be awarded to the service member's next of kin.

Senate Amendment "A" (S-350)

This amendment strikes from the committee amendment the General Fund appropriations for the Department of Defense, Veterans and Emergency Management for a medal system to recognize certain members of the United States Armed Forces. The department will have to implement this program using currently budgeted resources.

Enacted Law Summary

Public Law 2007, chapter 461, requires the Adjutant General to establish a system to award gold star medals to relatives living in Maine of members of the United States Armed Forces who are killed in action or die as a result of injuries received in battle since September 11, 2001. The system is to be administered by the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management. The amendment provides that up to 3 medals may be awarded. One medal would be issued to a surviving spouse and one to the parents or 2 if the parents are divorced. If the service member has no surviving spouse or parents or they live outside of the State, a medal may be awarded to the service member's next of kin.

LD 76 **An Act To Temporarily Reduce the Fee To Operate High-stakes Beano** **PUBLIC 109**

Sponsor(s)	Committee Report	Amendments Adopted
LORING SCHNEIDER	OTP-AM	H-83

This bill eliminates the annual fee for a high-stakes beano license.

Committee Amendment "A" (H-83)

This amendment replaces the bill. It reduces the annual license fee due to be paid in 2008 and 2009 to the Chief of the State Police for the operation of high-stakes beano from $50,000 to $25,000. This amendment also requires the Chief of the State Police to issue a report to the Joint Standing Committee on Legal and Veterans' Affairs that describes enforcement and administrative functions conducted with regard to the conduct of high-stakes beano during 2008.

Enacted Law Summary

Public law 2007 chapter 109 reduces the annual license fee due to be paid in 2008 and 2009 to the Chief of the State Police for the operation of high-stakes beano from $50,000 to $25,000. This amendment also requires the Chief of the State Police to issue a report to the Joint Standing Committee on Legal and Veterans' Affairs that describes enforcement and administrative functions conducted with regard to the conduct of high-stakes beano during 2008.

LD 106 **An Act To Prohibit a Maine Clean Election Act Candidate from Participating in Political Action Committee Funding** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
HARLOW	ONTP MAJ OTP MIN	

This bill prohibits Maine Clean Election Act candidates from participating in political action committees that are established to influence the election or defeat of legislative candidates or to support that candidate's effort to be elected to a legislative leadership position.

LD 127 **An Act To Amend the Laws Pertaining to Beano** **PUBLIC 110**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK BRYANT B	OTP-AM	H-115

This bill allows a person who sells lucky seven or other sealed tickets prior to a beano game as a volunteer to play in the beano game. Current Department of Public Safety rules prohibit a person who sells lucky seven or sealed tickets from participating in beano.

Committee Amendment "A" (H-115)

This amendment removes an incorrect reference in the bill. As corrected, it allows a person who, as a volunteer, sells or distributes beano cards or materials used to play beano prior to a beano game to then play in the beano game. Current Department of Public Safety rules prohibit a person who sells beano cards or materials from participating in beano.

Enacted Law Summary

Public Law 2007, chapter 110 allows a person who, as a volunteer, sells or distributes beano cards or materials used to play beano prior to a beano game to then play in the beano game

LD 143 **An Act To Allow Direct-to-consumer Wine and Malt Liquor Sales** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
BROMLEY	ONTP MAJ OTP-AM MIN	

This bill allows for an out-of-state producer, supplier, importer, wholesaler, distributor or retailer who obtains a Maine certificate of approval license and a non-resident shippers license to ship wine or malt-liquor directly to a resident of this state 21 years of age or older for personal use. This bill creates a non-resident shipper's license available to certificate of approval holders who show proof of an out-of-state alcoholic beverage license. The fee for a non-resident shipper's license as provided by this bill is $100. Certificate of approval holder in current law is an in-state manufacturer, out-of-state manufacturer or out-of-state wholesaler license by the bureau. A manufacturer is a person who distills, rectifies, brews, ferments, bottles, or other wise produces liquor.

This bill requires that shipped wine or malt liquor go only to a resident 21 years of age or older and may not be re-sold. The delivery must be made to the person who has ordered the product or an of-age person who resides in that household. The bill requires that the shipping container be conspicuously labeled "CONTAINS ALCOHOL: SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY" A shipper would be barred from shipping to prohibited shipping areas as identified by the bureau or local option.

The bill provides that a non-resident shipper shall pay annually all sales and excise taxes due on sales during the preceding calendar year.

The bill requires a non-resident shipper to report to the bureau annually the total number of bottles of beer or wine shipped into the state. It also provides that the bureau may audit the shipper's records.

The bill provides that a violation of this act would be a Class D crime and would constitute a violation of the Maine Unfair Trade Practices Act. The bureau may suspend or revoke the shipper's license for a violation - subject to administrative proceedings.

The bill provides that the bureau may adopt routine technical rules to administer these provisions.

LD 176 **An Act To Provide Notice to the General Public about Proposed Initiative Questions** **PUBLIC 234 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	OTP-AM	S-114

Current law provides that the Secretary of State is required to provide the wording of the ballot question to initiative petition applicants within 10 business days of receipt of written consent to the final language of the proposed initiative law.

This bill, proposed as an emergency measure, requires the Secretary of State to provide reasonable notice to the general public when the Secretary of State drafts a question that will be on a ballot for a citizen initiative. After providing notice, the Secretary of State would be required to provide a 30-day opportunity for members of the general public to provide comments with respect to the accuracy of the proposed question. After accepting and reviewing all commentary submitted, the Secretary of State would then finalize the initiative question.

Committee Amendment "A" (S-114)

This amendment replaces the bill. The amendment, an emergency measure, establishes a comment period so that the public may offer comments on the wording and content of ballot questions for any initiative that will appear on the ballot in accordance with the procedure for citizen-initiated measures. The amendment requires the Secretary of State to propose a question for the initiative within 10 business days after adjournment of the legislative session. That proposed question will be posted on the publicly accessible website of the Secretary of State along with a notice of a public comment period. The notice may also be published in newspapers with general statewide circulation. No later than 10 days after receiving public comments, the Secretary of State shall write the question to appear on the ballot.

This amendment also makes changes to provisions of law that have been rendered inconsistent by the November 2006 passage of a Constitutional Amendment regarding when petitions for citizen initiatives are due to municipalities for signature verification.

Enacted Law Summary

Public Law 2007, chapter 234 establishes a comment period so that the public may offer comments on the wording and content of ballot questions for any initiative that will appear on the ballot in accordance with the procedure for citizen-initiated measures. It requires the Secretary of State to propose a question for the initiative within 10 business days after adjournment of the legislative session. That proposed question will be posted on the publicly accessible website of the Secretary of State along with a notice of a public comment period. The notice may also be published in newspapers with general statewide circulation. No later than 10 days after receiving public comments, the Secretary of State shall write the question to appear on the ballot.

This law also makes changes to provisions of law that have been rendered inconsistent by the November 2006 passage of a Constitutional Amendment regarding when petitions for citizen initiatives are due to municipalities for signature verification.

Chapter 234 was enacted as an emergency measure effective June 5, 2007.

LD 203 **An Act Concerning Student Voter Registration** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT	ONTP MAJ OTP-AM MIN	

This bill amends a provision of election law that deals with the determination of residency for uniformed service voters, students, institutionalized patients and Indians. It strikes a provision in current law that prohibits construing the provision to prevent a student at an institution of learning from qualifying as a voter in that municipality while attending school. The bill adds language that prohibits a student from claiming residency for voting purposes in the municipality where the student resides if the student lives in housing owned by an institution of learning while attending that institution unless the student lived in the municipality prior to attending that institution.

LD 287 **An Act To Limit Campaigning at Polling Places** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE D	ONTP MAJ OTP MIN	

This bill amends the section of law that governs political activities on election day. That law prohibits the influence or attempt to influence a person's decision regarding a candidate or question on the ballot that day. This section of law provides that candidates on the ballot may be present within the voting place as long as there is no attempt to influence a vote and the candidate does not state the name of the office being sought or asking for a person's vote. This bill adds a new section to that law. It would limit the number of campaign workers allowed at an entrance to a voting place to only the candidate or one representative from the candidate's campaign.

LD 300 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Voting Privileges of Certain Incarcerated Felons** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HANLEY S	ONTP	

This Resolution proposes an amendment to the Constitution of Maine that would revoke the right of a person, while incarcerated in a correctional facility of the Department of Corrections, who is convicted or murder or a Class A or Class B crime to vote.

If placed on the ballot, the question would read:

"Do you favor amending the Constitution of Maine to revoke the right of a convicted felon incarcerated in a Department of Corrections facility to vote?"

LD 309 **An Act To Change the Laws Concerning Games of Chance** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M BRYANT B	ONTP	

This bill provides that Maine State Lottery tickets may be sold at any time during the conduct of "beano" games, before, after or during. Under the bill, other games of chance may be sold up to 2 hours before "beano" games.

This bill also increases the permitted sale value for lucky seven or similar sealed tickets from $1 to $20. Current law provides that lucky seven and similar sealed tickets may be sold only to those purchasing cards to play "beano." This bill permits them to be sold to anyone who has paid an entrance fee.

LD 310 **An Act To Ensure the Integrity of Maine's Electoral Process by Requiring Physical Ballots** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS MITCHELL	ONTP	

This bill repeals a provision in current law that requires any voting machine used in the conduct of elections to produce permanent paper records of votes for voter verification and to provide for a manual audit capacity of the votes cast on that machine. This bill replaces that section. The proposed language in the bill requires all voting machines used by voters to cast their votes in an election to provide a physical ballot that is the equivalent of or superior to a hand-cast ballot and clearly reflects the intent of the voter. The bill also prescribes the process to be followed if the voter determines that the physical ballot is not consistent with the vote case using the voting machine.

LD 330 **An Act To Protect the Integrity of Security Deposits** **PUBLIC 332**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS BARTLETT	OTP-AM	H-420

This bill requires a landlord who is selling or transferring property being rented to inform the buyer or transferee at the closing on the property of the security deposits paid by tenants of the property, to transfer those security deposits at the closing and to provide written proof at the closing of the disclosure of this information and the transfer of funds. This bill also specifies that failure to provide the accounting or to transfer the security deposits is a violation of the Maine Unfair Trade Practices Act.

Committee Amendment "A" (H-420)

This amendment removes the penalty provision of the bill that provided that a person in possession of a security deposit who fails to provide an accounting and transfer of security deposit funds when required commits a violation of the Maine Unfair Trade Practices Act.

Enacted Law Summary

Public Law 2007, chapter 332 requires a landlord who is selling or transferring property being rented to inform the

buyer or transferee at the closing on the property of the security deposits paid by tenants of the property, to transfer those security deposits at the closing and to provide written proof at the closing of the disclosure of this information and the transfer of funds.

LD 348 **An Act To Limit Contributions to Political Action Committees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	ONTP	

This bill limits the aggregate amount of contributions to a political action committee to $7,500 from any one source in an election cycle. The limits proposed by this bill will be considered with LD 1394 An Act Regarding Campaign Finance Disclosure by Political Action Committees, which is being carried over to the Second Regular Session.

LD 383 **An Act To Amend the Landlord-tenant Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP	

This bill provides for expedited landlord-tenant forcible entry and detainer proceedings in certain situations. Causing substantial damage to rental property is designated a Class D crime in this bill.

LD 396 **An Act To Provide Additional Funding for the Maine Clean Election Act** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON	ONTP	

This bill amends the provision of the Maine Clean Election Act that lists the sources of revenue for the Maine Clean Election Fund. It adds to the sources of revenue, money reimbursed to the fund for independent expenditures made by PAC supporting a participating candidate who is a principal officer, primary fundraiser, or decision maker of that PAC. This bill requires that a participating candidate who is a principal officer, primary fundraiser or decision maker in a PAC to disclose that information and any independent expenditures on forms provided by the commission.

LD 434 **An Act To Allow a Voter To Preserve the Confidentiality of That Voter's Presence at the Polls** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

This bill amends the provision of law that requires an election clerk to announce the name of a voter in a loud, clear voice. This bill provides for an exception to that requirement that would prohibit the clerk from announcing the voter's name if the voter makes such a request.

LD 458 **An Act To Prevent Persons Convicted of Child Molestation from Being Buried in a Maine Veterans' Cemetery** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK	ONTP	

This bill amends the law governing burials at the Maine Veterans' Memorial Cemetery System. It would prohibit the burial of a person in a cemetery of the Maine Veterans' Memorial Cemetery System if that person has been convicted by a court in Maine, or in any other state, provincial or federal court of a sexual crime against a minor.

LD 475 **An Act To Prevent Additional Housing Charges for Persons Requiring In-home Care** **PUBLIC 387**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	OTP-AM	S-280

This bill prohibits a landlord from charging additional rent or utilities from a tenant for a provider of in-home and community services.

Committee Amendment "A" (S-280)

This amendment provides that a landlord may request a letter from the Department of Health and Human Services to verify that a tenant is eligible for the use of in-home or community support services. This amendment also adds a provision to repeal the section of law enacted in this legislation effective January 1, 2009.

Enacted Law Summary

Public Law 2007, chapter 387 provides that a landlord may request a letter from the Department of Health and Human Services to verify that a tenant is eligible for the use of in-home or community support services. The law includes a sunset provision to repeal this section of law effective January 1, 2009.

LD 490 **An Act To Clarify Reporting of Contributions and Expenditures by Persons Involving a Ballot Question** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON	ONTP	

This bill amends the reporting requirement for a person engaged in political activity from a person who solicits and receives or makes expenditures aggregating in excess of $1,500 in regards to a ballot question to a person who expressly advocates or purchases political advertising in regards to a ballot question.

The proposal in this bill is being considered with LD 1394 which has been carried over to the Second Regular Session of the 123rd Legislature.

LD 491 **An Act To Set Limits on Political Action Committee Contributions** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
VALENTINO	ONTP	

This bill limits contributions to a political action committee by:

1. Limiting the aggregate amount of contributions from any one source to $1,000 in a primary campaign and $1,000 in a campaign for a general election; and

2. Limiting the aggregate amount of contributions from any one source to $500 for promoting a leadership campaign

LD 508 **An Act Concerning Citizens' Initiatives and Public Disclosure of Influence** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DILL	ONTP	

This bill raises the amount of contributions or expenditures that triggers the requirement for a person not defined as a political committee but who solicits contributions or makes expenditures to influence a ballot question to file a report with the Commission on Governmental Ethics and Election Practices from $1,500 to $3,000. The bill also classifies in-kind expenditures and staff time as expenditures for purposes of reporting and requires the identification of contributions that make up a difference when contributions exceed expenditures by more than $5,000.

The proposal in this bill is being considered with LD 1394 which has been carried over to the Second Regular Session of the 123rd Legislature.

LD 557 **An Act To Increase the Penalty for Late Filings by Lobbyists (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HARLOW	ONTP	

This bill increases the penalty for late filings by a lobbyist from $100 to $200.This bill increases from $100 to $200 the penalty that the Commission on Governmental Ethics and Election Practices may impose upon a lobbyist who fails to file a report on time. This penalty would be assessed for each person who should be listed in the report for each month that the report is not filed. Current law requires lobbyists to file monthly reports. Detailed reports are required during the time when the Legislature is in session. Reports in lesser detail are required when the Legislature is not in session if no lobbying activity was conducted during that time. Annual reports are also required which are filed jointly with the lobbyist's employer.

LD 563 **An Act To Move the Primary Election from June to September** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP	

This bill changes the date of the primary election from the 2nd Tuesday in June to the 2nd Tuesday in September.

LD 585 **An Act To Establish Instant Run-off Voting for Gubernatorial Races** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK	ONTP	

This bill amends the process by which the determination of the election of Governor is determined. It establishes a system for ranking gubernatorial candidates, in order of preference, if more than 2 are listed on the ballot. The bill defines this method as instant run-off voting. Under the bill, this method would be implemented for elections for Governor beginning in 2014. The method provides for rounds of counting. The first round will count all of the highest ranking choices. The candidate with the fewest high ranking votes is eliminated. The remaining, or advancing candidates, will be considered in a subsequent round. Once it is determined that a second round will occur, the bill directs the Secretary of State to administer the run-off process for determining the winning candidate. In this subsequent round, the next highest ranking votes from the ballots that had the eliminated candidate as first choice, are credited to the corresponding advancing candidates. This process continues until only 2 candidates remain. The candidate with the most votes wins the election.

The bill requires that instructions must be placed on sample ballots and on the actual ballot used on election day. Sample ballots would be required to be sent out with actual absentee ballots and posted in or near each voting booth. The bill also provides that a municipality or election authorities may provide for the use of mechanical or electronic devices for marking, sorting, counting and tabulating ballots.

Under this bill, a ballot is determined "exhausted" for the purposes of being counted when: (1) there are no more ranked choices; (2) more than one ranking has been skipped and then counting stops at the ranking where the skipped ranks begin; or (3) when a ballot has the same ranking for more than one candidate, then the ballot is exhausted at that ranking point. The bill provides that if a tie occurs at any stage, determinations are made based on whomever received the most votes at the previous stage. If no previous stage applies, the bill states that the tie must be resolved in accordance with general election laws.

The bill provides that the Secretary of State may limit the total number of rankings to no fewer than 5 candidates and states that two or more candidates may be eliminated simultaneously if the total votes for the two is less than those credited to the next highest ranked candidate.

Finally, this bill provides, that in terms of determining the status of a recognized political party, only the votes for that party's candidate in the initial round of counting shall apply.

LD 620 **An Act Relating to Liquor Samples** **PUBLIC 113**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK MITCHELL	OTP-AM	H-101

This bill allows a sales representative for a distilled spirits manufacturer or supplier to give a retail licensee a sample bottle of spirits in a size not to exceed 1 liter. These samples would be provided in the form of a bottle to be taken by the retail licensee to consume elsewhere. The provisions in LD 620 that allows for spirits samples are similar to those provisions in current law that provide for beer/wine samples.

Committee Amendment "A" (H-101)

This amendment clarifies that the 3-liter-per-year limitation is per distiller represented by a sales representative. The amendment removes the provision that samples be provided in the smallest container size available for sale in this State and retains the provision that samples may not exceed one liter.

Enacted Law Summary

Public Law 2007, chapter 113 allows a sales representative for a distilled spirits manufacturer to provide spirits samples to retail licensees. These samples are provided in the form of a bottle of spirits given to the retail licensee to be consumed away from the licensed retail establishment. Individual samples may not exceed one liter in size and the sales representative may give no more than 3 liters to any one retail licensee per year.

LD 636 **An Act To Create Optional Public Financing of Legislative Leadership Elections** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
VALENTINO	ONTP	

This bill sets up specific provisions within the Maine Clean Election Act that would provide additional financing for certified candidates who intend to run for Legislative leadership positions. It defines "leadership position" as President of the Senate, House Speaker, and party leaders in the House and Senate.

To qualify for financing under this program, a certified candidate in the Senate must get 7 signatures from party members and House candidates must get 20. A letter of intent must be filed with the Commission on Governmental Ethics and Election Practices after certification and within 3 days of becoming a leadership candidate. Prior to certification a leadership candidate would be required to collect 10% of their Clean Election Act Fund distribution in seed money, which may not come from an out-of-state donor.

Candidates for Speaker of the House would receive $20,000. House leadership positions would receive $10,000. Senate President candidates would receive $15,000. Senate leadership candidates would receive $5000. Unspent money would be returned to the commission. The bill provides that leadership candidates do not receive matching funds for leadership races. A candidate for leadership under this program would be prohibited from giving money to a candidate, campaign, political committee or PAC during the leadership campaign and would be prohibited from accepting or spending other funds in running for leadership. It also prohibits leadership candidates in the program from serving as an officer or having control over a PAC that contributes to a campaign in the state.

Finally, this bill allows for the commission to adopt routine technical rules to implement this program.

LD 663 **An Act To Update Absentee Ballot Procedures** **PUBLIC 122**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	OTP-AM	H-102

Current law provides that an immediate family member may request an absentee ballot for a person. This bill, proposed as an emergency measure, amends the definition of immediate family member under the election laws to include domestic partners.

Committee Amendment "A" (H-102)

This amendment clarifies the use of the term "domestic partner" by creating a definition in election law rather than relying on a cross-reference to another title. Current law provides that an immediate family member may request an absentee ballot for a person. This amendment changes the definition of "immediate family" under the election laws to include domestic partners. The definition of "domestic partner" as written in this amendment applies only to election law.

Enacted Law Summary

Current law provides that an immediate family member may request an absentee ballot for a person. Public law, chapter 122 changes the definition of "immediate family" under the election laws to include domestic partners. The definition of "domestic partner" as written in this law applies only to election law. Chapter 122 was enacted as an emergency measure and became effective on May 15, 2007.

LD 683 **An Act To Limit the Activities of Political Candidates at Polling Places to Voting** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP-AM MAJ ONTP MIN	

Current law prohibits activities within the voting place and on public property within 250 feet of a voting place that influence or attempt to influence another person's decision regarding a candidate or question on the ballot for election that day. It does not prohibit a candidate from attending the voting place and orally communicating with voters as long as there is no attempt to influence and the candidate does not state the name of the office for which they are seeking election. This bill would limit a candidate's presence at the voting place only to vote.

Committee Amendment "A" (S-92)

This amendment, which was not adopted clarifies the bill's prohibition on candidates' activities at the voting place and creates a separate statutory provision. The amendment adds a further restriction prohibiting a candidate from being within 50 feet of an entrance to a voting place, except for the purposes of voting.

LD 699 **Resolve, Establishing the Commission To Improve Certain Aspects of the Citizen Initiative Process** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRAVEN MARTIN	ONTP	

This resolve establishes the Commission To Improve Certain Aspects of the Citizen Initiative Process. The duties of the commission would be to gather data and information to improve the citizen initiative process. The resolve states that the goal of the study is to make information more comprehensive and accessible to citizens, paying particular attention to senior citizens, and to clarify how initiative questions are presented on the ballot.

LD 700 **An Act To Limit Expenditures by Political Action Committees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GROSE	ONTP	

This bill amends existing law that places limits on contributions made by political action committees in support of the election of a candidate by proposing language to include contributions made against the election of a candidate.

LD 701 **An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
LORING SCHNEIDER	ONTP OTP-AM	H-572

This bill allows the Penobscot Nation to operate 400 of the 1,500 slot machines authorized pursuant to law on Indian Island in Old Town. These machines are subject to regulation by the Gambling Control Board. One percent of gross slot machine income must be distributed to the Treasurer of State for deposit in the General Fund. The Penobscot Nation retains the net slot machine income.

Committee Amendment "A" (H-572)

This amendment replaces the bill. The amendment allows for 400 slot machines, to be operated by a federally recognized Indian tribe that is licensed to conduct high-stakes beano as of January 1, 2007. The license would be subject to existing licensing requirements and oversight by the Gambling Control Board. The initial license fee for the slot machine license established by this amendment, based on the maximum of 400 machines, is $55,000 and the annual renewal fee is $20,000. One percent of the gross slot machine revenue would be required to be deposited to the General Fund. Thirty-eight percent of the net slot machine revenue from slot machines operated by a federally recognized Indian tribe under this amendment would be distributed as follows:

A. Three percent to the General Fund for administrative expenses of the board, including gambling addiction counseling services, in accordance with rules adopted by the board;

B. Two and one half percent to the University of Maine System Scholarship Fund;

C. Two and one half percent to the Maine Community College System to fund its scholarships program;

D. Five percent to the Maine Community College System;

E. Five percent to the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services;

F. Five percent to the Maine Technology Institute;

G. Five percent, in equal amounts, to nonprofit organizations licensed as of January 1, 2007 to conduct beano within

75 miles of where slot machines are operated by a federally recognized Indian tribe in the State;

H. Five percent to the bordering municipality with the highest population where slot machines are operated by a federally recognized Indian tribe that is licensed to conduct high-stakes beano; and

I. Five percent to be distributed to other federally recognized Indian tribes in the State that are not licensed to operate slot machines.

LD 701 was carried over pursuant to Joint Order, HP 1369.

LD 730 **Resolve, Authorizing Matthew Haskell To Sue the State** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN SCHNEIDER	ONTP MAJ OTP-AM MIN	

This resolve authorizes Matthew Haskell to bring a civil action against the Department of Health and Human Services for damages in connection with actions taken by the Department of Health and Human Services.

Committee Amendment "A" (H-288)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

LD 731 **An Act To Preserve the Integrity of Elections by Removing the Requirement for a Challenge Affidavit** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	ONTP	

This bill amends the law that provides that any voter of any municipality may challenge the right of another to vote. It strikes the requirement that a challenge must be made in the form of a signed affidavit under oath administered by the warden. Under current law, the affidavit must state the challenger's name, address, party affiliation, voter registration status in the municipality, the reason the challenged person may be ineligible to vote, the source of the information or personal knowledge on which the challenge is based. It also provides that a false statement is punishable under the penalties of perjury. This bill would lessen the existing challenge requirements and require only that the challenger state his or her name, the name of the voter challenged and the reason for the challenge.

LD 732 **An Act To Improve the Candidate Nomination and Replacement Process** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	ONTP	

Current law provides that a political committee may nominate a replacement candidate following a candidate's withdrawal in accordance with the following provisions:

the candidate who has withdrawn was nominated via primary election, and;
the candidate who has withdrawn, did so by the 2nd Monday in July; or

the candidate withdrew due to becoming permanently and continuously incapacitated; or
the candidate died.

The replacement candidate must be nominated by the 4th Monday in July preceding the general election (or as soon as practicable if the candidate withdrew because of incapacitation or the candidate died).

This bill would allow the party to name a replacement for a candidate who withdrew after only filing a primary petition with the Secretary of State. Current law provides that certified primary petitions must filed by March 15th.

LD 805 **An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County** **VETO SUSTAINED**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP MAJ ONTP MIN	S-37 MARRACHE

This bill was presented to the 123rd Legislature as a result of the citizen initiative process provided for by the Constitution of Maine. The bill amends the current framework that authorizes and regulates the existing racino in Bangor to allow for slot machines to be operated at a tribal commercial harness racing track in Washington County.

Currently, a commercial track operator is eligible for a slot machine operator license. This bill creates a tribal commercial track, comparable to a commercial track, and provides that the tribal track would be eligible for a license to operate slot machines. Under this bill, a tribal commercial track would be more than 90 miles from an existing commercial track and within 45 miles of tribal land. A tribal commercial track would be required to race a minimum of 25 days annually. LD 805 places the same requirements on a tribal commercial track that exist for regular commercial tracks including payments to the state, off-track betting facilities, agricultural fairs and other industry related funds. All licensing requirements in existing law would apply to a tribal commercial track slot machine facility. The current statewide limit for slot machines is 1500. LD 805 raises that limit to 3000.

The distribution of slot machine revenue would be the same for a tribal racino as is required by law for the Bangor racino with the following exceptions:

The revenue from the tribal racino required to be distributed for scholarships at the University System and Community Colleges would be dedicated to campuses in Washington County.

The tribal racino also makes two additional distributions - 1% to the Washington County Development Authority and 1% to career and technical education centers in Washington County.

Finally, this initiated bill provides for a license to conduct high-stakes beano on non-tribal land in Washington County and that the license may be issued jointly to all Federally recognized tribes in the state.

This bill was passed by the Legislature without change, in accordance with the Constitution Maine, but then vetoed by the Governor. The veto was sustained. In accordance with the Constitution of Maine, this initiated bill will be put before the people of the state for a vote in November 2007.

Senate Amendment "A" (S-37)

This amendment incorporates a fiscal note.

LD 846 **Resolve, Directing the Department of Public Safety, Bureau of Liquor Licensing and Compliance To Study the Retail Placement and Marketing of Spirits, Beer and Wine with Regard to Minors** **RESOLVE 68**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD DOW	OTP-AM MAJ ONTP MIN	H-289 H-305 PATRICK

Current law provides that an agency liquor store must be located at least 300 feet from a public or private school, church, chapel or parish house. This distance requirement may be waived for a church, chapel, parish house or post secondary school, after holding a public near the proposed location. The waiver does not apply to all schools, just post-secondary schools. The 300 feet distance requirement in current law would still be applicable with regard to churches, chapels and parish houses.

This bill amends that law to require that an agency store must be at least 750 feet from a public or private school. This requirement would apply to newly licensed agency stores as well as existing agency stores when those licenses are due for renewal. The bill provides that after a public hearing near the agency store or proposed agency store, the bureau may waive the distance requirement as long as the spirits sold by the agency store are placed in a locked display case accessed only by an employee who is 17 years of age or older.

Committee Amendment "A" (H-289)

This amendment replaces the bill with a resolve directing the bureau of liquor licensing and compliance within the Department of Public Safety to conduct a study of agency liquor stores with regard to the retail placement and advertising of spirits with regard to minors.

House Amendment "A" (H-305)

This amendment directs the bureau of liquor licensing and compliance within the Department of Public Safety to include beer and wine in its study regarding the retail placement and advertising of spirits with regard to minors.

Enacted Law Summary

Resolve 2007, chapter 68 directs the bureau of liquor licensing and compliance within the Department of Public Safety to conduct a study of agency liquor stores with regard to the retail placement and advertising of spirits, beer and wine with regard to minors. This law requires a report to be submitted to the Joint Standing Committee on Legal and Veterans' Affairs by January 30, 2008.

LD 854 **An Act To Extend Term Limits for the House of Representatives** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill extends the number of consecutive terms a member of the House of Representatives may serve from 4 to 5. This bill applies only to a member of the House of Representatives who is elected to a first term in or after 2008.

LD 890 **An Act To Allow the Awarding of Prize Money from Gambling Machines Run by Nonprofit Organizations** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK BRYANT B	ONTP MAJ OTP-AM MIN	

This bill provides that nonprofit organizations eligible for a license to conduct beano are eligible for a license to operate up to 5 slot machines per nonprofit organization location. A non-profit would be required to get municipal approval before the gambling control board could issue a slot machine operator license. Slot machines operated by the non-profits would be required to be connected to the central site monitoring system that is currently in place to monitor slot machines operated at the slot machine facility in Bangor. That system is enabled to monitor all activities and to shut down machines if necessary.

Under this bill, the initial license fee for an operator of a non-profit slot machine license is $1000 and the annual renewal fee is $250.

The bill provides for the distribution of slot machine revenue as follows:

1. One percent of gross slot machine income to the General Fund for administrative costs of the Gambling Control Board;

2. Twenty-four percent of net slot machine income to the General Fund for administrative costs of the Gambling Control Board and $200,000 for the Citizen Trade Policy Commission;

3. One percent of net slot machine income for gambling addiction services; and

4. Ten percent of net slot machine income directly to the municipality where the slot machines are located.

The bill also provides for revenue sharing agreement with the municipality that could provide 10% of the net slot machine income to the municipality.

LD 891 **An Act To Allow and Regulate Additional Pari-mutuel Wagering at Commercial Tracks** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK BRYANT B	ONTP	

This bill would require the Harness Racing Commission to adopt major substantive rules that would provide for the acceptance of wagers on live, simulcast or replayed horse races using technology beneficial to the industry. The rules would be required to provide for, at a minimum, telephone wagering. Current law provides that wagering is conducted at the track and prohibits telephone wagering.

This bill also provides that a commercial track may be licensed to sell lucky seven or similar sealed tickets. Twenty-five percent of the gross profit from the sale of these tickets would be forwarded to the commission to benefit the Animal Welfare Fund. This money would be targeted for the welfare of equines.

LD 892 **An Act To Authorize Nonprofit Organizations To Conduct Tournament Games** **PUBLIC 205**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK BRYANT B	OTP-AM	H-267

Current law allows for licensed games of chance, like poker, but limits the maximum bet on a game, to $1 per bet. This bill creates a new tournament game license where an entry fee would be paid per person to participate in the tournament plus a license fee. The winner of the tournament would receive 75% of the entry fees as the winning prize.

This bill authorizes the Chief of the State Police to issue a tournament game license to organizations that are eligible to conduct beano and games and games of chance and have first received municipal approval. The maximum entry fee would be $100 and the maximum number of players would be 100. The bill provides for an additional license fee of $5 per person. An organization would be limited to one tournament license per month. Tokens or chips would be used during the course of play and the tournament must be completed within 48 hours. Lucky-seven or similar sealed tickets would be permitted to be sold at these tournaments.

Seventy-five percent of the proceeds remaining after the payment of prizes would be required to go to the charity designated in the license application already submitted to the Chief of the State Police. The bill provides that the Chief of the State Police may only retain revenue from license fees in an amount to cover administration of tournament games. License fees collected in excess of those used to defray administrative costs are divided between the River Valley Technology Center, the Fractionation Development Center and the General Fund.

Committee Amendment "A" (H-267)

This amendment removes the reference to municipal approval and replaces it with local governing authority approval in reference to the requirements to be met before the Chief of the State Police will consider an application for a tournament game license. This amendment also removes the River Valley Technology Center as a recipient of surplus fees from tournament game licenses. Under this amendment the 20% that would have gone to the River Valley Technology Center will be credited to the General Fund.

Enacted Law Summary

Public law 2007, chapter 205 creates a new tournament game license where an entry fee would be paid per person to participate in the tournament plus a license fee. The winner of the tournament would receive 75% of the entry fees as the winning prize.

The law authorizes the Chief of the State Police to issue a tournament game license to organizations that are eligible to conduct beano and games and games of chance and have first received approval from the local governing board. The maximum entry fee would be $100 and the maximum number of players would be 100. The bill provides for a additional license fee of $5 per person. An organization would be limited to one tournament license per month. Tokens or chips would be used during the course of play and the tournament must be completed within 48 hours. Lucky-seven or similar sealed tickets would be permitted to be sold at these tournaments.

Seventy-five percent of the proceeds remaining after the payment of prizes would be required to go to the charity designated in the license application already submitted to the Chief of the State Police. The bill provides that the Chief of the State Police may only retain revenue from license fees in an amount to cover administration of tournament games. License fees collected in excess of those used to defray administrative costs are divided so that 40% is distributed to the Fractionation Development Center and 60% to the General Fund.

LD 914 **An Act To Extend the Hours for Sale and Delivery of Alcohol** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARRACHE	ONTP	

This bill amends the general provisions of the laws governing the sale of alcoholic beverages. It extends the hours of sale by allowing liquor licensees to sell or deliver liquor from 6 a.m. on any day until 3 a.m. of the following day. Current law allows liquor licensees to sell or deliver liquor from 6 a.m. on any day until 1 a.m. of the following day.

LD 915 **An Act To Amend the Laws Governing Bingo** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
EDGECOMB SCHNEIDER	ONTP MAJ OTP-AM MIN	

This bill increases the stakes in a winner-take-all round of bingo from $500 to $750. The bill also increases the value of a single prize in a game of bingo from $1,400 to $2,000. The bill also allows an organization licensed to operate beano or bingo games to use part of the proceeds to defray the expense of advertising.

Committee Amendment "A" (H-207)

This amendment, which was not adopted, reduces the prize increase proposed by the bill for a beano event. The amendment establishes the total prize limit at $1,600. The amendment also clarifies the provision that permits a beano or bingo licensee to use proceeds from the game to defray the cost of advertising to specify that it is advertising of licensed beano or bingo games.

LD 994 **An Act To Make Minor Changes to the Gambling Control Board Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	ONTP	

This bill creates a definition of promotional credit with regard to the laws governing slot machines at commercial tracks. Under this bill, a promotional credit means a non-cashable incentive provided by the operator to participants in a rewards program offered by the operator and approved by the Gambling Control Board. The definition further states that promotional credits and wagers as a result of those credits have no value for the purposes of calculating gross or net slot machine income.

This bill also adds to the list of rules required to be adopted by the board, to include marketing programs, promotional credits and temporary licensees subject to a $100 fee. These rules are routine technical as provided currently in law.

LD 999 **An Act To Improve Transportation for Veterans** **P & S 30**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	OTP-AM	S-365 ROTUNDO S-55

This bill makes ongoing General Fund appropriations of $15,000 per year to support the operating costs of the disabled American veterans transportation network, which provides round-trip transportation services to Veterans' Administration medical facilities.

Committee Amendment "A" (S-55)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-365)

This amendment reduces the annual General Fund appropriations to $12,500 per year and limits the funding to the 2008-2009 biennium.

Enacted Law Summary

Private and Special Law 2007, chapter 30 makes a one-time General Fund appropriation of $12,500 to support the operating costs of the disabled American veterans transportation network, which provides round-trip transportation services to Veterans' Administration medical facilities.

LD 1008 **Resolve, Directing the Commission on Governmental Ethics and Election Practices To Provide Historical Data Regarding the Receipt and Resolution of Complaints Pertaining to Legislative Ethics Violations** **RESOLVE 81**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-228

This bill amends the legislative ethics laws, as recommended by a 15-member study group created during the Second Regular Session of the 122nd Legislature: the Presiding Officers' Advisory Committee on Legislative Ethics. It broadens the definition of "conflict of interest" and increases protection against possible undue influence by Legislators. It also changes the workings of the Commission on Governmental Ethics and Election Practices to require that most commission proceedings on legislative ethics be conducted in public and to allow members of the public to file complaints regarding possible violations of legislative ethics laws. Finally, the bill rearranges, rewrites and edits several provisions of the law to make it easier to read and understand.

Under current law and rules of the Legislature, a Legislator is prohibited from voting on legislation on the grounds of conflict of interest only if the Legislator or certain family members or business associates would derive a unique and distinct benefit from the legislation. This bill proposes that a Legislator faces a conflict of interest in voting if the Legislator or an immediate family member or close economic associate of the Legislator would be benefited or harmed by the legislation to a degree that is significantly greater than similarly situated persons or entities or the Legislator, a member of the Legislator's immediate family or a close economic associate is a member of a small group of persons or entities that derive a significant benefit or harm from the proposed legislation.

The bill revises the limits on Legislators appearing before state agencies. Current law allows Legislators who

are lawyers or other professional persons to represent clients before state agencies as long as they do not refer to their legislative capacity, but prohibits other Legislators from doing so. This bill prohibits a Legislator from representing a client before a state agency if the Legislator is a member of the joint standing committee with jurisdiction over that state agency. In such instances, a department and its staff would be more likely to know the identity of the Legislator and be influenced in their decision making by the Legislator's influence over the agency's policies and budget. Exceptions to the prohibition are made for representation before courts, uncompensated representation for a constituent and representation involving only the agency's ministerial, nondiscretionary functions.

The bill provides that the committee jurisdiction be determined by definition of the Legislature, including matters such as jurisdiction for purposes of referencing bills or for budget review by a policy committee.

The bill allows members of the public to file complaints alleging a violation of legislative ethics with the Commission on Governmental Ethics and Election Practices. A complaint must relate to a sitting Legislator but may refer to conduct that occurred within 2 years prior to the complaint. The bill requires the commission to conduct an initial review of all complaints in executive session to screen out frivolous or bad-faith accusations. If the commission does not have its full complement of 5 members, the bill proposes that a vote of 2 members would be sufficient to pursue a complaint. Once the commission votes to pursue a complaint, all commission meetings on the complaint must be conducted in public. Current law allows the commission to order a complainant to reimburse the subject of a complaint for costs incurred if the commission finds the complaint to be "groundless and without foundation." The bill changes the standard to "frivolous" complaints and those "filed in bad faith." These standards are more commonly used in courts and other situations. The bill allows a person to appeal a commission order under this provision pursuant to the Maine Administrative Procedure Act.

The bill provides that a complaint and most investigative records relating to the complaint are public records once the commission votes to pursue the complaint. If the commission votes not to pursue the complaint, the complaint and investigative records remain confidential. As under current law, the commission's findings of fact and recommendations are public records. The bill prohibits communication between commission members and a complainant or the subject of a complaint while a complaint is pending before the commission. It also requires the commission to make reasonable efforts to resolve a complaint within 90 days of its filing and replaces current process provisions with a requirement that the commission adopt rules regarding the conduct of its investigations and hearings.

The bill revises the structure of the legislative ethics laws to create a definition of "violation of legislative ethics" and to designate the term "conflict of interest" as referring specifically to conflicts regarding voting or advocating on legislation. Other violations of legislative ethics are specifically set out as under current law, such as "undue influence" and "abuse of position." Rather than referring to these as "conflicts of interest," the bill classifies them as violations of legislative ethics. The law specifically authorizes the commission to hear complaints and make recommendations to the Senate and the House of Representatives regarding these violations of legislative ethics statutes.

The Presiding Officers' Advisory Committee on Legislative Ethics also proposed a number of changes to the Legislature's Joint Rules and the rules of the Senate and the House of Representatives relating to ethics and the process for addressing concerns about ethics. Recommendations for amendments to the rules, which are matters of internal procedure reserved for the House and Senate, will be presented separately from this bill to the Joint Select Committee on Joint Rules for their consideration.

Committee Amendment "A" (S-228)

This amendment replaces the bill. The amendment creates a resolve that directs the executive director of the Commission on Governmental Ethics and Election Practices to provide historical data regarding complaints received

about legislative ethics violations during the past 10 years. The resolve requires the report to be submitted to the Joint Standing Committee on Legal and Veterans Affairs by February 15, 2008.

Enacted Law Summary

Resolve 2007, chapter 81 directs the executive director of the Commission on Governmental Ethics and Election Practices to provide historical data regarding complaints received about legislative ethics violations during the past 10 years. The resolve requires the report to be submitted to the Joint Standing Committee on Legal and Veterans' Affairs by February 15, 2008.

LD 1023 **An Act To Designate Special Funds To Help Support Maine Military Families** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	ONTP	

This bill requires the Lottery Commission, in consultation with Bureau of Veterans Services within the Department of Defense, Veterans and Emergency Management to develop and initiate a lottery game to raise money for the Veterans' Cash Fund that is established by this bill. The bill provides the fund is held separately from other accounts and that its sole purpose is to provide services and benefits to veterans in a manner determined by Bureau of Veterans Services.

LD 1049 **An Act To Require Wholesale Distributors of Alcoholic Beverages To Report the Quantity of Liquor Sold to Individual Licensees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER EDMONDS	ONTP	

This bill requires the wholesale distributor of spirits to issue quarterly reports to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations showing the quantity of spirits and fortified wine sold and distributed to each establishment licensed by the State to sell spirits and fortified wine for off-premises consumption in the State. It also requires wholesale distributors of malt liquor, wine and fortified wine to issue quarterly reports to the Department of Public Safety, Division or Liquor Licensing and Compliance showing the quantity of malt liquor, wine and fortified wine sold and distributed to individual off-premises licensees.

LD 1050 **An Act To Prohibit Payment for the Gathering of Petition Signatures** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	ONTP	

This bill amends the laws that govern the circulation of petitions for citizen initiatives and people's veto. The bill prohibits a citizen petition or people's veto applicant from paying or offering to pay compensation to petition circulators.

LD 1051 **An Act To Provide Information to the Public Regarding Lobbying and Lobbyists** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	ONTP	

This bill directs the Commission on Governmental Ethics and Election Practices to include in the lobbyist docket and the disclosure website, a photograph of the lobbyist and a professional biography including contact information, relevant past professional work, specific issues or specialty and list of companies the lobbyist represents.

This bill also requires a lobbyist, whenever lobbying, to wear a name tag designed by the commission. It requires the commission to design a tag with a distinctive background color and typeface that will allow one to immediately identify someone as a lobbyist.

The bill also requires a lobbyist to disclose his or her name and the company the lobbyist works for and the client the lobbyist represents whenever the lobbyist approaches a legislator.

The proposals made by this bill will be considered with LD 1393 which was carried over to the Second Regular Session of the 123rd Legislature.

LD 1058 **An Act To Require the Reporting of Executive Branch Lobbying** **PUBLIC 373**

Sponsor(s)	Committee Report	Amendments Adopted
CANAVAN MITCHELL	OTP-AM	H-367

Current law provides that "lobbying" means directly communicating with any official of the legislature for the purpose of influencing legislative action. It also includes communication directly with the Governor for the purpose of influencing the approval or veto of a legislative action. The definition provides that these types of communication are lobbying if the person receives compensation or reimbursement for expenditures. The definition includes time spent to prepare and submit oral or written proposals, testimony or analyses concerning a legislative action.

This bill expands the definition by adding communication with a state agency commissioner, a commissioner's designee, or constitutional officer. It further expands the definition with regard to time spent preparing and submitting oral or written proposals, testimony or analyses to include that submitted to an official within the executive branch, a state agency commissioner, commissioner's designee or constitutional officer.

Finally, the bill specifies what lobbying does not include. That provision states that lobbying does not include time spent by any person providing information to or participating in a subcommittee, stakeholder group, task force or other work group regarding a legislative action by the appointment or at the request of the Governor, a Legislator or legislative committee, a constitutional officer, a state agency, commissioner or the chair of a state board or commission as long as the person's regular employment does not otherwise include lobbying.

Committee Amendment "A" (H-367)

This amendment replaces the bill. Like the bill, this amendment includes lobbying of the executive branch in the definition of "lobbying;" however, in order to accomplish this, the amendment establishes a definition for the term "official in the executive branch." The amendment also includes lobbying of constitutional officers in the definition of lobbying. The amendment requires that lobbying of officials in the executive branch be reported separately from lobbying of officials in the legislative branch when lobbyists submit reports to the Commission on Governmental

Ethics and Election Practices.

Enacted Law Summary

Public Law 2007, chapter 373 expands the definition of lobbying to include lobbying of officials within the executive branch. It also includes lobbying of constitutional officers in the definition of lobbying. The law requires that lobbying of officials in the executive branch be reported separately from lobbying of officials in the legislative branch when lobbyists submit reports to the Commission on Governmental Ethics and Election Practices.

LD 1059 **An Act To Ban Payment-per-signature for Initiative and Referenda Petition Circulators** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	ONTP MAJ OTP-AM MIN	

This bill prohibits an applicant for a citizens' initiative or people's veto from paying petition circulators based on the number of signatures gathered.

Committee Amendment "A" (H-209)

This amendment, which was not adopted, clarifies the bill by stating that the provision does not prohibit payment or compensation of petition circulators as long as that payment is not based upon the number of signatures obtained.

LD 1088 **An Act To Amend Various Department of Defense, Veterans and Emergency Management Laws** **PUBLIC 167**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK MARRACHE	OTP-AM	H-199

This bill makes the following changes to the laws governing the Department of Defense, Veterans and Emergency Management:

1. It allows the Commissioner of Defense, Veterans and Emergency Management to sell additional armories;

2. It implements the recommendations of the Governor's Maine Veterans' Memorial Cemetery Working Group;

3. It expands the use of the Dam Repair and Reconstruction Fund to pay for emergency costs incurred for actions taken to protect life and property in emergency situations; and

4. It affects the tuition waiver benefit for spouses and dependents of veterans by:

A. Requiring at least 5 years of marriage by a veteran to the parent of a veteran's stepchild before the stepchild is eligible for education benefits;

B. Limiting to 8 semesters, which must be completed within 10 years, the benefit provided to spouses of veterans; and

C. Requiring the child of a veteran to maintain a "C" or better average to continue to receive benefits.

Committee Amendment "A" (H-199)

This amendment removes the authority to sell the armory in Brewer as provided in the bill. It also defines "emergency management exercise" and requires the Director of the Maine Emergency Management Agency to develop and conduct a program of annual emergency management exercises. This amendment also authorizes the Maine Veterans' Homes to develop community outpatient clinics as well as hospice and housing facilities for veterans. The amendment also clarifies who the Maine Veterans' Homes support and care for as their primary purpose.

Enacted Law Summary

Public Law 2007, chapter 167 makes the following changes to the laws governing the Department of Defense, Veterans and Emergency Management:
1. It allows the Commissioner of Defense, Veterans and Emergency Management to sell armories in Bath, Portland, Westbrook, Presque Isle and Caribou;
2. It implements the recommendations of the Governor's Maine Veterans' Memorial Cemetery Working Group;
3. It expands the use of the Dam Repair and Reconstruction Fund to pay for emergency costs incurred for actions taken to protect life and property in emergency situations; and
4. It affects the tuition waiver benefit for spouses and dependents of veterans by:
   A. Requiring at least 5 years of marriage by a veteran to the parent of a veteran's stepchild before the stepchild is eligible for education benefits;
   B. Limiting to 8 semesters, which must be completed within 10 years, the benefit provided to spouses of veterans; and
   C. Requiring the child of a veteran to maintain a "C" or better average to continue to receive benefits.

This law also defines "emergency management exercise" and requires the Director of the Maine Emergency Management Agency to develop and conduct a program of annual emergency management exercises. This law authorizes the Maine Veterans' Homes to develop community outpatient clinics as well as hospice and housing facilities for veterans. Chapter 167 also clarifies who the Maine Veterans' Homes support and care for as their primary purpose.

LD 1121 **An Act To Provide That Lottery Proceeds Be Devoted to Public or Charitable Uses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill amends the law that determines how revenues from the Maine State Lottery are appropriated. This bill provides that after prize payments and covering the cost of administrative expenses, revenues from the lottery will be divided equally among 20 state funds, nonprofit organizations, charities and scholarships. The bill repeals the provision that creates a separate game for the Maine Outdoor Heritage Fund but includes the fund among the list of those that will receive lottery revenue.

LD 1124 **An Act To Create an Ownership Interest in Agency Liquor Store Licenses** **PUBLIC 117**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE EDMONDS	OTP-AM	H-116

Current law provides that an agency store license, a license to sell spirits as an agent of the state that controls the sale of spirits, is not transferable but allows for someone to take over the license temporarily until a new licensee is selected. In this event, the bureau would post notice of an available license and accept applications. The bureau selects a new licensee based on criteria established in law. It may or may not be the temporary license holder.

This bill requires the transfer of an agency liquor store license if the new owner meets the eligibility qualifications that license applicants are required to meet and if the physical premises of the establishment remains unchanged. The initial license fee in current law for an agency liquor store is $2000. Under this bill, the same fee would apply to a transferee. Renewal license fees are $300 annually.

Committee Amendment "A" (H-116)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 117 requires the transfer of an agency liquor store license if the new owner meets the eligibility qualifications that license applicants are required to meet and if the physical premises of the establishment remain unchanged.

LD 1136 **An Act To Amend the Commission on Governmental Ethics and Election Practices' Appointment Process** **PUBLIC 252**

Sponsor(s)	Committee Report	Amendments Adopted
CANAVAN EDMONDS	OTP-AM	H-336

This bill requires the parties to submit a list of nominees for a vacancy on the Commission on Governmental Ethics and Election Practices within 60 days of the vacancy or the Governor has the power within 30 days after to appoint a nominee as the Governor determines.

Committee Amendment "A" (H-336)

This amendment replaces the proposal made by the bill that would have required the Governor to appoint a candidate to fill a vacancy for the 5th member of the Commission on Governmental Ethics and Election Practices if the leaders of each party from both bodies of the Legislature fail to provide a jointly derived list of 3 qualified candidates within 60 days of the vacancy's being created. The amendment provides that if the jointly derived list is not presented to the Governor within 60 days of the vacancy's being created, then within the subsequent 15 days each party from both bodies of the Legislature shall present a separate list to the Governor, who shall appoint a candidate within 30 days of receiving the lists.

Enacted Law Summary

Public Law 2007, chapter 252 establishes a process to fill a vacancy for the 5th member of the Commission on Governmental Ethics and Election Practices if the leaders of each party from both bodies of the Legislature fail to provide a jointly derived list of 3 qualified candidates within 60 days of the vacancy's being created, as required by current law. Chapter 252 provides that if the jointly derived list is not presented to the Governor within 60 days of the vacancy's being created, then within the subsequent 15 days each party from both bodies of the Legislature shall present a separate list to the Governor, who shall appoint a candidate within 30 days of receiving the lists.

LD 1150 An Act To Establish Random Audits of Voting Machines **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE EDMONDS		

This bill establishes a procedure for regular scientific audits of the State's election machinery on a biennial basis, by means of manually recounting the ballots of a random sample of all voting machines in the State. The bill also establishes an escalating recount procedure in the event that unacceptable discrepancies are discovered during the random sample recount process, and it mandates the regular statistical analysis of those discrepancies. This bill establishes the Maine Electoral Transparency Fund to provide reimbursement for costs incurred in performing the recounts. Resources of the fund come from an income tax check off and voluntary contributions.

LD 1150 was carried over pursuant to Joint Order, HP 1369.

LD 1232 An Act To Limit the Duration of the Placement of Campaign Signs **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
VALENTINO	ONTP	

This bill reduces the time period during which campaign signs may be placed in a public way from 6 weeks to 15 days before the election. It maintains the provision that they be removed no later than one week after the election.

LD 1233 An Act To Amend Requirements for Participation of Gubernatorial Candidates under the Maine Clean Election Act **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
VALENTINO	ONTP	

Under current law, in order to qualify under the Maine Clean Election Act, a participating candidate for Governor must obtain qualifying contributions from at least 2,500 verified registered voters. This bill increases the number of necessary qualifying contributions to 3,500. In addition, this bill requires that a participating candidate for Governor raise seed money contributions totaling at least $10,000.

The proposals made by this bill were considered in a larger comprehensive bill regarding campaign finance and the Maine Clean Election Act, LD 1854.

LD 1251 An Act To Establish the Crime of Political Libel (by request) **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE C	ONTP	

This bill establishes the Class E crime of political libel. A person commits political libel if that person makes or publishes any false statement or charge reflecting on any candidate's character or morality or knowingly misrepresents the voting record or position on public issues of any candidate and makes such a statement or

representation with knowledge of its falsity or with a reckless disregard as to whether it is true or not.

LD 1260 An Act To Create an Animal Welfare Lottery Game **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY	ONTP MAJ OTP-AM MIN	

This bill amends the law governing the powers and duties of the lottery commission. It requires the commission to work with the Department of Agriculture, Food and Rural Resources (DAFRR) to develop an animal welfare lottery game. Lottery agents who sell this ticket would receive a commission at 1% point higher than that applied to other lottery tickets. Sales of the tickets would be divided among the General Fund, which would receive one-third and DAFRR which would receive two-thirds. The amount to go to DAFRR would be divided equally between the program to provide subsidies to low income persons for spaying and neutering companion animals and to the animal welfare program.

Committee Amendment "A" (H-208)

This amendment, which was not adopted, adds a section to the bill that adds the Department of Agriculture, Food and Rural Resources' animal welfare program and the Companion Animal Sterilization Fund to the list of entities that receive revenue from lottery ticket sales.

LD 1273 An Act To Increase Beano Revenue **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EATON	ONTP	

This bill increases the maximum payout in winner-take-all-beano rounds from $500 to $1,200. It also directs the Department of Public Safety, Bureau of State Police to amend its rules pertaining to games of chance so that lucky seven or similar sealed tickets may contain up to 30,000 tickets.

LD 1283 An Act To Prevent Retailers from Selling Liquor below Cost **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	ONTP MAJ OTP-AM MIN	

This bill prohibits an agency liquor store or any other retailer from selling liquor at retail sale for less than the cost of that liquor to that agency liquor store or retailer. The bill provides that a violation of this provision is a civil violation for which a fine of not more than $500 may be adjudged.

Committee Amendment "A" (S-93)

This amendment, which was not adopted, changes the provision in the bill that would prohibit the sale of liquor below cost. Under the amendment, the provision would apply only to malt liquor and wine sold for consumption off-premises. The amendment specifies that a licensee may not sell malt liquor or wine at a retail price that is less than the cost to the licensee to purchase that malt liquor or wine from a wholesaler.

LD 1306 **An Act To Protect against Discrimination in Housing** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

This bill prohibits a landlord from seeking more than 2 years of credit history on a person who is a recipient of housing subsidies.

LD 1315 **An Act To Amend the Wine License Laws** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH	ONTP MAJ OTP MIN	

This bill creates an exception to the current regulatory three-tier system that prohibits a manufacturer of alcoholic beverages from also having an interest in a retail establishment where alcoholic beverages are sold. This bill makes a specific exception that allows a person who owns a farm winery to be granted a retail wine license.

LD 1316 **An Act To Define Campaign Communications Requiring Matching Clean Election Funding** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD	ONTP	

This bill requires matching funds be disbursed to a candidate certified under the Maine Clean Election Act in the amount of the cost of a political communication that contains the name or photograph of the candidate's opponent.

LD 1317 **An Act To Require a Minimum Number of Votes in a Primary To Continue To Qualify as a Maine Clean Election Act Candidate** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PENDLETON	ONTP	

This bill provides that in order to continue to be a certified candidate for State Senator or State Representative under the Maine Clean Election Act, such a certified candidate who participates in a primary election must receive at least 25 votes in that primary election.

The proposal made by this bill was considered with a comprehensive bill on campaign finance and the Maine Clean Election Act, LD 1854.

LD 1328 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Frequency with which an Issue May Appear on the Ballot as a Result of a Direct Initiative** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BROWNE	ONTP	

This resolution proposes amending the Constitution of Maine to provide that, if a direct initiative is submitted to the electors and it fails to receive the number of votes necessary for enactment, the same or substantially the same measure may not be proposed through a direct initiative for the following 5 years.

LD 1341 **An Act To Clarify Restrictions on Accepting Campaign Contributions Laws** **PUBLIC 279**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	OTP-AM	H-337

This bill amends the laws governing legislative ethics and the prohibition against campaign contributions from and solicitations of a lobbyist, lobbyist associate or employer during legislative session. It specifies that during the time period from January 1st to June 15th such contributions or solicitations are prohibited. This provision would be in addition to what current law provides which is a prohibition when the Legislature is in session. It also includes seed money contributions collected as part of the certification process for Maine Clean Election Act would be prohibited. Current law provides that qualifying contributions required by the Maine Clean Election Act are permitted and that is not changed by this bill.

Committee Amendment "A" (H-337)

This amendment strikes the provision in the bill that prohibits receipt and solicitation of contributions from lobbyists until June 15th. Current law provides that receipt and solicitation of contributions from lobbyists is prohibited during legislative session except during the period after the filing deadline as a candidate for election, March 15th. This amendment removes that exception so that receipt and solicitation of contributions from lobbyists would be prohibited at any time during legislative session.

Enacted Law Summary

Public Law 2007, chapter 279 specifies that receipt and solicitation of contributions from lobbyists is prohibited at any time during a legislative session.

LD 1362 **An Act To Amend the Laws Governing Municipal Elections** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	ONTP	

This bill provides that recounts for elections at the municipal level will be subject to the same process for state-level recounts. The bill provides when a deposit is not required for recounts based on vote tabulations and the total number of votes cast. Beyond those exceptions, the Secretary of State determines the amount of deposit which must be 50% of the reasonable estimate of the cost to the Secretary of State to perform the recount.

LD 1393 **An Act Regarding Lobbyist Disclosure** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted

This bill amends the definition of "expenditure" and adds the term "domestic partner" in the definition of "immediate family" in the laws governing lobbyist disclosure procedures. It repeals the Maine Revised Statutes, Title 3, section 315, which was replaced by section 315-A. It provides the Commission on Governmental Ethics and Election Practices the authority to audit and investigate information contained in lobbyists' and employers' registrations and reports and grants the commission subpoena power to accomplish this.

LD 1393 was carried over pursuant to Joint Order, HP 1369. It will be used as a vehicle to consider proposals regarding lobbying and lobbyist disclosure made by other bills that were voted ought not to pass.

LD 1394 **An Act Regarding Campaign Finance Disclosure by Political Action Committees** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted

This bill defines a political action committee as an organization whose major purpose is to influence elections and that raises or spends more than $1,500 to influence an election. The definition also includes a separate or segregated fund established to influence elections. The bill also requires that an organization that does not have a major purpose to influence elections form an affiliated political action committee if the organization spends more than $5,000 in any calendar year to influence an election. The bill also establishes how a political action committee affiliated with another organization must report contributions, funds transfers and donated staff time from that organization. The bill repeals the Maine Revised Statutes, Title 21-A, section 1056-B, which required reports from any person other than a political action committee than raised or spent more than $1,500 to influence an election.

LD 1394 was carried over pursuant to Joint Order, HP 1369. It will be considered along with proposals made by other bills, voted ought not to pass, that address political action committees and organizations that fall under the reporting requirements of Title21-A, section 1056-B.

LD 1397 **An Act To Allow Nonprofit Organizations and Indian Tribes To Sponsor Texas Hold 'Em Tournaments** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

This bill allows nonprofit organizations and federally recognized Indian tribes to hold Texas hold 'em poker tournaments in which the licensee may keep up to 25% of the entrance fee and 75% of the fee must go to prizes for winners of the tournament. Of the remaining fee after the prizes are paid, 75% must go to the Maine State Grant Program. A licensee may hold no more than 3 tournaments a week with an entrance fee of $50, may hold a super tournament once a month with an entrance fee of $75 and a giant tournament twice a year with an entrance fee of $100. The bill allows any tournament to conduct a subtournament of eliminated participants that must start within 2 hours of the original tournament. The entrance fee may not exceed 50% of the fee for the original tournament.

LD 1422 **An Act To Allow Nonprofit Organizations To Operate Certain Games of Chance without a License** **PUBLIC 254**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP-AM	S-168

Current law requires a license for any game of chance where a person pays up to $1 for a chance to play and may receive a prize of money or something of value.
This bill provides that a license to hold, conduct or operate a game of chance is not required of a bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic or religious organization or an auxiliary of any of these organizations if all of the prizes awarded in that game of chance are non-monetary with a value of under $10 and a chance costs $1 or less.

Committee Amendment "A" (S-168)

This amendment replaces the bill, which allowed for the operation of games of chance by a nonprofit organization without a license. The amendment instead provides that certain games of chance that are intended for play by children at festival-style events may be operated by persons under 16 years of age and may be played by persons under 16 who are not accompanied by an adult. This exception to current law and rule would apply only to games in which a nonmonetary prize valued at less than $10 is awarded for every chance played and would require approval from the Chief of the State Police.

Enacted Law Summary

Public Law 2007, chapter 254 provides that certain games of chance that are intended for play by children at festival-style events may be operated by persons under 16 years of age and may be played by persons under 16 who are not accompanied by an adult. This exception to current law and rule would apply only to games in which a nonmonetary prize valued at less than $10 is awarded for every chance played and would require approval from the Chief of the State Police.

LD 1497 **An Act To Improve Local Control over Bars** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

This bill amends a section of law that applies generally to all licensees and governs the hours during which liquor may be sold. This bill adds a provision to that law that would permit a municipality to enact a local ordinance that establishes different closing times. It also provides that when a municipality is considering the issuance, transfer or renewal of a license, it may not use as justification for denial non-compliance with a municipal "closing time" ordinance.

LD 1498 **An Act To Prohibit Out-of-state Corporations from Contributing to State and County Elections** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BOWMAN	ONTP	

This bill prohibits a contribution to a county or state election for an initiative, referendum or candidacy for political office by an out-of-state corporation and provides for a suit by a citizen of the State or the Attorney General, with

damages if the out-of-state corporation loses to equal 10 times the amount of the contribution.

LD 1499 An Act To Improve the Maine Clean Election Act **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	ONTP	

This bill makes the following changes to the Maine Clean Election Act.

1. It increases the number of qualifying contributions that a candidate for the State Senate must collect from 150 to 300.

2. It prohibits the use of revenues that a candidate receives from the Maine Clean Election Fund from being used for meals or for maintenance of motor vehicles.

3. It permits a Maine Clean Election Act candidate to accept the offer of an organization that is independent of the candidate and the candidate's committee to send a mailing.

The proposals in this bill were considered in a larger, comprehensive bill that addressed campaign finance and the Maine Clean Election Act, LD 1854.

LD 1507 An Act Regarding Political Activities of Corporations **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	OTP-AM MAJ ONTP MIN	

This bill amends a section of statute governing the general powers of corporations. It specifies that a corporation may not take part in a political debate or campaigns or support political parties or candidates except as authorized by law. It also states that a corporation may not participate in a public initiative or referendum that does materially affect the property, business or assets of the corporation.

Committee Amendment "A" (S-187)

This amendment, which was not adopted, is the majority report of the committee. It strikes political debate from the list of political activities that corporations would be prohibited from taking part in as proposed by the bill.

LD 1522 An Act To Modify the Citizen Initiative Process **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	ONTP	

This bill amends the statutes that set up a statutory framework for the Constitutionally-provided citizen initiative process. The bill requires the Secretary of State to request assistance from the Office of Fiscal and Program Review in determining whether a direct initiative will have a fiscal impact. If the Office of Fiscal and Program Review determines that the direct initiative has a cost other than the cost associated with conducting a referendum on the direct initiative, the person who submitted the direct initiative must indicate in a subsequent draft of the direct initiative submitted to the Secretary of State how the cost of the direct initiative will be paid. The bill also requires

the Secretary of State to include information on the cost of the direct initiative and how that cost will be paid in the ballot question.

LD 1547 An Act To Prohibit a Maine Clean Election Act Candidate from Recruiting a Primary Opponent **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK	ONTP	

This bill prohibits a Maine Clean Election Act candidate or a candidate who is seeking to become a Maine Clean Election Act candidate from directly or indirectly recruiting or attempting to recruit an opposing candidate in a primary election.

The proposal in this bill was considered as part of a larger comprehensive bill addressing campaign finance and the Maine Clean Election Act, LD 1854.

LD 1548 An Act Concerning Nonprofit Political Action Committees **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	ONTP	

This bill includes nonprofit entities in the laws governing required reporting by political action committees.

LD 1549 An Act Concerning Voter Registration **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	ONTP	

This bill prohibits a person from voting in an election if the person registers to vote within 5 days of the election.

LD 1561 An Act To Eliminate the Placement of Campaign Signs on Public Property **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FINCH	ONTP	

This bill repeals the authority to erect campaign signs on public property.

LD 1562 **An Act To Restrict the Placement of Political Signs by Requiring Permission** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
VALENTINO	ONTP	

This bill authorizes a landowner whose property abuts a right of way to remove a political sign from in front of their property if it was placed there without permission.

LD 1577 **An Act To Address the Pervasive Effect of Substance Abuse in Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	ONTP	

This bill establishes a definition of importer as a person other than a licensed manufacturer wherever located who imports spirits into the state for sale or use. The bill requires spirits manufacturers and importers to be licensed under a new license fee structure. This license fee structure sets a fee for in-state spirits manufacturers at $1,000 annually. A separate graduated fee structure is established for out-of-state spirits manufacturers based on annual in-state sales in gallons during the immediately preceding calendar year:

$50,000 for 10,000 gallons or greater;
$25,000 for greater than 5,000 but less than 10,000 gallons;
$5,000 for greater than 1,000 but less than 5,000 gallons; and
$1,000 for less than $1,000.

The bill also establishes an annual license fee for importers of $5,000 and an additional fee for out-of-state manufacturers with no prior Maine sales at $10,000.

The bill increases the certificate of approval license fee for malt liquor only from $600 to $10,000 per year and for wine only from $600 to $5,000 per year. The bill increases the annual license fee for sales representatives from $50 to $2500. Wholesale licenses for malt liquor and wine would be increased from $600 to $10,000 annually. The effective date for fee increases would be January 1, 2008.

With regard to collection of these increased fees, as well as other fees collected in current law under chapter 51 (special warehouse fee, low alcohol spirits taxes), these fees would be deposited into the General Fund and then an equal amount appropriated to the Office of Substance Abuse. The bill requires that such funds would be required to use for substance abuse prevention, case treatment, management, monitoring, enforcement programs and drug courts.

The bill provides that the bureau may adopt routine technical rules to administer the chapter.

LD 1607 **An Act To Establish a Fund to Provide American Flags at Veterans' Graves** **PUBLIC 368 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
LANSLEY	OTP-AM	H-319
		H-361 RINES

This bill is a concept draft pursuant to Joint Rule 208. It proposes to establish a fund to purchase American flags to be given to individual family members or other nonprofit associations for placement upon veterans' graves at veterans' cemeteries in the State.

Committee Amendment "A" (H-319)

This amendment replaces the bill, which was a concept draft. This amendment establishes a flag placement program that requires the director of the Maine Veterans' Memorial Cemetery System to permit volunteers to place flags on veterans' graves from 2 days before to 3 days after Memorial Day. Under this program the director of the cemetery system may accept private donations of flags, tools and other equipment necessary to provide for the placement of flags. The amendment establishes a fund to carry out the purposes of the program. The fund may accept appropriations from the General Fund as well as private donations. The amendment also makes a minor technical change to the Maine Revised Statutes, Title 37-B, section 504, subsection 5.

House Amendment "A" (H-361)

This amendment was presented on behalf of the Committee on Bills in the Second Reading to prevent a conflict by incorporating a change made to the Maine Revised Statutes, Title 37-B, section 504, subsection 5 in Public Law 2007, chapter 167.

Enacted Law Summary

Public Law 2007, chapter 368 establishes a flag placement program that requires the director of the Maine Veterans' Memorial Cemetery System to permit volunteers to place flags on veterans' graves from 2 days before to 3 days after Memorial Day. Under this program the director of the cemetery system may accept private donations of flags, tools and other equipment necessary to provide for the placement of flags. Chapter 368 establishes a fund to carry out the purposes of the program. The fund may accept appropriations from the General Fund as well as private donations.

Chapter 368 was enacted as an emergency measure effective June 20, 2007.

LD 1643 An Act To Clarify Alcohol Enforcement — ONTP

Sponsor(s)	Committee Report	Amendments Adopted
CAIN	ONTP	

This bill allows a minor into a B.Y.O.B. function at an educational institution if accompanied by an adult who is not the minor's parent, legal guardian or custodian if the adult receives permission from the B.Y.O.B. permittee and in writing identifies the minor and the minor's parent, legal guardian or custodian, accepts responsibility for the minor and acknowledges reading the laws concerning prohibitions of minors using alcohol and concerning endangering the welfare of a child, which must be printed on the written statement.

This bill also allows a student performing an official function for the student's school or for an organization officially sanctioned by the school to be present at a B.Y.O.B. function if the student is clearly identified as performing an official function and only while the student is performing the function. Finally, this bill makes an adult who accompanies a minor to a B.Y.O.B. event liable for the crime of endangering the welfare of a child if the minor consumes drugs or alcohol at the event.

LD 1651 **An Act To Permit the Use of Surety Bonds in Lieu of Security Deposits** **PUBLIC 370**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL	OTP	

This bill allows tenants, at their sole option, to purchase surety bonds in lieu of some or all of a required security deposit for the purpose of assisting tenants who have insufficient resources to provide a security deposit for a residential dwelling unit. The bill also sets forth a series of restrictions on the issuance of surety bonds, including required disclosures to tenants, limitations on when and how a landlord can draw upon a surety bond and establishment of a tenant's right of action in the event of wrongful assessment of surety bond.

Enacted Law Summary

Public Law 2007, chapter 370 allows tenants, at their option, to purchase surety bonds in lieu of some or all of a required security deposit for the purpose of assisting tenants who have insufficient resources to provide a security deposit for a residential dwelling unit. The law also sets forth a series of restrictions on the issuance of surety bonds, including required disclosures to tenants, limitations on when and how a landlord can draw upon a surety bond and establishment of a tenant's right of action in the event of wrongful assessment of surety bond.

LD 1679 **An Act To Change and Clarify the Maine Clean Election Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	ONTP	

This bill extends the period that certain expenditures under the Maine Clean Election Act are deemed independent expenditures from 21 days to 60 days prior to an election. This bill also repeals the provision in the Maine Clean Election Act that gives a longer qualifying period to unenrolled candidates. It also adds a provision to the terms of participation of the Maine Clean Election Act requiring a candidate to maintain the same enrollment status the candidate held at the time of the preceding general election prior to seeking certification as a Maine Clean Election Act candidate. The bill directs the Commission on Governmental Ethics and Election Practices to adopt rules that will: permit a candidate to reuse campaign signs from a prior election without updating disclaimers; establish an equitable formula for the allowance of travel expenses based on the square miles in a candidate's legislative district; and permit primary funds to be spent during a general election if a candidate was unopposed in the primary. Finally, this bill directs the commission to issue a report that suggests a statutory mechanism for narrowing to one the number of unenrolled gubernatorial candidates that may receive Maine Clean Election Act funds.

LD 1680 **An Act To Reform and Simplify the Clean Election Process** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill amends the Maine Clean Election Act by combining seed money and qualifying contributions into one qualifying system. Rather than seed money, a candidate would be able to spend qualifying contributions prior to certification as a Maine Clean Election Act candidate. Qualifying contributions, which may be made by either cash or money order under this bill, are defined as any amount between $5 and $40 payable to the candidate or the

campaign and must come from the candidate's district. To be certified as a Maine Clean Election Act candidate, the candidate must raise qualifying contributions in numbers and amounts as follows:

Minimum number of contributors Total sum required to qualify
or House 50 $500
or Senate 150 $1,500
or Governor 2,500 $25,000

The number of required contributors remains the same as in present law, but the minimum amount of money required is doubled from $5 per check to what would be an average of $10 if only the minimum number were obtained. Each $5 contribution still counts and contributions up to $40 are acceptable. Instead of turning checks in to the commission, this bill provides that candidates submit an acknowledgment receipt signed by each contributor as evidence of the payment and support.

Under this bill, initial distributions from the Maine Clean Election Fund to a candidate certified as a Maine Clean Election Act candidate are reduced by one-half of the qualifying contributions collected. Under this bill, the qualifying period would begin on November 1st of the year prior to an election year for candidates for all offices. Current law provides that November 1st is the beginning of the qualifying period for just gubernatorial candidates. The bill repeals a provision that presently allows an unenrolled candidate to receive a distribution equal to a primary or general election campaign distributions in uncontested races if the candidate qualifies before April 15th.
For unenrolled candidates, distributions are set at 40% of those available to a party candidate unless the unenrolled candidate obtains a number of contributors equal to 160% of those required for a party candidate. The total dollar sum of contributions required by current law remains the same for party and for unenrolled candidates under this bill.

This bill prohibits a registered voter from making a qualifying contribution to more than one candidate for the same office. This bill removes a provision that permits a candidate to pay the fee for money orders to be used as qualifying contributions since it provides for the authorization of cash transactions for qualifying contributions. The bill provides that no revenue from the Maine Clean Election Fund may be pledged or applied to the collection of qualifying contributions.

This bill expands from 21 days to 42 days the period before an election in which a paid communication is deemed to be an independent expenditure if it clearly identifies a candidate on the ballot.

The bill also adds a private funding option for candidates. Before April 15th of an election year, a candidate whose campaign is supported by private contributions may request that the Commission on Governmental Ethics and Election Practices provide matching fund protections of the Maine Clean Election Act if the candidate agrees to limit and does, in fact, limit campaign contributions and expenditures to the amount that would be authorized for distribution to the candidate if the candidate were qualified as a Maine Clean Election Act candidate. A candidate making such an election is entitled to public matching funds in the same manner as a qualified Maine Clean Election Act candidate.

This bill was considered with a larger comprehensive bill that addressed campaign finance and the Maine Clean Election Act, LD 1854.

LD 1682 **An Act To Improve Maine's Clean Election Law** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	ONTP	

This bill requires that:

1. A candidate for Governor must raise at least $35,000 in seed money contributions to qualify as a Maine Clean Election Act candidate;

2. A candidate for the state Senate must raise at least $1,000 in seed money contributions to qualify as a Maine Clean Election Act candidate; and

3. A candidate for the state House of Representatives must raise at least $350 in seed money contributions to qualify as a Maine Clean Election Act candidate.

This bill was considered with a larger comprehensive bill that addressed campaign finance and the Maine Clean Election Act, LD 1854.

LD 1688 **An Act To Allow the Use of Credit Cards To Purchase Wine, Beer and Spirits from Distributors** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP MAJ OTP-AM MIN	

This bill amends the current law that requires shipments of alcoholic beverages to be paid for in full, in cash at the time of delivery. This law applies to the state's spirits wholesaler who sells to state agency stores, state agency stores who are reselling agents and supply bars and restaurants and beer and wine wholesalers who supply on-premises and off-premises licensees.
This bill, as it amends current law, would provide that the spirits wholesaler may accept payment by credit card and that reselling agents and beer/wine wholesalers may only accept payment in the form of cash, check, electronic funds transfer or credit card.

LD 1704 **An Act To Make Changes in the Laws Regarding Raffles** **PUBLIC 378**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M	OTP-AM	H-457

Current law permits raffles to be sold during the one hour period before a beano game. This bill extends that timeframe so that raffles may be sold for one hour after the game begins (thus, during beano play). It also provides that a raffle for a prize valued at greater than $10,000 but less than $75,000 may be divided into multiple drawings not to go beyond 1 year.

Committee Amendment "A" (H-457)

This amendment strikes a provision in the bill that permits raffle tickets to be sold up to one hour after a beano game as an exception to current law. This amendment specifies that multiple drawing raffles are progressive raffles that are divided into a maximum of 12 drawings with previous entries rolled into subsequent drawings.

Enacted Law Summary

Public Law 2007, chapter 378 provides for multiple drawing raffles and specifies that they are progressive raffles that are divided into a maximum of 12 drawings with previous entries rolled into subsequent drawings.

LD 1723 **An Act To Streamline the Beano Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M	ONTP	

This bill amends current law to allow different organizations to conduct beano games at the same location on the same day. Current law provides that no more than one game may be conducted at any one place on a given day. It also extends the time at the beginning of beano games when games of chance may be sold from one hour to 2 hours. This bill increases the prize limit on individual games from $400 to $500.

Current rules prohibit beano workers from assisting players by playing their cards except the law provides for an exception for restroom breaks. This bill allows beano workers to assist players by marking their beano cards when the players have to leave their seats for a smoke or refreshment break.

Finally, this bill directs the Chief of the State Police to make certain changes to the rules pertaining to the conduct of beano games, including permitting the licensee to reserve seats at a beano game for parties of 10 or more, allowing additional cards to be distributed during the middle of a game, charging for beano cards based on the retail value of individual games and to charge a fee for the use or exchange of electronic beano daubers. Current rule prohibits changing or purchasing new cards once beano play has commenced.

LD 1724 **An Act To Strengthen the Maine Clean Election Act** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	ONTP	

This bill amends the Maine Clean Election Act by increasing the number of qualifying contributions required of a gubernatorial candidate for certification from 2,500 to 3,250 and requiring that candidate to raise at least $15,000 in seed money. The bill amends the definition of a qualifying contribution to state that the $5 donation may be made to only one candidate seeking the gubernatorial election or one candidate in a particular legislative election. It extends the authority to certify candidates as Maine Clean Election Act candidates to the executive director of the Commission on Governmental Ethics and Election Practices. This bill adds to the requirements for certification and provides for circumstances under which the commission or its executive director may revoke certification of a Maine Clean Election Act candidate and require the return of Maine Clean Election Act funds. Finally, this bill removes language designating rules adopted under the Maine Clean Election Act as major substantive rules.

The proposals in this bill were considered with a large comprehensive bill addressing campaign finance and the Maine Clean Election Act, LD 1854.

LD 1729 **An Act To Allow Contributors to Candidates Financed by the Maine Clean Election Fund To Submit Qualifying Contributions Online** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TRINWARD	ONTP	

This bill allows a qualifying contribution under the Maine Clean Election Act to be paid by a credit card over the Internet. The proposal in this bill was considered with a large comprehensive bill addressing campaign finance and the Maine Clean Election Act, LD 1854.

LD 1740 An Act To Amend the Maine Clean Election Act **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

This bill increases the contribution limits in current law for legislative and gubernatorial candidates. Under this bill, individuals may make contributions aggregating up to $1,000 for a gubernatorial candidate, $750 to a candidate for the state Senate and $500 to a candidate for the state House of Representatives. This bill specifies that seed money contributions for a candidate seeking certification as a Maine Clean Election Act candidate must come from voters within the candidate's voting district and that a minimum amount must be collected in order to become certified as a Maine Clean Election Act candidate.

The bill also changes current law to exclude the distribution of matching funds in primary elections. Finally, this bill includes seed money raised by a Maine Clean Election Act candidate in the formula used to determine whether a candidate may receive matching funds.

The proposals in this bill were considered with a large comprehensive bill addressing campaign finance and the Maine Clean Election Act, LD 1854.

LD 1744 An Act To Join the Interstate Compact on the National Popular Vote **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN		

This bill proposes to adopt the interstate compact that is the agreement among the states to elect the President of the United States by national popular vote. Under the compact and the bill, the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia will win the presidency. Under this bill, all of the state's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia.

This bill would take effect only when enacted by states possessing a majority of the electoral votes, that is, enough electoral votes to elect a President, which is 270 of 538.

LD 1744 was carried over pursuant to Joint Order, HP 1369.

LD 1757 An Act To Establish a Pricing Formula for Liquor Sales and To Adjust Agent Discounts **DIED IN CONCURRENCE**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	OTP-AM MAJ ONTP MIN	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish a pricing formula for liquor sales and to adjust agent discounts. The pricing formula should promote transparency, enhance market predictability, promote fairness and increase Maine's competitiveness with neighboring states. Agent discounts should increase incrementally, be funded through increased revenues and other sources and be revenue-neutral to the

State.

LD 1761 An Act To Amend the Election Laws **PUBLIC 455**

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK	OTP-AM	H-489
		S-389 MARTIN

This bill adds a definition for "domestic partner" and includes a domestic partner in the definition of "immediate family." The bill also adds definitions for "voting booth," "voting station," "accessible voting system" and "voting system." The bill clarifies who is ineligible to serve as registrar of voters. It also makes changes to the process for a voter registration appeals hearing by specifying the minimum time period for written notice, establishing that the hearing is a de novo hearing and requiring that a voter be kept in the central voter registration system and allowed to cast a challenged ballot until the appeals are exhausted. The bill specifies that a person loses a voting residence when that person registers to vote in another state. It also clarifies the requirements for the name by which a voter may register to vote and for how a candidate's name may be listed on a state ballot. The bill clarifies the requirements for change of enrollment, including the restrictions during the 15-day period until the change becomes effective. The bill also makes the language on prohibited party names or political designations consistent with other laws on prohibited names. The bill prohibits a candidate from withdrawing less than 60 days before a primary or general election. The bill clarifies the Secretary of State's authority to determine the format of all instructional election materials. The bill clarifies that the requirements for providing test ballots apply to other voting devices, such as the accessible voting system. It also clarifies that the minimum requirement to allow one poll watcher from each of the qualified parties applies to each segment of the incoming voting list if the municipality divides the list by voting district or by the alphabetic listing of the voters' names. This bill clarifies the requirements for the accessible voting system and prohibits the municipality from using the accessible voting system for purposes other than voting. This bill also clarifies the process for establishing and consolidating voting places, as distinct from the process of establishing or consolidating voting districts. It also clarifies the process for facilitating a voter's use of the accessible voting system. The bill clarifies how a voter may receive assistance from another person in voting. This bill clarifies the process for an election official to challenge a voter as well as the process for the registrar to resolve the status of challenged voters after the election. The bill eliminates the use of stickers for write-in candidates at a primary election. It also changes the deadline for a write-in candidate to file a declaration of write-in candidacy to 5 p.m. on the 3rd business day prior to the election and provides that a write-in vote may not be counted as valid unless the name is of a person who has filed a declaration of write-in candidacy by the deadline. This bill restricts absentee voting on the day before election day and on election day to ballots requested in writing and issued for voting outside the presence of the clerk and further provides that a clerk does not have to issue a ballot by mail if the request is received on election day or on the day before election day if the voter is outside the municipality.

Committee Amendment "A" (H-489)

This amendment removes the provision of the bill that amends the definition of "immediate family" to include a domestic partner as that amendment has already been enacted by another bill. The amendment adds clarifying language to the prohibition in the bill that a registrar may not serve during an election period if a member of the registrar's immediate family is a candidate for office in the electoral division in which the registrar serves. The clarification states that the election period is the time beginning when the immediate family member becomes a candidate up until the election.

The amendment also removes provisions in the bill regarding change of enrollment in a party including a provision that would require a replacement candidate to be enrolled in the same party as the person that candidate is replacing on the day that candidate is nominated.

The amendment also removes a provision that would have the warden reject an absentee ballot that was given

to a voter from a different district and replaces it with a provision that allows the correct portions of the ballot to be counted but requires it to be challenged for the purposes of a subsequent recount or disputed election. This amendment removes a section of current law that would prohibit the counting of absentee ballots of voters who die after submitting the ballot. The amendment also sets up a system for municipalities that wish to process absentee ballots the day before election day. Additionally, the amendment changes the date of the implementation of an early voting pilot program from November 2008 to November 2007.

Finally, the amendment also removes a provision in the bill that would have reclassified certain crimes related to citizen initiative and referendum provisions from Class E to Class D crimes.

Senate Amendment "D" (S-389)

This amendment removes language that would have eliminated the use of stickers for write-in candidates but requires the clerk to report to the Secretary of State any problems arising from the use of stickers.

Enacted Law Summary

Public Law 2007, chapter 455 makes several changes to the laws governing elections. It adds definitions for "voting booth," "voting station," "accessible voting system" and "voting system" and clarifies who is ineligible to serve as registrar of voters. It also makes changes to the process for a voter registration appeals hearing by specifying the minimum time period for written notice, establishing that the hearing is a de novo hearing and requiring that a voter be kept in the central voter registration system and allowed to cast a challenged ballot until the appeals are exhausted.

Chapter 455 specifies that a person loses a voting residence when that person registers to vote in another state. It also clarifies the requirements for the name by which a voter may register to vote and for how a candidate's name may be listed on a state ballot and makes the language on prohibited party names or political designations consistent with other laws on prohibited names. This law prohibits a candidate from withdrawing less than 60 days before a primary or general election and clarifies the Secretary of State's authority to determine the format of all instructional election materials.

Chapter 455 clarifies that the requirements for providing test ballots apply to other voting devices, such as the accessible voting system. It also clarifies that the minimum requirement to allow one pollwatcher from each of the qualified parties applies to each segment of the incoming voting list if the municipality divides the list by voting district or by the alphabetic listing of the voters' names. This law also clarifies the requirements for the accessible voting system and prohibits the municipality from using the accessible voting system for purposes other than voting and clarifies the process for establishing and consolidating voting places, as distinct from the process of establishing or consolidating voting districts. It also clarifies the process for facilitating a voter's use of the accessible voting system and how a voter may receive assistance from another person in voting.

Chapter 455 clarifies the process for an election official to challenge a voter as well as the process for the registrar to resolve the status of challenged voters after the election. It also changes the deadline for a write-in candidate to file a declaration of write-in candidacy to 5 p.m. on the 3rd business day prior to the election and provides that a write-in vote may not be counted as valid unless the name is of a person who has filed a declaration of write-in candidacy by the deadline.

Chapter 455 states that the warden does not need to reject an absentee ballot that was given to a voter from a different district but rather allows the correct portions of the ballot to be counted but requires it to be challenged for the purposes of a subsequent recount or disputed election. Finally, this law sets up a system for municipalities that wish to process absentee ballots the day before election day and changes the date of the implementation of an early voting pilot program from November 2008 to November 2007.

LD 1779 **An Act To Govern Publicly Funded Advertising during Campaigns** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM MAJ ONTP MIN	

This bill prohibits any candidate for public office from appearing in any television, radio or newspaper advertisement that is paid for by public funds, other than with disbursements from the Maine Clean Election Fund, during the 6 months preceding a primary or general election in which he or she is a candidate.

Committee Amendment "A" (S-246)

This amendment, which was not adopted, replaces the bill. The amendment prohibits a candidate from appearing in radio, television or newspaper advertisements broadcast or published from the time that candidate becomes a candidate up to the election that are paid for, in any amount, by a direct appropriation of state funds. This prohibition does not apply to campaign advertisements paid for by disbursements from the Maine Clean Election Fund.

LD 1783 **An Act To Require Photographic Identification in Order To Register To Vote** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PRESCOTT	ONTP	

This bill requires a person, in order to prove residence to a registrar when registering to vote, to show an unexpired or otherwise valid driver's license, a state identification card showing a photograph issued by any state or District of Columbia, a United States Passport or a United States military ID.

LD 1799 **An Act To Establish Open Ballot Voting in Maine** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE		

This bill authorizes cross-endorsement, which is the practice of multiple parties or political designations nominating the same candidate. It eliminates the current rules requiring enrollment in a political party in order to be a candidate for that party's nomination. It also requires the Secretary of State to list on the ballot a candidate nominated by multiple parties or political designations once for each party or political designation. The bill also prevents over votes, which is when a voter marks the same candidate's name multiple times, from invalidating the vote.

This bill also authorizes the formation of official minor political parties and establishes the requirement for formation, continuation and ballot access.

This bill was carried over to the Second Regular Session of the 123rd Legislature.

LD 1828 An Act To Allow a Casino in Oxford County

ACCEPTED ONTP REPORT

Sponsor(s)	Committee Report	Amendments Adopted
PATRICK BRYANT B	ONTP MAJ OTP-AM MIN	

Part A of this bill authorizes Evergreen Mountain Enterprises, LLC to operate a gaming facility at a single site in Oxford County, subject to approval of the voters at the general election held in November 2008. The legislative body and voters of any municipality in which the site is located must approve the site for the operation of the gaming facility. The gaming facility is authorized to contain 4,500 slot machines, bazaar games conducted solely for merchandise prizes, lottery games, video facsimiles, card games, table games and other games of chance, including without limitation blackjack, poker, dice, roulette, baccarat, money-wheels and bingo. The minimum age to play a slot machine or gaming device is lowered from 21 years of age to 19 years of age. The bill provides that, other than the approved commercial race tracks in the State that operate slot machines, the gaming facility operated by Evergreen Mountain Enterprises, LLC must be the only gaming facility in the State for at least 10 years. The bill provides for regulation of the gaming facility by the Department of Public Safety, Gambling Control Board.

The bill requires the gaming operator to collect and distribute 1% of gross gaming device income to the Treasurer of State for deposit in the General Fund for the administrative expenses of the Gambling Control Board. The gaming operator must pay to the State 39% of the net gaming device income. This money paid to the State must be used for the following purposes:

1. Five percent of the net gaming device income must be distributed to repay student loans of residents of this State;

2. Four percent of the net gaming device income must be distributed to the research and development of an east-west highway in the State;

3. Three percent of the net gaming device income must be distributed to develop and construct a facility to produce biofuels, including fuel for heating homes;

4. Three percent of the net gaming device income must be distributed for revenue sharing with municipalities, with the intent of providing local property tax relief;

5. Two percent of the net gaming device income must be distributed to a Maine prepaid college plan to allow residents of this State to prepay the cost of college tuition, fees and dormitory housing before a child goes to college;

6. Two percent of the net gaming device income must be used to assist the elderly with the cost of prescription drugs;

7. Two percent of the net gaming device income must be used for the improvement of secondary rural roads in the State;

8. Three percent of the net gaming device income must be distributed to make health care more affordable for employees of businesses and the self-employed in this State. This endeavor must include expanding membership in the Dirigo Health Program and allowing such health care to be offered as a self-insured product;

9. Two percent of the net gaming device income must be distributed for the program cost portion of general purpose aid for local schools;

10. Two percent of the net gaming device income must be distributed for the expansion of facilities and course

selection in the Maine Community College System;

11. One percent of the net gaming device income must be distributed to the Finance Authority of Maine for its NextGen First Step Grant program to assist residents of this State in saving for college tuition;

12. One percent of the net gaming device income must be distributed to towns to be used for regionalization efforts of towns that express interest in reducing and eliminating duplicative municipal services;

13. One percent of the net gaming device income must be distributed to help fund raising the minimum wage to a level comparable with a livable wage for the resident workers in this State of $7.70 per hour in 2008 and $8.40 in 2009 and in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, CPI-W index, thereafter;

14. One percent of the net gaming device income must be distributed for grants to residents of this State who demonstrate energy efficiency and conservation proficiency, such as rebates for purchasers of hybrid and biodiesel-capable vehicles and biofuel for home and business heating, and grants for residents of this State to develop such clean and efficient fuel technologies;

15. One percent of the net gaming device income must be distributed for the improvement of the water quality of the rivers of this State and the technology to allow paper mills and waste treatment plants to eliminate the toxins they release into rivers;

16. One percent of the net gaming device income must be distributed to public access television stations in this State for the improvement of technology and programming;

17. One percent of the net gaming device income must be distributed for funding residents of this State who are 15 years of age to 30 years of age to support ideas and projects that will stimulate the creative economy in this State, enhance technology, improve civic engagement or otherwise effect positive community change;

18. One percent of the net gaming device income must be distributed for programs to protect gaming patrons against the risks of gambling, including gambling addiction counseling services and monitoring patrons who may be at risk and have a propensity for problem gambling;

19. Two percent of the net gaming device income must be forwarded directly to any municipality in which the gaming facility is located; and

20. One percent of the net gaming device income must be forwarded directly to Oxford County to pay for mitigation of costs resulting from gaming operations.

Part B requires the Department of Public Safety, Gambling Control Board to report by January 15, 2008 to the Governor and the Legislature on including in the board's regulatory authority games of chance and gaming devices other than slot machines. Part B requires another report by the board by March 15, 2008 on the effectiveness of the board in regulating the operation of gaming devices and slot machines.

LD 1854 **An Act Regarding Campaign Finance Reporting and the Maine Clean Election Act** **PUBLIC 443**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-279

Part A makes changes affecting campaign finance reports in the Maine Revised Statutes, Title 21-A, chapter 13. Specifically, Part A:

1. Amends the definition of "person" to remove the word "group";

2. Eliminates the requirement that the office of the Commission on Governmental Ethics and Election Practices remain open after 5:00 p.m. on election day;

3. Adds the term "domestic partner" in sections referring to a candidate's spouse and includes a definition for the term in the general definition section for Title 21-A;

4. Exempts lists of registered voters obtained by party committees from the definitions of "contributions" and "expenditures";

5. Includes facilities owned by a candidate's immediate family in determining whether an exception to expenditure is applicable;

6. Clarifies that a state party committee can provide a total of only 20 hours of assistance to a candidate in an election without making a contribution to that candidate and expands the type of service provided from "advice" to "assistance";

7. Allows party candidate listings to treat federal candidates differently from other state candidates if required by federal election law and to include campaign slogans and logos;

8. Eliminates the requirement that Maine Clean Election Act candidates sign and file the voluntary spending limits statement;

9. Requires an outgoing treasurer to certify in writing the accuracy of a campaign's records;

10. Removes the requirement that the address be included in the disclosure statement in campaign communications financed by the candidate that are aired on the radio;

11. Requires that communications that name or depict a clearly identified candidate within 21 days before a primary election or 60 days before a general election contain the disclosure statement, unless the communication's purpose has a purpose other than influencing an election;

12. Extends the prohibition against broadcasting communications without the disclosure statement to agents of a broadcasting station and to online versions of newspapers;

13. Extends the time period during which fines will be assessed for communications that lack the disclosure statement;

14. Establishes disclosure requirements regarding certain automated and live telephone calls to voters;

15. Clarifies that funds that are earmarked for a candidate through a conduit or intermediary are considered contributions to the candidate;

16. Clarifies expenditure limitations in legislative elections;

17. Requires that sole proprietorships and their owners be treated as a single entity for the purposes of contribution limits;

18. Removes the requirement that federal candidates and state party committees file federal campaign finance reports with the commission;

19. Revises the report filing schedule for candidates, party committees and political action committees to allow the commission to have more complete information upon which to base matching fund calculations;

20. Establishes a single 24-hour reporting requirement applicable to all candidates, party committees and political action committees;

21. Changes the amount of a campaign surplus or deficit from $50 to $100 that requires candidates to file semiannual reports with the commission;

22. Requires party committees to retain records of contributions and expenditures and receipts for expenditures;

23. Expands the period during which a communication that names or depicts a clearly identified candidate is presumed to be an independent expenditure to 21 days before a primary election or 60 days before a general election and requires independent expenditure reports to contain a description of the communications made;

24. Increases the fine for not registering as a candidate from $10 to $100 and raises the amount of the penalty waiver for a late-filed report for candidates, party committees and political action committees from $5 to $10;

25. Clarifies when an electronically submitted or facsimile copy is allowed;

26. Increases the triggering threshold for political action committees from $50 to $1,500;

27. Requires political action committees to identify, upon registering, Legislators who have a significant role in fund-raising or decision-making for the committee;

28. Requires political action committees to file an initial campaign finance report upon registering with the commission; and

29. Clarifies the conditions for dissolving a political action committee.

Part B makes changes affecting the Maine Clean Election Act in the Maine Revised Statutes, Title 21-A, chapter 14. Specifically, Part B:

1. Adds a definition of "immediate family";

2. Clarifies the requirements for a valid qualifying contribution;

3. Requires that seed money come from Maine residents only and adds restrictions in collection and use of seed money;

4. Requires a transfer of funds to the Maine Clean Election Fund on or before September 1st of each year, instead of January 1st, beginning on September 1, 2010;

5. Allows the commission to request an advance on the annual amount to be transferred if there will be insufficient funds for an upcoming election;

6. Clarifies that Maine Clean Election Act funds cannot be used to pay for goods and services received during the qualifying period;

7. Adds new conditions for certification, including whether a candidate has made material false statements to the commission or has been denied certification or had certification revoked due to substantial violations of election laws;

8. Requires gubernatorial candidates to raise at least $15,000 in seed money in order to be certified and establishes procedures for the documentation of seed money contributions to gubernatorial candidates seeking certification;

9. Extends the period of time the commission has to certify gubernatorial candidates and allows the commission to take additional time to certify a candidate if a compliance investigation is necessary;

10. Creates a process for the commission to revoke certification;

11. Increases the amount of the initial distribution to a gubernatorial candidate in the general election to $600,000 and limits the amount of matching to an equivalent amount;

12. Prohibits Maine Clean Election Act candidates from using public funds to pay for services provided by the candidate or immediate family members;

13. Requires the commission staff to audit all gubernatorial candidates who receive Maine Clean Election Act funds and requires gubernatorial candidates and campaign staff to meet with the commission staff in order to discuss spending and record-keeping requirements within one month of the candidate's declaring an intention to seek public financing under the Maine Clean Election Act;

14. Clarifies the matching funds provision to include all contributions and fund distributions in calculating matching funds;

15. Clarifies the amount and timing of distributions to unenrolled candidates; and

16. Updates the provisions regarding appeals from the commission's decisions regarding certification.

Committee Amendment "A" (S-279)

This amendment strikes a provision of the bill that would have provided that the office of the Commission on Governmental Ethics and Election Practices does not have to be open until 8:00 p.m. on election day. The amendment increases from 20 to 40 the number of hours of assistance party committee employees can provide before such assistance is considered a contribution or an expenditure. The amendment clarifies that the disclosure required for authorized candidate advertisements does not include the address of the person who financed the advertisements whether broadcast on radio or television. The amendment changes from 60 days, as proposed by the bill, to 35 days the period of time before a general election during which there is a rebuttable presumption that a communication clearly depicting a candidate is an independent expenditure. In accordance with that 35-day period, disclosure requirements are triggered at that time for media communications and telephone calls that clearly depict a candidate.

The amendment also changes the time of day that campaign finance reports, with the exception of those required under the accelerated reporting schedule, are due to the commission from 5:00 p.m. to 11:59 p.m. on the day that they are due. The amendment eliminates the decrease in the dollar amount from $1,000 to $500 for expenditures by candidates or party committees made in the last 2 weeks of an election that would trigger 24-hour reports. The amendment removes a provision from the bill that would have required more detailed reporting of independent expenditures and a provision that would increase the fine from $10 to $100 for failure to properly register information required of candidates.

The amendment eliminates the provision in the bill that would have required that seed money contributions under the Maine Clean Election Act come from Maine residents and clarifies current seed money restrictions. The

amendment removes the part of the bill that would transfer General Fund money to the Maine Clean Election Fund in September rather than in January as required by current law. The amendment removes a provision in the bill that would prohibit a Maine Clean Election Act candidate from paying family members services provided to the candidate's campaign.

The amendment increases from 2,500 to 3,250 the number of qualifying contributions a gubernatorial candidate must obtain to become certified, but eliminates the proposal in the bill that would require a gubernatorial candidate to raise a minimum of $15,000 in seed money contributions. The amendment clarifies an error in the bill with regard to gubernatorial matching funds.

Enacted Law Summary

Public Law 2007, chapter 443 makes several changes to the laws governing campaign finance reporting and the Maine Clean Election Act. It amends the laws on campaign finance reporting as follows:

1. Amends the definition of "person" to remove the word "group";

2. Exempts lists of registered voters obtained by party committees from the definitions of "contributions" and "expenditures";

3. Includes facilities owned by a candidate's immediate family in determining whether an exception to expenditure is applicable;

4. It provides that a state party committee can provide a total of 40 hours of assistance to a candidate in an election without making a contribution to that candidate and expands the type of service provided from "advice" to "assistance";

5. Allows party candidate listings to treat federal candidates differently from other state candidates if required by federal election law and to include campaign slogans and logos;

6. Eliminates the requirement that Maine Clean Election Act candidates sign and file the voluntary spending limits statement;

7. Requires an outgoing treasurer to certify in writing the accuracy of a campaign's records;

8. Removes the requirement that the address be included in the disclosure statement in campaign communications financed by the candidate that are aired via a broadcasting station;

9. Requires that communications that name or depict a clearly identified candidate within 21 days before a primary election or 35 days before a general election contain the disclosure statement, unless the communication's purpose has a purpose other than influencing an election;

10. Extends the time period from 10 to 20 days during which fines will be assessed for communications that lack the disclosure statement;

11. Establishes disclosure requirements regarding certain automated and live telephone calls to voters made 35 days prior to an election;

12. Clarifies that funds that are earmarked for a candidate through a conduit or intermediary are considered contributions to the candidate;

13. Requires that sole proprietorships and their owners be treated as a single entity for the purposes of contribution limits;

14. Removes the requirement that federal candidates and state party committees file federal campaign finance reports with the commission;

15. Revises the report filing schedule for candidates, party committees and political action committees to allow the commission to have more complete information upon which to base matching fund calculations and provides that in most circumstances, reports are not due to the commission until 11:59pm;

16. Changes the amount of a campaign surplus or deficit from $50 to $100 that requires candidates to file semiannual reports with the commission;

17. Requires party committees to retain records of contributions and expenditures and receipts for expenditures;

18. Expands the period during which a communication that names or depicts a clearly identified candidate is presumed to be an independent expenditure to 21 days before a primary election or 35 days before a general election and requires independent expenditure reports to contain a description of the communications made;

19. Raises the amount of the penalty waiver for a late-filed report for candidates, party committees and political action committees from $5 to $10;

20. Clarifies when an electronically submitted or facsimile copy is allowed;

21. Corrects an error in the statute that sets the triggering threshold for political action committees from $50 to $1,500;

22. Requires political action committees to identify, upon registering, Legislators who have a significant role in fund-raising or decision-making for the committee;

23. Requires political action committees to file an initial campaign finance report upon registering with the commission; and

24. Clarifies the conditions for dissolving a political action committee.

Chapter 443 amends the laws governing the Maine Clean Election Act as follows:

1. Adds a definition of "immediate family";

2. Clarifies the requirements for a valid qualifying contribution;

3. Allows the commission to request an advance on the annual amount to be transferred if there will be insufficient funds for an upcoming election;

4. Clarifies that Maine Clean Election Act funds cannot be used to pay for goods and services received during the qualifying period;

5. Adds new conditions for certification, including whether a candidate has made material false statements to the commission or has been denied certification or had certification revoked due to substantial violations of election laws;

6. Increases the number of qualifying contributions that must be collected by gubernatorial candidates from 2500 to 3250 and clarifies an error in the bill regarding matching funds for gubernatorial candidates;

7. Extends the period of time the commission has to certify gubernatorial candidates and allows the commission to take additional time to certify a candidate if a compliance investigation is necessary;

8. Creates a process for the commission to revoke certification;

9. Increases the amount of the initial distribution to a gubernatorial candidate in the general election to $600,000 and limits the amount of matching to an equivalent amount;

10. Requires the commission staff to audit all gubernatorial candidates who receive Maine Clean Election Act funds and requires gubernatorial candidates and campaign staff to meet with the commission staff in order to discuss spending and record-keeping requirements within one month of the candidate's declaring an intention to seek public financing under the Maine Clean Election Act;

11. Clarifies the matching funds provision to include all contributions and fund distributions in calculating matching funds;

12. Clarifies the amount and timing of distributions to unenrolled candidates; and

13. Updates the provisions regarding appeals from the commission's decisions regarding certification.

LD 1857 **An Act To Allow Members of the Maine National Guard To Run for Office in a Partisan Public Election** **PUBLIC 130**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	OTP	

This bill exempts members of the Maine National Guard from the law prohibiting an unclassified employee of the executive branch from being a candidate for elective office in a partisan public election.

Enacted Law Summary

Public Law 2007, chapter 130 exempts members of the Maine National Guard from the law prohibiting an unclassified employee of the executive branch from being a candidate for elective office in a partisan public election.

LD 1871 **Resolve, Authorizing Municipalities To Consolidate Voting Districts for a Special Election** **RESOLVE 12 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
CROCKETT PERRY J	OTP	

This resolve authorizes municipalities to consolidate voting districts for the purpose of holding a special election on bond issues in June of 2007.

Enacted Law Summary

Resolve 2007, chapter 12 authorizes municipalities to consolidate voting districts for the purpose of holding a special election on bond issues in June of 2007.

Chapter 12 was enacted as an emergency measure effective May 3, 2007.

LD 1877 **Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices**

RESOLVE 72
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of Chapter 3: Maine Clean Election Act and Related Provisions, a major substantive rule of the Commission on Governmental Ethics and Election Practices.

Enacted Law Summary

Resolve 2007, chapter 72 approved Major Substantive Rules regarding the Maine Clean Election Act provisionally adopted by the Commission on Governmental Ethics and Election Practices. Those rules contain the following amendments to the Major Substantive Rules in Chapter 3 governing the administration of Maine Clean Election Act:

Clarifies that any qualifying contributions received more than 5 days before a candidate files a Declaration of Intent with the Commission will not count towards the required minimum;
Removes the requirement that the candidate identify the treasurer and political committee on the Declaration of Intent;
Removes the requirement that information about the campaign's financial institution and the candidate's social security or tax identification number be disclosed on the Declaration of Intent;
Requires that the Declaration of Intent include an affirmation that the candidate has read and will comply with the guidelines on using public funds;
Changes the content of the receipt and acknowledgement form that candidates use in collecting qualifying contributions and signatures by eliminating the requirement for candidates to sign each form separately, and instead requiring candidates to affirm their compliance with all qualifying contribution requirements on a new certification request form;
Clarifies that the proof of the contributor's voter registration, (i.e. the signature of the municipal registrar or clerk on the receipt and acknowledgement form) will not be accepted by the Commission after the close of the qualifying period;
Eliminates the option for candidates to submit photocopies or receipt and acknowledgment forms prior to the deadline of the qualifying period as long as the verified original forms were submitted to the Commission within 10 days after the photocopies were delivered to the Commission;
Clarifies the procedures for requesting certification as a Maine Clean Election Act candidate;
Clarifies the process by which matching funds are calculated;
Requires a campaign treasurer to keep bank account records and vendor invoices and authorizes the Commission to require the return of funds if a candidate or treasurer cannot produce supporting documentation for an expenditure, or otherwise failed to keep records;
Clarifies that Maine Clean Election Act funds can be commingled with unspent money and that matching funds can only be spent after the candidate receives authorization
Eliminates the pro rata reimbursement for vehicle travel expense based on actual expenses; and
Allows primary and general election candidates to reserve $1000 and $2500, respectively, to defray the costs associated with an audit.

This resolve was enacted as an emergency measure effective June 8, 2007.

LD 1879 **An Act To Allow Additional Slot Machines at a Harness Horse Racing Track To Support Harness Horse Racing, Passenger and Freight Train Service on the Mountain Division Rail Line and Passenger Train Service Overseen by the Northern New England Passenger Rail Authority** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MOORE G SNOWE-MELLO		

This bill permits the operation of additional slot machines at a harness horse racing track in a municipality along the railroad line from Portland to the New Hampshire border overseen by the Northern New England Passenger Rail Authority or the railroad line from Portland through Westbrook, Gorham, Standish and Fryeburg to the New Hampshire border known as the Mountain Division rail line. The bill limits the location of the operation of these slot machines to one harness horse racing track and to within 200 feet of the outside edge of the racing oval at that harness horse racing track. A municipality must approve the operation of slot machines before slot machines authorized by this bill may be operated in that municipality.

An entity that operates an agricultural fair or a person licensed to operate a commercial track may apply to the Department of Public Safety, Gambling Control Board no later than December 31, 2009 for a license to operate slot machines authorized by this bill. The Gambling Control Board will choose one applicant to receive the license authorized by this bill. Slot machines authorized by this bill are subject to regulation and supervision by the Gambling Control Board.

The bill is subject to approval by the voters of this State at referendum.

The slot machine operator will be required to collect and distribute 1% of gross slot machine income for deposit in the General Fund. The slot machine operator will be required to collect and distribute 39% of the net slot machine income as follows:

1. Two percent for deposit in the General Fund for administrative expenses of the Gambling Control Board, including gambling addiction counseling services;

2. Ten percent to supplement harness racing purses;

3. Three percent for deposit in the Sire Stakes Fund;

4. Three percent for deposit in the Agricultural Fair Support Fund;

5. Five percent for the Town of Standish to establish a drinking water protection fund to protect the quality of the drinking water for communities served by the Portland Water District and to establish a recreational area on Sebago Lake in Standish;

6. One percent for scholarships for students at the University of Maine System;

7. One percent for scholarships for students at the Maine Community College System;

8. Ten percent for the Mountain Division Rail Line Authority, which is established in this bill and may issue bonds, to fund the acquisition, financing, construction, operation, improvement and repair of a railroad line from Portland through Westbrook, Gorham, Standish and Fryeburg to the New Hampshire border;

9. Two percent for the Northern New England Passenger Rail Authority to support the operation of a train on the railroad line from Portland to the New Hampshire border;

10. One percent for the Department of Agriculture, Food and Rural Resources to be used for equine rescue and other animal protection programs; and

11. One percent for the municipality in which the slot machines are located.

LD 1879 was carried over pursuant to Joint Order, HP 1369.

LD 1882 An Act To Clarify Certain Provisions in the Harness Racing Statutes **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	ONTP	

This bill amends the harness racing statutes to clarify that simulcast racing activities may be conducted within licensed racino operator facilities.

LD 1889 An Act To Protect the Lives and Health of Members of the Maine National Guard **PUBLIC 318 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS EDMONDS	OTP-AM	H-419

This bill creates the Commission to Protect the Lives and Health of Members of the Maine National Guard. The commission consists of 9 voting members and one or 2 advisory nonvoting members. The intent of the bill is to provide through the commission a higher and safer standard for preventive medical practices and health screenings administered to members of the Maine National Guard than currently exists.

The commission, working with the Department of Defense, Veterans and Emergency Management and the Department of Health and Human Services, Maine Center for Disease Control and Prevention, is required to review all preventive health care treatment practices and protocols and vaccinations and other medications administered to members of the Maine National Guard and propose recommendations to the Armed Forces of the United States regarding safer health care practices and medications. The commission shall also assist veterans' families who have members who have died while in the Maine National Guard to obtain accurate and timely information regarding the deaths. The commission shall track the care of wounded Maine National Guard members and help ensure good care.

The commission must hold at least 4 meetings a year, including one public hearing, to obtain information, including information provided by veterans and their families in regard to the issues that the commission is required to address.

Commission members include, among others, a physician, a psychologist, a pharmacist, a retired veteran who has served in a war zone, a family member of a deceased military person who died while serving in the Maine National Guard and a disabled veteran who suffered a disability while serving in a military capacity.

The commission must issue its first complete report by December 15, 2008 and an annual report thereafter.

Committee Amendment "A" (H-419)

This amendment clarifies that the Commission to Protect the Lives and Health of Members of the Maine National

Guard will also track the care of wounded service members of all military services. It also makes a technical change by adding the commission to the list of boards and commissions found in the Maine Revised Statutes, Title 5 and by referencing the role of the Maine Center for Disease Control and Prevention in Title 22, which governs health and welfare. This amendment includes a purpose section and clarifies a headnote.

Enacted Law Summary

Public Law 2007, chapter 318 creates the Commission to Protect the Lives and Health of Members of the Maine National Guard. The commission consists of 9 voting members and one or 2 advisory nonvoting members. The intent of the bill is to provide through the commission a higher and safer standard for preventive medical practices and health screenings administered to members of the Maine National Guard than currently exists.

The commission, working with the Department of Defense, Veterans and Emergency Management and the Department of Health and Human Services, Maine Center for Disease Control and Prevention, is required to review all preventive health care treatment practices and protocols and vaccinations and other medications administered to members of the Maine National Guard and propose recommendations to the Armed Forces of the United States regarding safer health care practices and medications. The commission shall also assist veterans' families who have members who have died while in the Maine National Guard to obtain accurate and timely information regarding the deaths. The commission shall track the care of wounded Maine National Guard members and Armed Forces service members and help ensure good care.

The commission must hold at least 4 meetings a year, including one public hearing, to obtain information, including information provided by veterans and their families in regard to the issues that the commission is required to address.

Commission members include, among others, a physician, a psychologist, a pharmacist, a retired veteran who has served in a war zone, a family member of a deceased military person who died while serving in the Maine National Guard and a disabled veteran who suffered a disability while serving in a military capacity.

The commission must issue its first complete report by December 15, 2008 and an annual report thereafter.

Public Law 2007, chapter 318 was enacted as an emergency measure effective June 18, 2007.

LD 1898 An Act To Amend the Laws Pertaining to Lobbying **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CANAVAN EDMONDS	ONTP	

This bill amends the definition of "lobbying" to include the solicitation of others to influence legislative action and defines "solicitation." The bill also requires a lobbyist to include in the lobbyist's monthly report to the Commission on Governmental Ethics and Election Practices the specific dollar amount of expenditures for solicitation.

The proposal in this bill is to be considered with LD 1393 which was carried over to the Second Regular Session of the 123rd Legislature.

LD 1921 An Act Regarding the Central Voter Registration System **PUBLIC 397**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted

This bill is a Joint Standing Committee on Legal and Veterans Affairs bill pursuant to joint order. It amends the laws governing the central voter registration system by consolidating 2 reports due annually in March to the joint standing committee of the Legislature having jurisdiction over voter registration. It amends the fee system for the purchase of electronic records from the central voter registration system by reducing the cost and establishing new fees more in line with what other states charge for such records. Finally, in recognition of the delayed implementation of the central voter registration system, the bill extends the date of a sunset provision and allows for limited exceptions to the public records law by allowing some electronic data to be confidential.

Enacted Law Summary

Public Law 2007, chapter 397 amends the laws governing the central voter registration system by consolidating 2 reports due annually in March to the joint standing committee of the Legislature having jurisdiction over voter registration. It amends the fee system for the purchase of electronic records from the central voter registration system by reducing the cost and establishing new fees more in line with what other states charge for such records. Finally, in recognition of the delayed implementation of the central voter registration system, chapter 397 extends the date of a sunset provision and allows for limited exceptions to the public records law by allowing some electronic data to be confidential.

This bill was enacted as an emergency measure, effective June 21, 2007.

LD 1924 **An Act To Implement the Recommendations of the Committee To Review the Taxation of Slot Machine Revenues, Created by Executive Order 33 Fiscal Year 2006-07** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS		

This bill is a concept draft pursuant to Joint Rule 208. It proposes to implement the recommendations of the Committee to Review the Taxation of Slot Machine Revenues, created by Executive Order 33 Fiscal Year 2006-07.

LD 1924 was carried over pursuant to Joint Order, HP 1369.

LD 1928 **An Act To Extend from 4 to 6 Terms the Limits on Legislative Terms** **PUBLIC 465**

Sponsor(s)	Committee Report	Amendments Adopted

This bill extends the limitation on legislative terms from 4 to 6. It would not apply to members of the Legislature who are currently serving a 4th consecutive term as a Senator or as a member of the House of Representatives. This bill requires that the proposed alteration in the law governing term limits be submitted to the voters in November 2007 for approval.

Enacted Law Summary

Public Law 2007, chapter 465 submits to the voters in November 2007, a proposal to extend legislative terms from 4 to 6. This measure would not apply to members of the Legislature who are currently serving a 4th consecutive term as a Senator or as a member of the House of Representatives.

Joint Standing Committee on Legal and Veterans Affairs

SUBJECT INDEX

Alcoholic Beverages

Enacted

LD 620	An Act Relating to Liquor Samples	PUBLIC 113
LD 846	Resolve, Directing the Department of Public Safety, Bureau of Liquor Licensing and Compliance To Study the Retail Placement and Marketing of Spirits, Beer and Wine with Regard to Minors	RESOLVE 68
LD 1124	An Act To Create an Ownership Interest in Agency Liquor Store Licenses	PUBLIC 117

Not Enacted

LD 143	An Act To Allow Direct-to-consumer Wine and Malt Liquor Sales	INDEF PP
LD 914	An Act To Extend the Hours for Sale and Delivery of Alcohol	ONTP
LD 1049	An Act To Require Wholesale Distributors of Alcoholic Beverages To Report the Quantity of Liquor Sold to Individual Licensees	ONTP
LD 1283	An Act To Prevent Retailers from Selling Liquor below Cost	ACCEPTED ONTP REPORT
LD 1315	An Act To Amend the Wine License Laws	ACCEPTED ONTP REPORT
LD 1497	An Act To Improve Local Control over Bars	ONTP
LD 1577	An Act To Address the Pervasive Effect of Substance Abuse in Maine	ONTP
LD 1643	An Act To Clarify Alcohol Enforcement	ONTP
LD 1688	An Act To Allow the Use of Credit Cards To Purchase Wine, Beer and Spirits from Distributors	ACCEPTED ONTP REPORT
LD 1757	An Act To Establish a Pricing Formula for Liquor Sales and To Adjust Agent Discounts	DIED IN CONCURRENCE

Beano and Games of Chance

Enacted

LD 76	An Act To Temporarily Reduce the Fee To Operate High-stakes Beano	PUBLIC 109
LD 127	An Act To Amend the Laws Pertaining to Beano	PUBLIC 110
LD 892	An Act To Authorize Nonprofit Organizations To Conduct Tournament Games	PUBLIC 205
LD 1422	An Act To Allow Nonprofit Organizations To Operate Certain Games of Chance without a License	PUBLIC 254
LD 1704	An Act To Make Changes in the Laws Regarding Raffles	PUBLIC 378

Not Enacted

LD 309	An Act To Change the Laws Concerning Games of Chance	ONTP
LD 915	An Act To Amend the Laws Governing Bingo	ACCEPTED ONTP REPORT
LD 1273	An Act To Increase Beano Revenue	ONTP
LD 1397	An Act To Allow Nonprofit Organizations and Indian Tribes To Sponsor Texas Hold 'Em Tournaments	ONTP
LD 1723	An Act To Streamline the Beano Laws	ONTP

Campaign Finance and Maine Clean Election Act

Enacted

LD 1854	An Act Regarding Campaign Finance Reporting and the Maine Clean Election Act	PUBLIC 443
LD 1877	Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices	RESOLVE 72 EMERGENCY

Not Enacted

LD 106	An Act To Prohibit a Maine Clean Election Act Candidate from Participating in Political Action Committee Funding	ACCEPTED ONTP REPORT
LD 348	An Act To Limit Contributions to Political Action Committees	ONTP

LD 396	An Act To Provide Additional Funding for the Maine Clean Election Act	ONTP
LD 490	An Act To Clarify Reporting of Contributions and Expenditures by Persons Involving a Ballot Question	ONTP
LD 491	An Act To Set Limits on Political Action Committee Contributions	ONTP
LD 508	An Act Concerning Citizens' Initiatives and Public Disclosure of Influence	ONTP
LD 636	An Act To Create Optional Public Financing of Legislative Leadership Elections	ONTP
LD 700	An Act To Limit Expenditures by Political Action Committees	ONTP
LD 1233	An Act To Amend Requirements for Participation of Gubernatorial Candidates under the Maine Clean Election Act	ONTP
LD 1316	An Act To Define Campaign Communications Requiring Matching Clean Election Funding	ONTP
LD 1317	An Act To Require a Minimum Number of Votes in a Primary To Continue To Qualify as a Maine Clean Election Act Candidate	ONTP
LD 1394	An Act Regarding Campaign Finance Disclosure by Political Action Committees	CARRIED OVER
LD 1498	An Act To Prohibit Out-of-state Corporations from Contributing to State and County Elections	ONTP
LD 1499	An Act To Improve the Maine Clean Election Act	ONTP
LD 1507	An Act Regarding Political Activities of Corporations	INDEF PP
LD 1547	An Act To Prohibit a Maine Clean Election Act Candidate from Recruiting a Primary Opponent	ONTP
LD 1548	An Act Concerning Nonprofit Political Action Committees	ONTP
LD 1679	An Act To Change and Clarify the Maine Clean Election Laws	ONTP
LD 1680	An Act To Reform and Simplify the Clean Election Process	ONTP
LD 1682	An Act To Improve Maine's Clean Election Law	ONTP
LD 1724	An Act To Strengthen the Maine Clean Election Act	ONTP
LD 1729	An Act To Allow Contributors to Candidates Financed by the Maine Clean Election Fund To Submit Qualifying Contributions Online	ONTP

LD 1740	An Act To Amend the Maine Clean Election Act	ONTP
LD 1779	An Act To Govern Publicly Funded Advertising during Campaigns	DIED BETWEEN HOUSES

Campaign Practices

Not Enacted

LD 683	An Act To Limit the Activities of Political Candidates at Polling Places to Voting	ACCEPTED ONTP REPORT
LD 1232	An Act To Limit the Duration of the Placement of Campaign Signs	ONTP
LD 1251	An Act To Establish the Crime of Political Libel (by request)	ONTP
LD 1561	An Act To Eliminate the Placement of Campaign Signs on Public Property	ONTP
LD 1562	An Act To Restrict the Placement of Political Signs by Requiring Permission	ONTP

Claims Against the State

Not Enacted

LD 10	An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee	ACCEPTED ONTP REPORT
LD 730	Resolve, Authorizing Matthew Haskell To Sue the State	ACCEPTED ONTP REPORT

Defense, Veterans and Emergency Management

Enacted

LD 62	An Act To Recognize Gold Star Parents and Family Members	PUBLIC 461
LD 1088	An Act To Amend Various Department of Defense, Veterans and Emergency Management Laws	PUBLIC 167
LD 1607	An Act To Establish a Fund to Provide American Flags at Veterans' Graves	PUBLIC 368 EMERGENCY

Elections

Enacted

LD 27	An Act To Clarify Election Laws Concerning Election Clerks' Qualifications	PUBLIC 422 EMERGENCY
LD 663	An Act To Update Absentee Ballot Procedures	PUBLIC 122 EMERGENCY
LD 1761	An Act To Amend the Election Laws	PUBLIC 455
LD 1871	Resolve, Authorizing Municipalities To Consolidate Voting Districts for a Special Election	RESOLVE 12 EMERGENCY

Not Enacted

LD 287	An Act To Limit Campaigning at Polling Places	ACCEPTED ONTP REPORT
LD 310	An Act To Ensure the Integrity of Maine's Electoral Process by Requiring Physical Ballots	ONTP
LD 434	An Act To Allow a Voter To Preserve the Confidentiality of That Voter's Presence at the Polls	ONTP
LD 563	An Act To Move the Primary Election from June to September	ONTP
LD 585	An Act To Establish Instant Run-off Voting for Gubernatorial Races	ONTP
LD 732	An Act To Improve the Candidate Nomination and Replacement Process	ONTP
LD 1150	An Act To Establish Random Audits of Voting Machines	CARRIED OVER
LD 1362	An Act To Amend the Laws Governing Municipal Elections	ONTP
LD 1744	An Act To Join the Interstate Compact on the National Popular Vote	CARRIED OVER
LD 1799	An Act To Establish Open Ballot Voting in Maine	CARRIED OVER

Governmental Ethics and Election Practices

Enacted

LD 1008	Resolve, Directing the Commission on Governmental Ethics and Election Practices To Provide Historical Data Regarding the Receipt and Resolution of Complaints Pertaining to Legislative Ethics Violations	RESOLVE 81
LD 1136	An Act To Amend the Commission on Governmental Ethics and Election Practices' Appointment Process	PUBLIC 252
LD 1341	An Act To Clarify Restrictions on Accepting Campaign Contributions Laws	PUBLIC 279

Harness Racing and Off-track Betting

Not Enacted

LD 35	An Act To Require Approval by the Gambling Control Board for the Transfer of Ownership of an Off-track Betting Facility	ONTP
LD 891	An Act To Allow and Regulate Additional Pari-mutuel Wagering at Commercial Tracks	ONTP
LD 1882	An Act To Clarify Certain Provisions in the Harness Racing Statutes	ONTP

Initiatives and Referenda

Enacted

LD 176	An Act To Provide Notice to the General Public about Proposed Initiative Questions	PUBLIC 234 EMERGENCY

Not Enacted

LD 699	Resolve, Establishing the Commission To Improve Certain Aspects of the Citizen Initiative Process	ONTP
LD 1050	An Act To Prohibit Payment for the Gathering of Petition Signatures	ONTP
LD 1059	An Act To Ban Payment-per-signature for Initiative and Referenda Petition Circulators	ACCEPTED ONTP REPORT
LD 1328	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Frequency with which an Issue May Appear on the Ballot as a Result of a Direct Initiative	ONTP
LD 1522	An Act To Modify the Citizen Initiative Process	ONTP

Landlord/Tenant Laws

Enacted

LD 330	An Act To Protect the Integrity of Security Deposits	PUBLIC 332
LD 475	An Act To Prevent Additional Housing Charges for Persons Requiring In-home Care	PUBLIC 387
LD 1651	An Act To Permit the Use of Surety Bonds in Lieu of Security Deposits	PUBLIC 370

Not Enacted

LD 383	An Act To Amend the Landlord-tenant Laws	ONTP

LD 1306	An Act To Protect against Discrimination in Housing	ONTP

Lobbying and Lobbyists

Enacted

LD 1058	An Act To Require the Reporting of Executive Branch Lobbying	PUBLIC 373

Not Enacted

LD 557	An Act To Increase the Penalty for Late Filings by Lobbyists (by request)	ONTP
LD 1051	An Act To Provide Information to the Public Regarding Lobbying and Lobbyists	ONTP
LD 1393	An Act Regarding Lobbyist Disclosure	CARRIED OVER
LD 1898	An Act To Amend the Laws Pertaining to Lobbying	ONTP

Lottery

Not Enacted

LD 1121	An Act To Provide That Lottery Proceeds Be Devoted to Public or Charitable Uses	ONTP
LD 1260	An Act To Create an Animal Welfare Lottery Game	ACCEPTED ONTP REPORT

Maine National Guard

Enacted

LD 1857	An Act To Allow Members of the Maine National Guard To Run for Office in a Partisan Public Election	PUBLIC 130
LD 1889	An Act To Protect the Lives and Health of Members of the Maine National Guard	PUBLIC 318 EMERGENCY

Slot machines

Not Enacted

LD 701	An Act To Authorize the Operation of Slot Machines on Indian Island in Old Town	CARRIED OVER
LD 805	An Act To Authorize a Tribal Commercial Track and Slot Machines in Washington County	VETO SUSTAINED

LD 890	An Act To Allow the Awarding of Prize Money from Gambling Machines Run by Nonprofit Organizations	ACCEPTED ONTP REPORT
LD 994	An Act To Make Minor Changes to the Gambling Control Board Laws	ONTP
LD 1828	An Act To Allow a Casino in Oxford County	ACCEPTED ONTP REPORT
LD 1879	An Act To Allow Additional Slot Machines at a Harness Horse Racing Track To Support Harness Horse Racing, Passenger and Freight Train Service on the Mountain Division Rail Line and Passenger Train Service Overseen by the Northern New England Passenger Rail Authority	CARRIED OVER
LD 1924	An Act To Implement the Recommendations of the Committee To Review the Taxation of Slot Machine Revenues, Created by Executive Order 33 Fiscal Year 2006-07	CARRIED OVER

Term Limits

Enacted

LD 1928	An Act To Extend from 4 to 6 Terms the Limits on Legislative Terms	PUBLIC 465

Not Enacted

LD 42	An Act To Repeal Term Limits for Legislators	INDEF PP
LD 854	An Act To Extend Term Limits for the House of Representatives	ONTP

Veterans and Veterans' Services

Enacted

LD 999	An Act To Improve Transportation for Veterans	P & S 30

Not Enacted

LD 458	An Act To Prevent Persons Convicted of Child Molestation from Being Buried in a Maine Veterans' Cemetery	ONTP
LD 1023	An Act To Designate Special Funds To Help Support Maine Military Families	ONTP

Voting

Enacted

LD 1921	An Act Regarding the Central Voter Registration System	PUBLIC 397 EMERGENCY

Not Enacted

LD 203	An Act Concerning Student Voter Registration	ACCEPTED ONTP REPORT
LD 300	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict the Voting Privileges of Certain Incarcerated Felons	ONTP
LD 731	An Act To Preserve the Integrity of Elections by Removing the Requirement for a Challenge Affidavit	ONTP
LD 1549	An Act Concerning Voter Registration	ONTP
LD 1783	An Act To Require Photographic Identification in Order To Register To Vote	ONTP

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON MARINE RESOURCES

July 2007

MEMBERS:

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SEN. DANA L. DOW
SEN. LOIS A. SNOWE-MELLO

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LD 16 **An Act To Make Lobster Trap Molesting a Civil Offense** **PUBLIC 283**

Sponsor(s)	Committee Report	Amendments Adopted
MAZUREK	ONTP MAJ OTP-AM MIN	H-74

LD 16 decriminalizes the offense of molesting a lobster trap and makes it a civil offense.

Committee Amendment "A" (H-74)

This committee amendment makes technical changes to the bill.

Enacted Law Summary

Public Law 2007, chapter 283 decriminalizes the offense of molesting a lobster trap and makes it a civil offense for which a fine of not less than $100 or more than $500 may be adjudged.

LD 77 **An Act To Provide for the Safety of Elver Fishermen Using Dip Nets** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PENDLETON BARTLETT	ONTP MAJ OTP-AM MIN	

LD 77 allows a person to use a dip net to fish for elvers while standing in the coastal waters of the State during the 2 hours before high tide and the 2 hours following high tide.

Committee Amendment "A" (H-7)

This committee amendment is the minority report and replaces the bill. It proposes to remove the prohibition in current law against using a dip net to fish for elvers in the coastal waters.

LD 92 **An Act To Modify the Boundaries of Maine's Lobster Fishing Zones** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	ONTP MAJ OTP MAJ	

LD 92 restricts lobster management zones from extending beyond the 3-mile limit as set by the National Oceanic and Atmospheric Administration. It also prohibits the Commissioner of Marine Resources from adopting rules that would allow the holder of a lobster and crab fishing license declared for any particular zone more traps beyond the 3-mile limit than any other holder of a lobster and crab fishing license.

LD 139 **An Act To Provide Flexibility for Sea Urchin Zones** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	ONTP	

LD 139 provides the Commissioner of Marine Resources with the authority to adopt rules to create sea urchin management areas. It also authorizes the commissioner to adopt rules for management areas that are different from those in place in the surrounding sea urchin zones.

LD 140 **An Act To List the Shortnose Sturgeon as a Marine Endangered Species** **PUBLIC 6**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP	

LD 140l adds shortnose sturgeon, which is listed as an endangered species by the United States Secretary of the Interior, to Maine's endangered species list. It authorizes the inclusion of shortnose sturgeon in the Department of Marine Resources' Section 6 Cooperative Agreement with the National Oceanic and Atmospheric Administration, which allows federally funded research of this endangered species in state waters.

Enacted Law Summary

Public Law 2007, chapter 6 adds shortnose sturgeon, which is listed as an endangered species by the United States Secretary of the Interior, to Maine's endangered species list. This action authorizes the inclusion of shortnose sturgeon in the Department of Marine Resources' Section 6 Cooperative Agreement with the National Oceanic and Atmospheric Administration, which allows federally funded research of this endangered species in state waters.

LD 156 **An Act To Require All Holders of Mahogany Quahog Licenses To Operate Their Own Vessels When Fishing for Quahogs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EMERY	ONTP	

LD 156 is a concept draft pursuant to Joint Rule 208.

LD 156 proposes to amend the current law to require that holders of mahogany quahog licenses must also be present upon and operating their own vessels while those vessels are in the process of fishing for quahogs.

LD 170 **An Act To Permit the Landing of Lobsters Harvested by Methods other than Conventional Traps** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HASKELL	ONTP	

LD 170 is an emergency measure and creates an offshore lobster and crab landing license that allows the holder to harvest lobsters other than by conventional lobster traps from the EEZ Offshore Lobster Management Area 3 and land those lobsters in the State. It sets the limit for the number of lobsters that can be harvested under this

license at 100 lobsters for a fishing trip of 24 hours or less in duration, with a maximum limit of 500 lobsters within a period of 7 consecutive days. LD 170 also provides for the allocation of revenues raised by the new license to the Lobster Fund and the Lobster Promotion Fund.

LD 257 **An Act To Allow Expense Reimbursement for the Commercial Fishing Safety Council** **PUBLIC 34**

Sponsor(s)	Committee Report	Amendments Adopted
MCDONOUGH	OTP-AM	H-32

LD 257 provides compensation to members of the Commercial Fishing Safety Council for the expenses they incur traveling to meetings.

Committee Amendment "A" (H-32)

This committee amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2007, chapter 34 provides compensation to members of the Commercial Fishing Safety Council for the expenses they incur traveling to meetings.

LD 311 **An Act To Create a Nonresident Lobster and Crab Landing Permit** **PUBLIC 201**

Sponsor(s)	Committee Report	Amendments Adopted
WHEELER	OTP-AM A OTP-AM B ONTP C	H-257

LD 311 creates a new permit that allows nonresident lobster fishermen to land their catch in a Maine port.

Committee Amendment "A" (H-257)

This committee amendment is the majority report and provides that an applicant for a nonresident lobster and crab landing permit must document to the Commissioner of Marine Resources that that person has not been issued lobster trap tags from another state or from the federal government that would allow that person to exceed Maine's trap tag limit. It also provides that the holder of the permit may transport lobsters within the State. This committee amendment directs the Department of Marine Resources to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the implementation and impact of the nonresident lobster and crab landing permit on the lobster resource and related businesses by January 3, 2009.

Enacted Law Summary

Public Law 2007, chapter 201 creates a new permit that allows nonresident lobster fishermen to land their catch in a Maine port. It provides that an applicant for a nonresident lobster and crab landing permit must document to the Commissioner of Marine Resources that that person has not been issued lobster trap tags from another state or from the federal government that would allow that person to exceed Maine's trap tag limit. Public Law 2007, chapter 201 also provides that the holder of the permit may transport lobsters within the State. It directs the Department of Marine Resources to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the implementation and impact of the nonresident lobster and crab landing permit on the lobster resource and related businesses by January 3, 2009.

LD 324 **Resolve, To Require the Department of Marine Resources To Report on Results of Anadromous Fish Restoration on the Kennebec River System** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	ONTP MAJ OTP-AM MIN	

LD 324 requires the Department of Marine Resources to develop and perform a comprehensive cost and benefit analysis of the restoration of anadromous fish to the Kennebec River system and report its findings to the Joint Standing Committee on Marine Resources by January 15, 2008.

LD 377 **An Act To Fund a Joint Appointment for a Groundfish Ecologist** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	OTP	

LD 377 makes ongoing General Fund appropriations of $100,000 per year for the Department of Marine Resources for its share of the costs of a groundfish ecologist to be employed by the Gulf of Maine Research Institute.

LD 384 **An Act To Further Protect Water Quality in Coastal Waters** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY	ONTP	

LD 384 prohibits the feeding of migratory waterfowl and seagulls on public property in the intertidal zone. It also requires the removal of fecal matter of pets on public property in the intertidal zone.

LD 403 **An Act To Encourage Municipalities To Abate Coastal Pollution** **PUBLIC 15 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	OTP-AM	H-31
		H-33 PERCY

Under current law, the Commissioner of Marine Resources must consult with a municipal shellfish conservation committee before opening an area for depuration digging. LD 403 requires the commissioner to obtain the approval of the committee before taking such action.

Committee Amendment "A" (H-31)

This committee amendment is an emergency measure and allows a town with a municipal shellfish conservation committee 2 years to develop a pollution abatement plan to manage a shellfish growing area within its jurisdiction that has been downgraded to a restricted classification after January 1, 2006, before that area is opened to depuration harvesting. Beginning April 1, 2007, a municipality must notify the commissioner

within 8 weeks of the reclassification of an area whether or not it intends to develop a pollution abatement plan. If a municipality develops a pollution abatement plan within 2 years from the date of the reclassification, the Commissioner of Marine Resources must obtain the permission of the municipality before opening the area to depuration harvesting. If the municipality does not wish to develop a pollution abatement plan or if it fails to notify the commissioner within the 8-week period, municipal approval is not required before opening the area to depuration harvesting. This committee amendment allows a town to manage the depuration harvesting within its jurisdiction if it has a depuration management plan approved by the Commissioner of Marine Resources. It also requires a depuration plant operator to file a general management plan with the Commissioner of Marine Resources that includes a timeline for harvest, harvest limits and harvester selection.

House Amendment "A" (H-33)

This House amendment is a technical amendment that provides a missing legal action verb.

Enacted Law Summary

Public Law 2007, chapter 15 allows a town with a municipal shellfish conservation committee 2 years to develop a pollution abatement plan to manage a shellfish growing area within its jurisdiction that has been downgraded to a restricted classification after January 1, 2006, before that area is opened to depuration harvesting. Beginning April 1, 2007, a municipality must notify the commissioner within 8 weeks of the reclassification of an area whether or not it intends to develop a pollution abatement plan. If a municipality develops a pollution abatement plan within 2 years from the date of the reclassification, the Commissioner of Marine Resources must obtain the permission of the municipality before opening the area to depuration harvesting. If the municipality does not wish to develop a pollution abatement plan or if it fails to notify the commissioner within the 8-week period, municipal approval is not required before opening the area to depuration harvesting. Under current law, the Commissioner of Marine Resources must consult with a municipal shellfish conservation committee before opening an area for depuration digging. Public Law 2007, chapter 15 allows a town to manage the depuration harvesting within its jurisdiction if it has a depuration management plan approved by the Commissioner of Marine Resources. It also requires a depuration plant operator to file a general management plan with the Commissioner of Marine Resources that includes a timeline for harvest, harvest limits and harvester selection.

Public Law 2007, chapter 15 was an emergency measure effective March 22, 2007.

LD 492 **An Act To Clarify Who Receives Money from Fines for Violations of Maine's Soft-shelled Clam Laws** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD	OTP-AM	H-205

LD 492 requires that a fine collected for a violation of soft-shelled clam laws be paid to the municipality in which the violation occurred.

Committee Amendment "A" (H-205)

This committee amendment replaces the bill and clarifies that fines issued pursuant to a violation of a municipal shellfish conservation ordinance must be paid to the municipality in which the violation occurred.

LD 509 **An Act To Amend Laws Pertaining to Entry into the Lobster Fishery** **PUBLIC 204**

Sponsor(s)	Committee Report	Amendments Adopted
MAZUREK	OTP-AM MAJ OTP-AM MIN	H-255

LD 509 makes the following changes to the laws governing entry into the lobster fishery.

1. It makes 17 the youngest age at which one can obtain a Class I, II or III commercial lobster and crab fishing license.

2. It creates a new lobster management policy council authority that would allow a zone to consider whether or not to create a separate waiting list for young people's entry into that zone.

3. It changes the method for calculating a zone's exit-to-entry ratio from lobster licenses not renewed to trap tags retired in the previous year.

Committee Amendment "A" (H-255)

This committee amendment is the majority report and provides that a person that lives year-round on an island that is not connected to the mainland is not required to go on the waiting list proposed in the bill for people under 18 years of age.

Committee Amendment "B" (H-256)

This committee amendment is the minority report and provides that a person who lives year-round on an island or in lobster fishing Zone A is not required to go on to the waiting list proposed in the bill for people under 18 years of age.

Enacted Law Summary

Public Law 2007, chapter 204 makes the following changes to the laws governing entry into the lobster fishery:

1. It makes 17 the youngest age at which one can obtain a Class I, II or III commercial lobster and crab fishing license;

2. It creates a new lobster management policy council authority that would allow a zone to consider whether or not to create a separate waiting list for young people's entry into that zone; and

3. It changes the method for calculating a zone's exit-to-entry ratio from lobster licenses not renewed to trap tags retired in the previous year.

Public Law 2007, chapter 204 also provides that a person that lives year-round on an island that is not connected to the mainland is not required to go on the waiting list for people under 18 years of age.

LD 554 **An Act To Amend the Shellfish Laws** **PUBLIC 54**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	OTP	

LD 554 makes the following changes to Maine's shellfish laws:

1. It reduces the amount of shellstock an individual may harvest per day for personal use from 1/2 bushel to one peck;

2. It prevents persons who have had their shellfish harvesting license suspended from being able to harvest for personal use; and

3. It creates a new surf clam boat license, which allows vessels engaged in harvesting surf clams to obtain one license that covers all crew members.

Enacted Law Summary

Public Law 2007, chapter 54 makes the following changes to Maine's shellfish laws:

1. It reduces the amount of shellstock an individual may harvest per day for personal use from 1/2 bushel to one peck;

2. It prevents persons who have had their shellfish harvesting license suspended from being able to harvest for personal use; and

3. It creates a new surf clam boat license, which allows vessels engaged in harvesting surf clams to obtain one license that covers all crew members.

LD 586 **An Act To Simplify Notification Procedures for Water Quality Changes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD	ONTP	

This bill requires the Commissioner of Marine Resources to promptly notify interested parties when the commissioner has determined that the water quality has changed to a level that affects the status of an area or waters. Notification must include use of an online notification system, including notifying interested parties through electronic mail and posting a notice on the department's publicly accessible website.

LD 621 **Resolve, To Establish a Lobster Trap Tag Transfer Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE SNOWE-MELLO	ONTP	

LD 621 requires the Commissioner of Marine Resources to establish a lobster trap tag transfer program that allows the holder of lobster trap tags to sell or otherwise transfer any number of that person's lobster trap tags to another person who holds a valid lobster and crab fishing license. It provides that the program must include a cap on the number of trap tags at no more than 2006 levels and a $5 transfer fee. Revenues raised under this program must be used to fund lobster restocking or for other comparable conservation measures. LD 621 directs the Commissioner of Marine Resources to submit the draft lobster trap tag transfer program and draft legislation to implement the program to the Joint Standing Committee on Marine Resources by January 11, 2008.

LD 691 **An Act To Reduce Lobster and Crab Fishing License Fees for Persons 70 Years of Age or Older** **PUBLIC 138**

Sponsor(s)	Committee Report	Amendments Adopted
EATON	OTP-AM	H-154

Currently a person 70 years of age or older is eligible to pay a fee of $56 for a lobster and crab fishing license. If that individual wants a helper, the fee increases to $228.50. LD 691decreases the fee for a Class II license, which allows for the hiring of a helper, from $228.50 to $145 for a person 70 years of age or older.

Committee Amendment "A" (H-154)

This committee amendment replaces the bill and reduces by approximately 50% the fees for Class I, II and III lobster and crab fishing licenses and the surcharges on those licenses for applicants 70 years of age or older.

Enacted Law Summary

Public Law 2007, chapter 138 reduces by approximately 50% the fees for Class I, II and III lobster and crab fishing licenses and the surcharges on those licenses for applicants 70 years of age or older.

LD 784 **An Act To Enhance the Natural Resources Protection Laws** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SCHATZ	ONTP MAJ OTP-AM MIN	

Current law requires a person seeking to conduct aquaculture activities in the coastal waters of the state to go through a lease application process administered by the Department of Marine Resources but exempts that person from also undergoing the permitting process under the Natural Resources Protection Act. LD 784 amends the law to require a person applying for an aquaculture lease to also obtain a permit from the Department of Environmental Protection under the Natural Resource Protection Act.

LD 796 **An Act To Create the Endangered or Threatened Marine Species Fund** **PUBLIC 25**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM	S-12

LD 796 authorizes the Department of Marine Resources to accept donations of equipment and funding from any source to assist with its work on behalf of endangered or threatened marine species.

Committee Amendment "A" (S-12)

This committee amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2007, chapter 25 allows the Department of Marine Resources to accept donations of equipment and funding from any source to assist with its work on behalf of endangered or threatened marine species.

LD 798 **An Act To Standardize Inshore Dragging Seasons for Scallops and Sea Cucumbers** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON		

LD 798 changes the sea cucumber dragging season from July 1st to September 30th to April 16th to November 30th to align with the scallop season.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 847 **An Act To Support the Commercial Groundfish Industry** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR DAMON	OTP-AM	H-278

LD 847 is a concept draft pursuant to Joint Rule 208.

LD 847 proposes to allow Maine commercial fishermen who are dragging for shrimp to be able to land and sell herring as a bycatch up to a specified limitation. This concept is an emergency.

Committee Amendment "A" (H-278)

This committee amendment establishes a groundfish industry incentive program within the Department of Marine Resources. The program provides groundfish vessels that land and sell at least 90% of their catch in the State with rebates on ice purchased in this State and handling and transportation costs for groundfish landed in this State and exempts these groundfish vessels from the fuel sales tax. This committee amendment also provides an appropriations and allocations section. It also provides that the groundfish industry incentive program and the fuel tax exemption are repealed June 1, 2010.

LD 1036 **An Act To Appropriate Funds To Restore Clam Flats in Stockton Harbor (by request)** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
WEDDELL	OTP-AM	H-88

LD 1036 provides funds to restore the clam flats in Stockton Harbor.

Committee Amendment "A" (H-88)

This committee amendment adds an appropriations and allocations section to the bill.

LD 1318 **Resolve, To Conduct an Independent Review of the Department of Marine Resources, Public Health Division** **RESOLVE 82 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	OTP-AM	H-326
		S-193 DAMON

LD 1318 requires the Department of Marine Resources and the Office of Program Evaluation and Government Accountability to facilitate the implementation of an independent review and audit of program procedures and protocol of the water quality assessment functions of the Public Health Division of the Department of Marine Resources.

Committee Amendment "A" (H-326)

This committee amendment replaces the section of LD 1318 that directs the Department of Marine Resources and the Office of Program Evaluation and Government Accountability to conduct a review and audit of the public health division within the Department of Marine Resources and:

1. Directs Maine Sea Grant to work with the Interstate Shellfish Sanitation Conference to develop a scope of work and issue a request for proposals to conduct a review of the program procedures in the public health division within the Department of Marine Resources;

2. Establishes a 3-member scoring committee to select a vendor from applications received in response to the request for proposals by Maine Sea Grant;

3. Establishes a special fund within the Department of Marine Resources to be used only for the purpose of conducting a review of program procedures and authorizes the department to accept outside funding for this special fund;

4. Directs Maine Sea Grant, in conjunction with the vendor selected to conduct the review and after review and comment by the Interstate Shellfish Sanitation Conference, to provide a report on the review of the public health division within the Department of Marine Resources to the Joint Standing Committee on Marine Resources by January 15, 2008;

5. Directs the Department of Marine Resources to work with members of the shellfish harvesting industry to determine the need and feasibility of a shellfish advisory council and to report its findings and recommendations to the Joint Standing Committee on Marine Resources by January 15, 2008; and

6. Adds an appropriations and allocations section.

Senate Amendment "A" (S-193)

This Senate amendment clarifies that expenditures from the Special Fund for Peer Review of the Department of Marine Resources, Public Health Division are limited to grants distributed at the direction of the 3-member scoring committee established in Committee Amendment "A."

Enacted Law Summary

Resolve 2007, chapter 82 does the following:

1. Directs Maine Sea Grant to work with the Interstate Shellfish Sanitation Conference to develop a scope of work and issue a request for proposals to conduct a review of the program procedures in the public health division within

the Department of Marine Resources;

2. Establishes a 3-member scoring committee to select a vendor from applications received in response to the request for proposals by Maine Sea Grant;

3. Establishes a special fund within the Department of Marine Resources to be used only for the purpose of conducting a review of program procedures as directed by the 3-member scoring committee and authorizes the department to accept outside funding for this special fund;

4. Directs Maine Sea Grant, in conjunction with the vendor selected to conduct the review and after review and comment by the Interstate Shellfish Sanitation Conference, to provide a report on the review of the public health division within the Department of Marine Resources to the Joint Standing Committee on Marine Resources by January 15, 2008; and

5. Directs the Department of Marine Resources to work with members of the shellfish harvesting industry to determine the need and feasibility of a shellfish advisory council and to report its findings and recommendations to the Joint Standing Committee on Marine Resources by January 15, 2008.

Resolve 2007, chapter 82 was an emergency measure effective June 15, 2007.

LD 1409 An Act To Make Technical Changes to Maine's Aquaculture Statutes **PUBLIC 212**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY	OTP-AM	H-251

LD 1409 proposes to make several technical changes to Maine's aquaculture statutes. It provides a more specific definition for "intertidal zone" for the Maine Revised Statutes, Title 12, chapter 605, subchapter 2. It allows a limited-purpose aquaculture license to be issued to a municipal shellfish committee. It prohibits a person from marking or designating an area as a sea farm or aquaculture lease unless the area is currently leased for aquaculture or is under consideration for leasing through the aquaculture lease process. Finally, it provides that information obtained from other state, federal or foreign government agencies about aquaculture operations in their jurisdictions that is designated as confidential must be kept confidential by the Department of Marine Resources.

LD 1409 was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to MRSA Title 1, § 434, which requires review and evaluation of new exceptions to laws governing public records.

Committee Amendment "A" (H-251)

This committee amendment makes a technical change to reallocate a section of the bill to a more appropriate place in statute.

Enacted Law Summary

Public Law 2007, chapter 212 provides a more specific definition for "intertidal zone" for the Maine Revised Statutes, Title 12, chapter 605, subchapter 2. It also allows a limited-purpose aquaculture license to be issued to a municipal shellfish committee. Public Law 2007, chapter 212 prohibits a person from marking or designating an area as a sea farm or aquaculture lease unless the area is currently leased for aquaculture or is under consideration for leasing through the aquaculture lease process. It also provides that information obtained from other state, federal or foreign government agencies about aquaculture operations in their jurisdictions that is designated as confidential must be kept confidential by the Department of Marine Resources.

LD 1420 **An Act To Make Technical Changes to the Definition of “Coastal Area” and To Aid the Implementation of the Taunton Bay Resource Management Plan** **PUBLIC 157**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM	S-85

LD 1420 amends the definition of "territorial waters" in the Maine Revised Statutes, Title 12, Part 9 to extend that area from 3 nautical miles to 12 nautical miles. It directs the Department of Marine Resources and the Public Utilities Commission to review the coastal management policies contained in Title 38, chapter 19 and develop new policies and recommendations to update those provisions. LD 1420 also directs the Department of Marine Resources and the Public Utilities Commission to report their recommendations to the Joint Standing Committee on Marine Resources by January 5, 2008.

Committee Amendment "A" (S-85)

This committee amendment replaces the bill and instead of amending the definition of a "territorial waters" it amends the definition of "coastal area" to clarify that that area only extends out 3 nautical miles. Current law provides that whenever the Commissioner of Marine Resources adopts rules that limit the taking of one marine organism to protect another, those rules are major substantive rules. This committee amendment makes similar rules regarding the Taunton Bay Resource Management Plan routine technical instead of major substantive rules.

Enacted Law Summary

Public Law 2007, chapter 157 amends the definition of "coastal area" to clarify that that area only extends out 3 nautical miles. Current law provides that whenever the Commissioner of Marine Resources adopts rules that limit the taking of one marine organism to protect another, those rules are major substantive rules. Public Law 2007, chapter 157 makes similar rules regarding the Taunton Bay Resource Management Plan routine technical instead of major substantive rules.

LD 1528 **Resolve, To Require State Agencies with Jurisdiction over Dams To Review and Update Plans for the Passage of Native Diadromous Fish** **RESOLVE 109**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM MAJ OTP-AM MAJ ONTP MIN	S-252

LD 1528 requires that dams in this State in all classifications of fresh and estuarine surface waters must provide safe and effective upstream and downstream passage for indigenous diadromous fish. Diadromous fish are those fish that migrate from fresh to sea water or sea water to fresh water and are known as anadramous and catadramous fish, such as alewives, shad and salmon. It also provides a process for any person to bring a civil action against violators of the requirements.

Committee Amendment "A" (S-252)

This committee amendment replaces the bill with a resolve and directs the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Environmental Protection to do the following:

1. Conduct a detailed review of current efforts to provide eel and other native diadromous fish species both upstream and downstream passage over dams on the Kennebec River and the Sebasticook River;

2. Review current plans and identify impediments to providing eel and other diadromous fish upstream and downstream passage on all rivers of the State;

3. Develop an amendment to the water quality classifications and standards in the Maine Revised Statutes, Title 38 that includes fish kills within those standards and classifications and provides a definition for "fish kill" and consult with the appropriate experts on the proposed amendment and definition to determine if it will allow the State to require fish passage at licensed and unlicensed dams;

4. Determine the need and feasibility of establishing or modifying timelines within which the Board of Environmental Protection must respond to a citizen petition and, if the Board of Environmental Protection accepts a petition, a timeline within which it must issue a decision on the merits of that petition; and

5. Report their findings and recommendations along with implementing legislation jointly to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Natural Resources no later than January 30, 2008.

Enacted Law Summary

Resolve 2007, chapter 109 directs the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Environmental Protection to do the following:

1. Conduct a detailed review of current efforts to provide eel and other native diadromous fish species both upstream and downstream passage over dams on the Kennebec River and the Sebasticook River;

2. Review current plans and identify impediments to providing eel and other diadromous fish upstream and downstream passage on all rivers of the State;

3. Develop an amendment to the water quality classifications and standards in the Maine Revised Statutes, Title 38 that includes fish kills within those standards and classifications and provides a definition for "fish kill" and consult with the appropriate experts on the proposed amendment and definition to determine if it will allow the State to require fish passage at licensed and unlicensed dams;

4. Determine the need and feasibility of establishing or modifying timelines within which the Board of Environmental Protection must respond to a citizen petition and, if the Board of Environmental Protection accepts a petition, a timeline within which it must issue a decision on the merits of that petition; and

5. Report their findings and recommendations along with implementing legislation jointly to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Natural Resources no later than January 30, 2008.

LD 1570 An Act To Support Commercial Groundfishing **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR		

LD 1570 exempts diesel fuel used for the purpose of operating or propelling a commercial groundfishing boat from the sales tax. "Commercial groundfishing boat" is defined as a boat that is licensed to harvest and is used for

harvesting northeast multispecies fish.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1594 **An Act To Amend the Laws Governing Closed Periods for the Hauling of Lobster Traps** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A		

LD 1594 changes the closed period for hauling lobster traps from June 1st through October 31st to June 1st through August 31st.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1595 **An Act To Ensure the Proper Management of the Sea Urchin Industry** **PUBLIC 176**

Sponsor(s)	Committee Report	Amendments Adopted
EMERY	OTP-AM	H-191

LD 1595 is a concept draft pursuant to Joint Rule 208.

LD 1595 proposes to amend the current law to change the Sea Urchin Zone Council from an advisory council role to give it authority to move forward to create a stronger role in the decision-making process and management of the sea urchin industry. It proposes to add the chair of the Sea Urchin Zone Council to the Marine Resources Advisory Council. It also proposes to change the appointment of members on the Sea Urchin Zone Council so that the members in the fishing industry are elected to the council and the members not from the fishing industry are appointed to the council by the Department of Marine Resources. It also proposes to have the council work with the Commissioner of Marine Resources to change the number of council members.

Enacted Law Summary

Public Law 2007, chapter 176 adds the chair of the Sea Urchin Zone Council to the Marine Resources Advisory Council and changes the makeup of the Sea Urchin Zone Council. It also reduces the number of Sea Urchin Zone Council members from 19 to 15 and provides that 7 members are to be elected by the sea urchin industry and 8 appointed by the Commissioner of Marine Resources.

LD 1769 **Resolve, Regarding Legislative Review of Portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a Major Substantive Rule of the Department of Marine Resources** **RESOLVE 28 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 1769 provides for legislative review of portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a major substantive rule of the Department of Marine Resources.

Enacted Law Summary

Resolve 2007, chapter 28 provides for the adoption of portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a major substantive rule of the Department of Marine Resources. The rules close two small areas of state waters to all diver and mobile gear fishing in Moosebec Reach for a period of 3 years to conduct a scallop enhancement and re-colonization experiment.

Resolve 2007, chapter 28 was an emergency measure effective May 18, 2007.

LD 1811 **An Act To Create a Saltwater Recreational Fishing License** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY DAMON	OTP-AM MAJ OTP-AM MIN	

LD 1811 establishes a saltwater recreational fishing license, dedicates the fees from licensing to the Marine Recreation Fishing Conservation and Management Fund and gives the Commissioner of Marine Resources authority to make expenditures from the fund for purposes such as fisheries management research and education and outreach.

Committee Amendment "A" (H-363)

This committee amendment is the majority report and replaces the bill. It requires the Commissioner of Marine Resources to develop and determine how to implement a saltwater recreational fishing license, permit or registry for the coastal waters of the State that will exempt saltwater recreational anglers and charter boat fishing vessels from the federal registration program established in the reauthorized federal Magnuson-Stevens Fisheries Conservation and Management Act. This committee amendment requires the commissioner to report the commissioner's findings, recommendations and any implementing legislation to the Joint Standing Committee on Marine Resources by no later than January 15, 2008. It also authorizes the Joint Standing Committee on Marine Resources to submit legislation related to that report to the Second Regular Session of the 123rd Legislature.

Committee Amendment "B" (H-364)

This committee amendment is the minority report and replaces the bill. It requires the Commissioner of Marine Resources to develop and determine how to implement a saltwater recreational fishing license, permit or registry for the coastal waters of the State that will exempt saltwater recreational anglers and charter boat fishing vessels from the federal registration program established in the reauthorized federal Magnuson-Stevens Fisheries Conservation and Management Act. This committee amendment also requires the commissioner to report the commissioner's findings, recommendations and any implementing legislation to the joint standing committee of the Legislature having jurisdiction over marine resources matters by no later than January 15, 2009. It authorizes the joint standing committee to submit legislation related to that report to the First Regular Session of the 124th Legislature.

LD 1870 **An Act To Provide Flexibility within the Monhegan Lobster Conservation Area and To Strengthen the Eligibility Requirements for a Student Lobster Fishing License** **PUBLIC 219 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY DAMON	OTP-AM	H-279

LD 1870 proposes to the following changes to the laws governing lobstering in the Monhegan Lobster Conservation Area.

1. It changes the parameters of the open season that the Commissioner of Marine Resources establishes by rule from a period of 180 days between December 1st and June 25th to a period of not more than 270 days between September 1st and June 25th.

2. It charges the commissioner with establishing by rule a trap limit for the area not to exceed 475 traps per individual. The same procedural guidelines in place for establishing the open and closed seasons will also apply to setting the trap limit, specifically:

A. Two-thrids of the individuals registered to obtain area trap tags must agree with the limit;
B. A public hearing is not required;
C. No one may petition for adoption or modification of a rule establishing the trap limit; and
D. The commissioner need not have the advice and consent of the Marine Resources Advisory Council to adopt the limit.

Committee Amendment "A" (H-279)

This committee amendment replaces the title of the bill with "An Act to Amend the Laws Governing Lobster Fishing in Monhegan Island Conservation Area and to Amend the Requirements for a Student Lobster and Crab Fishing License." It also:
1. Changes the proposed start for the open season on lobster fishing in the Monhegan Lobster Conservation Area from September 1st to October 1st and limits the proposed number of days open to fishing from 270 to 250 and removes the requirement that those days be consecutive;
2. Provides that the Commissioner of Marine Resources may accept the open season and trap limits for lobster fishing in the Monhegan Lobster Conservation Area preferences proposed by 2/3 of the registrants in that area as reasonable and adopt those preferences or reject the proposed preferences as unreasonable. The commissioner must consult with the lobster management policy council for Zone D before making a decision on the preferences proposed by the registrants;
3. Increases the number of days a person must apprentice in the Monhegan Lobster Conservation Area from 150 days to 200 days to match the apprenticeship requirements in other lobster zones;
4. Provides that a person registered to fish lobsters in the Monhegan Lobster Conservation Area must have harvested lobsters during 5 open seasons in that area before that person can fish elsewhere in Zone D without having to go on a waiting list to fish lobsters in that zone; and
5. Directs the Commissioner of Marine Resources to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 15, 2011 on the results of the open season and trap limit change for fishing lobsters in the Monhegan Lobster Conservation Area.

Enacted Law Summary

Public Law 2007, chapter 219 makes the following changes to the laws governing lobstering in the Monhegan Lobster Conservation Area:

1. Changes the proposed start for the open season on lobster fishing in the Monhegan Lobster Conservation Area from September 1st to October 1st and limits the proposed number of days open to fishing from 270 to 250 and removes the requirement that those days be consecutive;
2. Provides that the Commissioner of Marine Resources may accept the open season and trap limits for lobster fishing in the Monhegan Lobster Conservation Area preferences proposed by 2/3 of the registrants in that area as reasonable and adopt those preferences or reject the proposed preferences as unreasonable. The commissioner must consult with the lobster management policy council for Zone D before making a decision on the preferences proposed by the registrants;

3. Increases the number of days a person must apprentice in the Monhegan Lobster Conservation Area from 150 days to 200 days to match the apprenticeship requirements in other lobster zones;
4. Provides that a person registered to fish lobsters in the Monhegan Lobster Conservation Area must have harvested lobsters during 5 open seasons in that area before that person can fish elsewhere in Zone D without having to go on a waiting list to fish lobsters in that zone; and
5. Directs the Commissioner of Marine Resources to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 15, 2011 on the results of the open season and trap limit change for fishing lobsters in the Monhegan Lobster Conservation Area.

Public Law 2007, chapter 1870 was passed as an emergency measure effective June 4, 2007.

LD 1883 **Resolve, To Modify the 2007 Elver Fishing Season** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
EATON	OTP A OTP-AM B ONTP C	

LD 1883 modifies the elver season by allowing a person to fish for elver every day of the week, including from noon Friday to noon Sunday, during the 2007 elver season only.

LD 1893 **An Act To Create Jobs through the Establishment of a Fund To Enhance Maine's Marine Resource Economy** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
EMERY	OTP-AM	

LD 1893 establishes the Marine Fisheries Stock Enhancement Fund in the Department of Marine Resources. It provides that money in the fund must be administered by the department for commercial marine stock enhancement to improve the marine economy in this State through applied research, development, production of harvested marine species, infrastructure, monitoring and assessment. LD 1893 provides that money in the fund may be used as federal matching funds. It also appropriates $250,000 in each year of the 2008-09 biennium to the Marine Fisheries Stock Enhancement Fund.

Joint Standing Committee on Marine Resources

SUBJECT INDEX

Aquaculture

Enacted

LD 1409	An Act To Make Technical Changes to Maine's Aquaculture Statutes	PUBLIC 212

Not Enacted

LD 784	An Act To Enhance the Natural Resources Protection Laws	ACCEPTED ONTP REPORT

Clams

Enacted

LD 403	An Act To Encourage Municipalities To Abate Coastal Pollution	PUBLIC 15 EMERGENCY
LD 554	An Act To Amend the Shellfish Laws	PUBLIC 54

Not Enacted

LD 156	An Act To Require All Holders of Mahogany Quahog Licenses To Operate Their Own Vessels When Fishing for Quahogs	ONTP
LD 492	An Act To Clarify Who Receives Money from Fines for Violations of Maine's Soft-shelled Clam Laws	DIED ON ADJOURNMENT
LD 1036	An Act To Appropriate Funds To Restore Clam Flats in Stockton Harbor (by request)	DIED ON ADJOURNMENT

Commercial Fishing Council

Enacted

LD 257	An Act To Allow Expense Reimbursement for the Commercial Fishing Safety Council	PUBLIC 34

Department of Marine Resources

Enacted

LD 1318	Resolve, To Conduct an Independent Review of the Department of Marine Resources, Public Health Division	RESOLVE 82 EMERGENCY

Not Enacted

LD 586	An Act To Simplify Notification Procedures for Water Quality Changes	ONTP
LD 1893	An Act To Create Jobs through the Establishment of a Fund To Enhance Maine's Marine Resource Economy	INDEF PP

Diadromous Fish

Enacted

LD 1528	Resolve, To Require State Agencies with Jurisdiction over Dams To Review and Update Plans for the Passage of Native Diadromous Fish	RESOLVE 109

Not Enacted

LD 324	Resolve, To Require the Department of Marine Resources To Report on Results of Anadromous Fish Restoration on the Kennebec River System	ACCEPTED ONTP REPORT

Elvers

Not Enacted

LD 77	An Act To Provide for the Safety of Elver Fishermen Using Dip Nets	ACCEPTED ONTP REPORT
LD 1883	Resolve, To Modify the 2007 Elver Fishing Season	DIED BETWEEN HOUSES

Groundfish

Not Enacted

LD 377	An Act To Fund a Joint Appointment for a Groundfish Ecologist	DIED ON ADJOURNMENT
LD 847	An Act To Support the Commercial Groundfish Industry	DIED ON ADJOURNMENT
LD 1570	An Act To Support Commercial Groundfishing	CARRIED OVER

Lobster

Enacted

LD 16	An Act To Make Lobster Trap Molesting a Civil Offense	PUBLIC 283

LD 311	An Act To Create a Nonresident Lobster and Crab Landing Permit	PUBLIC 201
LD 509	An Act To Amend Laws Pertaining to Entry into the Lobster Fishery	PUBLIC 204
LD 691	An Act To Reduce Lobster and Crab Fishing License Fees for Persons 70 Years of Age or Older	PUBLIC 138
LD 1870	An Act To Provide Flexibility within the Monhegan Lobster Conservation Area and To Strengthen the Eligibility Requirements for a Student Lobster Fishing License	PUBLIC 219 EMERGENCY

Not Enacted

LD 92	An Act To Modify the Boundaries of Maine's Lobster Fishing Zones	ACCEPTED ONTP REPORT
LD 170	An Act To Permit the Landing of Lobsters Harvested by Methods other than Conventional Traps	ONTP
LD 621	Resolve, To Establish a Lobster Trap Tag Transfer Program	ONTP
LD 1594	An Act To Amend the Laws Governing Closed Periods for the Hauling of Lobster Traps	CARRIED OVER

Miscellaneous

Enacted

LD 1420	An Act To Make Technical Changes to the Definition of “Coastal Area” and To Aid the Implementation of the Taunton Bay Resource Management Plan	PUBLIC 157

Not Enacted

LD 384	An Act To Further Protect Water Quality in Coastal Waters	ONTP

Recreational Saltwater Fishing

Not Enacted

LD 1811	An Act To Create a Saltwater Recreational Fishing License	INDEF PP

Scallops and Sea Cucumbers

Enacted

LD 1769	Resolve, Regarding Legislative Review of Portions of Chapter 11.15: Scallop Conservation Areas, Beals-Jonesport, a Major Substantive Rule of the Department of Marine Resources	RESOLVE 28 EMERGENCY

Not Enacted

LD 798	An Act To Standardize Inshore Dragging Seasons for Scallops and Sea Cucumbers	CARRIED OVER

Sea Urchins

Enacted

LD 1595	An Act To Ensure the Proper Management of the Sea Urchin Industry	PUBLIC 176

Not Enacted

LD 139	An Act To Provide Flexibility for Sea Urchin Zones	ONTP

Threatened and Endangered Species

Enacted

LD 140	An Act To List the Shortnose Sturgeon as a Marine Endangered Species	PUBLIC 6
LD 796	An Act To Create the Endangered or Threatened Marine Species Fund	PUBLIC 25

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

July 2007

MEMBERS:

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SEN. PHILIP L. BARTLETT, II
SEN. DOUGLAS M. SMITH

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LD 52 **An Act To Review the Department of Environmental Protection's Procedures in Issuing Written Approval for New Building Projects** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BERUBE	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to establish a review of the Department of Environmental Protection's process for issuing written approval of new construction projects, including the length of time between the request for approval and the issuance of that approval by the department.

LD 78 **An Act To Protect Neighborhoods from Scrap Metal Pollution** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HARLOW	ONTP	

This bill prohibits junkyards and automobile graveyards from placing material within 1,000 feet of inland and tidal waters or within 700 feet of a residence.

LD 107 **Resolve, To Address State Leadership in Climate Engineering** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JOY SHERMAN	ONTP	

This resolve is a concept draft pursuant to Joint Rule 208. The resolve proposes to create a group to initiate the process in addressing state leadership in climate engineering.

LD 108 **An Act To Exempt Certain Vehicles from the California Low-emission Vehicle Standards** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS SMITH D	ONTP	

This bill exempts vehicles with a manufacturer's estimated highway mileage rating of at least 40 miles per gallon from the California low-emission vehicle standards.

LD 109 **An Act To Require a Model Radon Standard for New Residential Construction** **PUBLIC 90**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN MARTIN	OTP-AM	H-78

This bill requires that if a municipality intends to adopt a radon code or standard for new residential construction, that municipality must adopt a radon code or standard recommended by the American Society for Testing and Materials.

Committee Amendment "A" (H-78)

This amendment replaces the bill. The amendment requires that if a municipality adopts a radon standard or code for new residential construction it must adopt the American Society for Testing and Materials standard E-1465-06. The amendment allows municipalities that have already adopted radon standards or codes for new residential construction to keep those standards and codes.

Enacted Law Summary

Public Law 2007, chapter 90 requires that if a municipality adopts a radon standard or code for new residential construction it must adopt the American Society for Testing and Materials standard E-1465-06. Chapter 90 allows municipalities that have already adopted radon standards or codes for new residential construction to keep those standards and codes.

LD 128 **Resolve, Directing the Board of Environmental Protection To Adopt Rules To Improve the Emissions and Efficiency of Outdoor Wood Boilers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BERRY RAYE	ONTP	

This resolve directs the Board of Environmental Protection to adopt rules regulating the sale, installation and use of outdoor wood boilers.

LD 258 **An Act To Amend the Laws Governing Setbacks under the Natural Resource Protection Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EMERY RAYE	ONTP	

This bill provides that criteria adopted by the Department of Environmental Protection to regulate significant vernal pools, waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas may not regulate an area exceeding 100 feet from the edge of the protected feature. The intent of the bill is to reduce the area regulated from 250 feet to 100 feet.

LD 301 **An Act Relating to Alternate Directors for Public Waste Disposal Corporations** **PUBLIC 91**

Sponsor(s)	Committee Report	Amendments Adopted
AUSTIN	OTP-AM	H-64

This bill allows the municipal officers of a municipality participating in a public waste disposal corporation to appoint one or more alternate directors, or to delegate to a municipal official the authority for the appointment, to serve in the absence of the director elected by the municipal officers.

Committee Amendment "A" (H-64)

This amendment deletes from the bill the authority of municipal officers to delegate to a municipal official the authority to appoint an alternate director or alternate directors to a public waste disposal corporation.

Enacted Law Summary

Public Law 2007, chapter 91 allows the municipal officers of a municipality participating in a public waste disposal corporation to appoint one or more alternate directors to serve in the absence of the director elected by the municipal officers.

LD 326 **An Act To Enhance Implementation of the Significant Wildlife Habitat Rules** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER SNOWE-MELLO	ONTP	

This bill exempts building lots that were established prior to September 1, 2007 from the significant vernal pool habitat regulations adopted by the Department of Environmental Protection. It also adds language clarifying that all department rules regarding significant vernal pool habitat, high and moderate waterfowl and wading bird habitat and shorebird nesting, feeding and staging areas are major substantive rules.

LD 333 **An Act To Reward Cooperation in Comprehensive Planning** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This bill implements a recommendation of the Community Preservation Advisory Committee. It requires that a financial assistance grant for comprehensive planning that is provided to a multimunicipal region must be greater than that of a grant provided to an individual municipality.

LD 340 **An Act To Require the Replacement of Trees Cut in Shoreland Areas** **PUBLIC 92**

Sponsor(s)	Committee Report	Amendments Adopted
HILL	OTP-AM	H-77

This bill requires a person who cuts a tree in violation of the laws regulating shoreland zoning to replace the tree with a tree of substantially similar size and species.

Committee Amendment "A" (H-77)

This amendment replaces the bill. The amendment requires a person who cuts a tree or understory vegetation in violation of the laws regulating shoreland zoning or a shoreland zoning ordinance to replace the tree or understory vegetation with a tree or understory vegetation of substantially similar size and species to the extent available and feasible. In addition, the violator must submit a reforestation plan to the municipality. Timber harvesting is exempted from the requirements.

Enacted Law Summary

Public Law 2007, chapter 92 requires a person who cuts a tree or understory vegetation in violation of the laws regulating shoreland zoning or a shoreland zoning ordinance to replace the tree or understory vegetation with a tree or understory vegetation of substantially similar size and species to the extent available and feasible. In addition, the violator must submit a reforestation plan to the municipality. Timber harvesting is exempted from the requirements.

LD 345 **An Act To Clarify Recent Changes to the Laws Regulating Land Use Ordinances** **PUBLIC 77 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN	OTP-AM	H-60

This bill addresses the issue of state regulation of local rate of growth ordinances, which limit the number of building permits issued each year. The Maine Revised Statutes, Title 30-A, section 4360, subsection 3 (enacted by Public Law 2005, chapter 597) provides that local rate of growth ordinances must be based upon the number of building or development permits issued over the past 10 years. The current language could be interpreted to mean all building permits, including permits for minor construction activity such as adding a deck onto an existing dwelling, which are not limited by rate of growth ordinances. This bill clarifies that local rate of growth ordinances must be based upon the number of building permits issued only for new residential dwellings over the past 10 years.

Committee Amendment "A" (H-60)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 77 clarifies that local rate of growth ordinances must be based upon the number of building permits issued only for new residential dwellings over the past 10 years.

Public Law 2007, chapter 77 was enacted as an emergency measure effective May 8, 2007.

LD 359 **An Act To Link Sewer Extension Funding to Comprehensive Planning** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This bill implements a recommendation of the Community Preservation Advisory Committee. The bill provides that the State may invest in a sewer line extension only when the extension is consistent with a comprehensive plan.

LD 399 **An Act To Require Impact Statements from Potential Purchasers of Public Utilities and Those Who Apply To Extract Natural Resources** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SCHATZ	ONTP	

This bill requires that an impact statement be submitted prior to the transfer of ownership of a public utility or

the issuance of a lease, permit or license to commercially extract natural resources.

LD 437 **Resolve, Concerning the Reporting of Oil Spills** **RESOLVE 99**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-197

This bill provides that a person who causes certain discharges of oil will not be subject to fines or civil penalties if certain requirements are met.

Committee Amendment "A" (S-197)

This amendment replaces the bill with a resolve. The amendment requires the Department of Environmental Protection to establish guidance concerning the use of memoranda of agreement between aboveground oil and storage and handling facilities and the department. It also requires the department to undertake education and outreach to small facilities concerning the reporting requirements relating to the discharge of oil.

Enacted Law Summary

Resolve 2007, chapter 99 requires the Department of Environmental Protection to establish guidance concerning the use of memoranda of agreement between aboveground oil and storage and handling facilities and the department relating to the reporting of oil spills ad discharges. It also requires the department to undertake education and outreach to small facilities concerning the reporting requirements relating to the discharge of oil.

LD 443 **An Act To Require the Department of Environmental Protection To Meet the Federal Requirements on Regional Haze Visibility Impairment** **PUBLIC 95**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-50

This bill provides that the current sulfur content cap applies to sources that are required to satisfy case-by-case requirements of best available retrofit technology. It also requires the Department of Environmental Protection to report to the Legislature on its plan to meet the federal requirements on regional haze visibility impairment no later than March 1, 2008.

Committee Amendment "A" (S-50)

This amendment replaces the bill. The amendment defines "Best Available Retrofit Technology" and "BART eligible unit." It sets BART requirements for facilities that are determined to need additional sulfur air pollution controls. It requires the Department of Environmental Protection to report on a plan to meet federal requirements on regional haze. It gives the Joint Standing Committee on Natural Resources authority to submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Public Law 2007, chapter 95 defines "Best Available Retrofit Technology" and "BART eligible unit." It sets BART requirements for facilities that are determined to need additional sulfur air pollution controls. It requires the Department of Environmental Protection to report on a plan to meet federal requirements on regional haze. It gives the Joint Standing Committee on Natural Resources authority to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 444 **Resolve, Directing the Department of Environmental Protection To Review the Maine Pollutant Discharge Elimination System/Waste Discharge License Program Fee System** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	ONTP	

This resolve directs the Department of Environmental Protection to review the Maine Pollutant Discharge Elimination System/Waste Discharge License program fee system and report its findings to the Joint Standing Committee on Natural Resources by January 30, 2008.

LD 493 **Resolve, To Require the Department of Environmental Protection To Provide Engineering and Permitting Assistance To Clean Up Toothaker Pond** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

This resolve requires the Department of Environmental Protection to provide assistance and expertise in the areas of permitting, engineering and grant writing to the residents of the Town of Phillips involved in the restoration of Toothaker Pond.

LD 537 **An Act to Protect the Machiasport Clam Flats along the Machias River from Effluent Contamination** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EMERY RAYE	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to require repairs to the Machias Waste Water Treatment Facility to prevent the runoff of sewage into the Machias River to protect the Machiasport clam flats.

LD 542 **Resolve, To Direct the Department of Environmental Protection To Locate and Remediate a Gasoline Spill Contaminating a Private Well (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PRATT	ONTP	

This resolve requires the Department of Environmental Protection to locate and remediate a gasoline spill that is contaminating the private well of Norris and Linda Nickerson of Holden or to buy the property from them.

LD 555 **An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations** **PUBLIC 238**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK	OTP-AM	H-179
		H-290 HINCK

This bill requires a person to give to every household in a residential structure 30 days' notice by posting and by certified mail of an activity involving lead-based paint or that has a risk of creating a lead hazard if the structure is child-occupied. The notice may be a 7 days' notice if each adult who lives in the structure signs an acknowledgment and waiver form.

Committee Amendment "A" (H-179)

This amendment replaces the bill. The amendment requires landlords to give 30 days' notice when undertaking any repair, renovation or remodeling activity in a residential building built before 1978 that includes one or more units for rent. The 30-day notice of the work may be waived by obtaining from one adult tenant of each unit in the building a written waiver of the 30-day notice requirement and a written acknowledgement of receipt of notice. The amendment requires the waiver to be in plain language, to immediately precede the adult tenant's signature, to be printed in no less than 12-point boldface type and to be in substantially similar form to a waiver specified in the amendment. The amendment exempts emergency repairs from the notification requirements. Finally, the amendment provides that a person who violates the notice requirements is liable to the lessee for actual damages or $100, whichever is greater, and reasonable attorney's fees and costs.

House Amendment "A" (H-290)

This amendment strikes the provision of Committee Amendment "A" that imposes a penalty of the greater of actual damages or $100 and instead provides for a civil violation, subject to a fine of up to $500 per violation, enforceable in either District Court or Superior Court.

Enacted Law Summary

Public Law 2007, chapter 238 requires landlords to give 30 days' notice when undertaking any repair, renovation or remodeling activity in a residential building built before 1978 that includes one or more units for rent. The 30-day notice of the work may be waived by obtaining from one adult tenant of each unit in the building a written waiver of the 30-day notice requirement and a written acknowledgement of receipt of notice. It requires the waiver to be in plain language, to immediately precede the adult tenant's signature, to be printed in no less than 12-point boldface type and to be in substantially similar form to a waiver specified in the law. Emergency repairs are exempt from the notification requirements. Finally, chapter 238 provides for a civil violation, subject to a fine of up to $500 per violation, enforceable in either District Court or Superior Court.

LD 587 **An Act To Protect and Improve Lake Water Quality by Reducing Phosphorus in Lawn Care Fertilizer** **PUBLIC 65**

Sponsor(s)	Committee Report	Amendments Adopted
EBERLE	OTP-AM	H-49

This bill adds a prohibition, beginning on January 1, 2008, against the sale or use of fertilizer containing phosphorus for nonagricultural law or turf unless a soil test indicates that additional phosphate is needed or the fertilizer will be used in the establishment of a new lawn. When establishing new grass on bare soil, the fertilizer must be tilled into the soil. The seller of fertilizer containing phosphorus for use on lawn or turf shall

identify such fertilizer by a sign approved by the Department of Environmental Protection indicating that the product may not be used except as indicated. The sign must be positioned between 4 and 7 feet above the floor and prominently posted where fertilizers containing phosphorus for use on lawn or turf are displayed.

Committee Amendment "A" (H-49)

This amendment removes the provision of the bill that prohibits the use of fertilizer containing phosphorus. The amendment prohibits the sale of fertilizer containing phosphorus at retail stores after January 1, 2008 unless the seller posts a sign that indicates that the product is not appropriate for use on nonagricultural lawns or turf except when a soil test indicates the need for additional phosphorus or the fertilizer will be used in establishing a new lawn or turf or for reseeding or overseeding an existing lawn or turf. The amendment also directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources with recommendations on ways to protect or improve lake water quality. The committee is given authority to submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Public Law 2007, chapter 65 prohibits the sale of fertilizer containing phosphorus at retail stores after January 1, 2008 unless the seller posts a sign that indicates that the product is not appropriate for use on nonagricultural lawns or turf except when a soil test indicates the need for additional phosphorus or the fertilizer will be used in establishing a new lawn or turf or for reseeding or overseeding an existing lawn or turf. The amendment also directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources with recommendations on ways to protect or improve lake water quality. The committee is given authority to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 597 **Resolve, To Regulate Blasting Operators** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

This resolve directs the Department of Public Safety, Office of the State Fire Marshal to adopt rules to regulate companies and individuals that conduct blasting operations, including requiring registration, certificates of competency and a showing of financial capacity by the blasting concerns in case of personal injury or property damage.

LD 637 **An Act To Limit Mercury Exposure** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLEARY MARTIN	ONTP	

This bill requires the elimination of mercury in dental offices over a 3-year period. The bill also:

1. Requires dental schools to include in their curricula by January 2008 the risks of exposure to mercury;

2. Requires a dental office to post in the office the disclosure statement published by the Department of Health and Human Services, Bureau of Health on the risks of having mercury fillings;

3. Requires the Department of Environmental Protection to develop an education, outreach and assistance

program for dentists and requires dentists to file an annual report with the department describing the quantities of mercury amalgam purchased, used and recycled from dry sources and wet sources;

4. Requires the Department of Environmental Protection to establish rules for dental offices to limit mercury releases;

5. Establishes a penalty in the amount of not less than $10,000 nor more than $100,000 for a violation; and

6. Requires the Department of Environmental Protection to conduct a septic system study concerning the impact of dental mercury releases in rural areas.

LD 692 **An Act To Eradicate Invasive Aquatic Plants and Nuisance Species** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA COURTNEY	ONTP	

This bill makes a one-time General Fund appropriation of $2,000,000 in fiscal year 2007-08 to provide competitive grants to support public and private nonprofit efforts to eradicate invasive aquatic plants from the State's freshwater lakes, rivers and streams. The bill also requires that the Department of Environmental Protection administer the grants in accordance with guidelines developed by the Interagency Task Force on Invasive Aquatic Plants and Nuisance Species. Grants may be awarded only to state and local government entities and 501(c)(3) organizations established and operating in the State.

LD 733 **An Act Concerning Deductibles for Underground Oil Storage Facilities and Tanks** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	ONTP MAJ OTP-AM MIN	

This bill exempts from the conditional deductible requirement all nonconforming underground facilities and tanks that were removed prior to the enactment of the conditional deductible requirement.

Committee Amendment "A" (H-96)

This amendment, which was not adopted, is the minority report. The amendment incorporates a fiscal note.

LD 774 **An Act To Coordinate the Implementation of the In-stream Flow and Water Level Rules among the Department of Environmental Protection, the Drinking Water Program of the Department of Health and Human Services and the Public Utilities Commission** **PUBLIC 235 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN BARTLETT	OTP-AM	H-252

This bill provides that any requirements placed on community water systems must be done in joint agreement between the Department of Environmental Protection, the drinking water program of the Department of Health

and Human Services and the Public Utilities Commission.

Committee Amendment "A" (H-252)

This amendment replaces the bill. The amendment clarifies that the water use rules adopted by the Board of Environmental Protection are water use requirements adopted in accordance with the authority reserved to states under the federal Clean Water Act. It directs the board to incorporate into the rules a mechanism to reconcile the objective of protecting aquatic life and other uses with the objective of allowing community public water systems to use their existing water supplies to provide water service. It requires that a community water system withdrawal certificate must be reviewed and approved by the drinking water program of the Department of Health and Human Services, with technical assistance from the Public Advocate, before being issued by the Department of Environmental Protection. It also adds an emergency preamble and clause.

Enacted Law Summary

Public Law 2007, chapter 235 clarifies that the water use rules adopted by the Board of Environmental Protection are water use requirements adopted in accordance with the authority reserved to states under the federal Clean Water Act. It directs the board to incorporate into the rules a mechanism to reconcile the objective of protecting aquatic life and other uses with the objective of allowing community public water systems to use their existing water supplies to provide water service. It requires that a community water system withdrawal certificate must be reviewed and approved by the drinking water program of the Department of Health and Human Services, with technical assistance from the Public Advocate, before being issued by the Department of Environmental Protection.

Public Law 2007, chapter 235 was enacted as an emergency measure effective June 6, 2007.

LD 810 **An Act To Improve Solid Waste Management** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
DUCHESNE		

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the laws governing the duties and responsibilities for managing solid waste. Under current law, responsibility for managing solid waste is shared by the Department of Environmental Protection and the State Planning Office. This bill would revise those duties and responsibilities in order to eliminate redundancy, as well as to eliminate any inadvertent gaps in oversight.

LD 810 was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 848 **An Act To Encourage Greater Public Input into the State Environmental Licensing Process** **PUBLIC 43**

Sponsor(s)	Committee Report	Amendments Adopted
ANNIS BARTLETT	OTP	

This bill provides the authority to the Department of Environmental Protection to hold a public forum at which comments will be accepted and included as part of the official record in a pending proceeding. The purpose of this bill is to fill a gap between the receipt of written comments and the holding of an adjudicatory proceeding by allowing an additional means by which the public can provide comments.

Enacted Law Summary

Public Law 2007, chapter 43 provides the authority to the Department of Environmental Protection to hold a public meeting at which comments will be accepted and included as part of the official record in a pending proceeding.

LD 895 **An Act Concerning Blasting near Residential Areas** **PUBLIC 297**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	S-169

This bill is a concept draft pursuant to Joint Rule 208. The bill, as emergency legislation, proposes to amend the current law concerning blasting and the use of explosives to break up or otherwise aid in the extraction or removal of a rock or other consolidated natural formation near residential areas. Specifically, the bill proposes to change the peak particle velocity standards in urban compact areas to protect residential housing developments from excessive continuous blasting. Further, the bill proposes to require a natural buffer between gravel pits and residential areas.

Committee Amendment "A" (S-169)

This amendment replaces the bill. The amendment does the following.

It allows the Department of Environmental Protection to charge rock crushers an annual fee for an air emissions license under a general permit.

It adds a provision to the site location law requiring all blasting to be conducted in accordance with performance standards unless otherwise approved by the department.

It amends the performance standards for gravel pits to clarify that the standards apply to any pit with a total area of 5 or more acres that is located on more than one parcel that is under a common owner or operator.

It amends the notice of intent to comply sections of the gravel pit laws and quarry laws to require that notice to abutters and municipalities be by certified mail.

It amends the performance standards of the gravel pit laws to clarify that setbacks from public drinking water sources apply to sources that exist at the time of filing a notice of intent to comply or exist prior to obtaining a permit for excavation into groundwater.

It amends the performance standards for quarries to clarify that the standards apply to any quarry with a total area of more than one acre that is located on more than one parcel that is under a common owner or operator.

It amends the performance standards of the quarry law to add a standard requiring the owner or operator to notify the department within 48 hours of a blast event if the event exceeds any of the blasting standards. The notice must include a description of the incident and its cause and the steps taken or planned to reduce, eliminate or prevent reoccurrence. Further use of explosives at the quarry may be suspended until written authorization to resume blasting is obtained from the department.

It amends the quarry law to require the owner or operator to develop and implement a plan that provides an opportunity for property owners within 1,000 feet of the blast site to receive prior notification of a scheduled

blast. Notice may be in writing, by telephone or by publishing a public notice in a daily newspaper of general circulation in the area affected. The plan must be in writing and available to the department for inspection.

It directs the department, the Department of Public Safety and the Office of the State Fire Marshal to study methods for the regulation of individuals and companies that conduct blasting operations, including certification and requirements for best management practices and to submit a report to the Joint Standing Committee on Natural Resources.

Enacted Law Summary

Public Law 2007, chapter 297 does the following.

It allows the Department of Environmental Protection to charge rock crushers an annual fee for an air emissions license under a general permit.

It adds a provision to the site location law requiring all blasting to be conducted in accordance with performance standards unless otherwise approved by the department.

It amends the performance standards for gravel pits to clarify that the standards apply to any pit with a total area of 5 or more acres that is located on more than one parcel that is under a common owner or operator.

It amends the notice of intent to comply sections of the gravel pit laws and quarry laws to require that notice to abutters and municipalities be by certified mail.

It amends the performance standards of the gravel pit laws to clarify that setbacks from public drinking water sources apply to sources that exist at the time of filing a notice of intent to comply or exist prior to obtaining a permit for excavation into groundwater.

It amends the performance standards for quarries to clarify that the standards apply to any quarry with a total area of more than one acre that is located on more than one parcel that is under a common owner or operator.

It amends the performance standards of the quarry law to add a standard requiring the owner or operator to notify the department within 48 hours of a blast event if the event exceeds any of the blasting standards. The notice must include a description of the incident and its cause and the steps taken or planned to reduce, eliminate or prevent reoccurrence. Further use of explosives at the quarry may be suspended until written authorization to resume blasting is obtained from the department.

It amends the quarry law to require the owner or operator to develop and implement a plan that provides an opportunity for property owners within 1,000 feet of the blast site to receive prior notification of a scheduled blast. Notice may be in writing, by telephone or by publishing a public notice in a daily newspaper of general circulation in the area affected. The plan must be in writing and available to the department for inspection.

It directs the department, the Department of Public Safety and the Office of the State Fire Marshal to study methods for the regulation of individuals and companies that conduct blasting operations, including certification and requirements for best management practices and to submit a report to the Joint Standing Committee on Natural Resources.

LD 916 **An Act To Permit the Sale of Certain Used Mercury-added Products** **PUBLIC 98**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON W	OTP-AM	H-65

This bill exempts an antique barometer that is at least 100 years old from the ban on the sale of certain mercury-added products.

Committee Amendment "A" (H-65)

This amendment replaces the bill. The amendment exempts used products from the ban on the sale of mercury switches, relays, instruments and measuring devices.

Enacted Law Summary

Public Law 2007, chapter 98 exempts used products from the ban on the sale of mercury switches, relays, instruments and measuring devices.

LD 935 **An Act To Continue To Ensure the Long-term Capacity of Municipal Landfills** **PUBLIC 338**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS	OTP-AM	H-411

Public Law 2005, chapter 612 amended the Maine Hazardous Waste, Septage and Solid Waste Management Act to exempt, until January 1, 2007, publicly owned solid waste landfills from the definition of "commercial solid waste disposal facility" as long as that facility accepted only waste that is generated within the State. This bill continues the exemption retroactive to January 1, 2007.

Committee Amendment "A" (H-411)

This amendment changes the provisions in the bill that define "commercial solid waste disposal facility" by providing that:

1. A municipally owned landfill is a commercial landfill if it accepts waste that is not generated within the State unless the commissioner finds that the acceptance of that waste provides a substantial public benefit and the acceptance of that waste is approved by a majority of the voters of the municipality; and

2. Other publicly owned landfills, owned by public waste disposal corporations and refuse disposal districts, are commercial landfills if they accept waste that is not generated within the State unless the commissioner finds that the acceptance of that waste provides a substantial public benefit.

The amendment does not make any changes to the definition of commercial landfill relating to state-owned landfills.

Under the amendment, "waste that is generated within the State" includes: residue and bypass generated by incineration, processing and recycling facilities within the State; waste whether generated within the State or outside of the State used for daily cover, frost protection or stability; and waste generated within 30 miles of the facility.

The amendment adds a new standard to be applied when the Commissioner of Environmental Protection makes a public benefit determination relating to the acceptance of waste that is not generated within the State.

Enacted Law Summary

Public Law 2007, chapter 338 provides that:

1. A municipally owned landfill is a commercial landfill if it accepts waste that is not generated within the State unless the commissioner finds that the acceptance of that waste provides a substantial public benefit and the acceptance of that waste is approved by a majority of the voters of the municipality; and

2. Other publicly owned landfills, owned by public waste disposal corporations and refuse disposal districts, are commercial landfills if they accept waste that is not generated within the State unless the commissioner finds that the acceptance of that waste provides a substantial public benefit.

Chapter 338 does not make any changes to the definition of commercial landfill relating to state-owned landfills.

Under chapter 338, "waste that is generated within the State" includes: residue and bypass generated by incineration, processing and recycling facilities within the State; waste whether generated within the State or outside of the State used for daily cover, frost protection or stability; and waste generated within 30 miles of the facility.

Chapter 338 also adds a new standard to be applied when the Commissioner of Environmental Protection makes a public benefit determination relating to the acceptance of waste at certain classes of facilities when that waste is not generated within the State.

LD 968 **Resolve, Regarding Legislative Review of Portions of Chapter 587: In-stream Flow and Lake and Pond Water Levels, a Major Substantive Rule of the Department of Environmental Protection**

RESOLVE 63
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-253

This resolve provides for legislative review of portions of Chapter 587: In-stream Flow and Water Level Standards, a major substantive rule of the Department of Environmental Protection.

Committee Amendment "A" (H-253)

This amendment authorizes final adoption of portions of Chapter 587: In-stream Flows and Lake and Pond Water Levels, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule.

Enacted Law Summary

Resolve 2007, chapter 63 authorizes final adoption of portions of Chapter 587: In-stream Flows and Lake and Pond Water Levels, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, if certain specified changes are made to the rule.

Resolve 2007, chapter 63 was finally passed as an emergency measure effective June 6, 2007.

LD 1014 **An Act To Ensure Reasonable and Equitable Land Use Opportunities near Shorebird, Wading Bird and Waterfowl Habitat** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	ONTP	

This bill provides that the Department of Environmental Protection may not establish building setbacks that are in excess of 75 feet from shorebird feeding and staging areas; 150 feet from shorebird roosting areas; or 100 feet from inland wading bird and waterfowl areas. The bill exempts from department rules existing building lots and activities of clammers and worm diggers.

LD 1089 **An Act To Create the Maine Natural Resource and Environment Efficiency Commission (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to create the Maine Natural Resource and Environment Efficiency Commission, referred to in this concept draft as "the commission," to methodically review the structure and operations of all state natural resources and environmental agencies and propose specific reforms to eliminate duplication and inefficiency. The specific elements of the commission are as follows.

1. The commission consists of 12 bipartisan members appointed jointly by the Governor and the leaders of the parties of each House of the Legislature with the largest number of members in each House and the second-largest number of members in each House. The members must be from the general public, be respected and known for their independent-mindedness and have expertise in natural resources, environmental policy, planning, administration, economics and engineering.

2. The goal of the commission is to ensure coordinated and unified natural resources conservation and environmental protection policies to support sustainable prosperity and quality locations in the State.

3. The commission is empowered to: A. Hire top-quality expert staff to conduct and subcontract sophisticated program analysis, manage information flows and prepare reports; B. Investigate and identify sources of administrative inefficiencies, program overlap and inefficiencies in the delivery of services; C. Develop a coherent set of reforms to streamline, reconfigure and improve the performance of state natural resource and environmental agencies and programs to yield about $2,000,000 to $6,000,000 a year in budget savings; and D. Develop criteria for evaluating state natural resources and environmental agencies with the assistance of the Office of Program Evaluation and Government Accountability, including criteria for administrative efficiency, program quality and effectiveness, potential overlap within and between state natural resource and environmental agencies and other state or local agencies or programs and overall cost-benefit concerns.

4. The commission would receive an appropriation of $425,000 with which to hire staff and carry out its purposes.

5. Savings from the implementation of commission recommendations must be apportioned, with 75% going to reduce property taxes and 25% going to the acquisition of lands for the protection and preservation of biological diversity and rare, unique or endangered species.

LD 1090 **An Act To Authorize the State's Participation in the Regional Greenhouse Gas Initiative** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN	ONTP	

This bill authorizes the State's participation in the Regional Greenhouse Gas Initiative. It establishes a carbon dioxide cap and trade program and establishes annual budgets for emissions of carbon associated with the electric power sector in the State.

LD 1108 **An Act To Change the Calculation of the Municipal Rate of Growth Ordinance Limit** **PUBLIC 155**

Sponsor(s)	Committee Report	Amendments Adopted
BOWMAN	OTP-AM	S-90

This bill provides that the building permit limit in the Town of York is calculated by using the number of permits issued to the general public and not including the number of permits issued pursuant to certain exemptions to the residential growth ordinance of the Town of York.

Committee Amendment "A" (S-90)

This amendment replaces the bill. The amendment provides that the building permit limit is calculated by excluding permits issued for affordable housing and also differs from the bill in that it applies to all towns in the State.

Enacted Law Summary

Public Law 2007, chapter 155 provides that the building permit limit in any town's rate of growth ordinance is calculated by excluding permits issued for affordable housing.

LD 1168 **An Act To Amend New Motor Vehicle Laws Regarding Emission Standards** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	ONTP	

This bill prohibits a person from registering a new motor vehicle unless the person proves to the Secretary of State that the motor vehicle is a California-emission certified vehicle. The bill includes registration denial as an enforcement mechanism to prevent a resident from purchasing outside the State a motor vehicle that does not comply with the low-emission vehicle program described in the Maine Revised Statutes, Title 38, section 585-D and registering that motor vehicle in Maine.

LD 1196 **An Act To Protect Host Communities' Sovereign Rights** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact measures designed to protect the rights of communities that are the geographic sites of solid waste disposal or incineration facilities.

LD 1200 **An Act To Authorize the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving Contracts with the Department** **PUBLIC 300**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	S-170

This bill requires the Commissioner of Environmental Protection to debar from state contracts for 2 years any person that commits a repeat violation of environmental laws.

Committee Amendment "A" (S-170)

This amendment replaces the bill. The amendment authorizes the Commissioner of Environmental Protection to debar from department contracts, rather than State contracts generally, as in the bill, for 2 years any person that commits a repeat violation of environmental laws.

Enacted Law Summary

Public Law 2007, chapter 300 authorizes the Commissioner of Environmental Protection to debar from department contracts for 2 years any person that commits a repeat violation of environmental laws.

LD 1204 **Resolve, To Impose a Moratorium on the Acceptance or Processing of an Application To Increase or Revise Licensing of New or Existing Incineration Facilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

This resolve imposes a moratorium on the acceptance or processing of applications for new incinerator facilities and on increasing the capacity or amending the license of an existing incinerator facility.

LD 1219 **Resolve, To Study Flood Control and Water Storage** **RESOLVE 80**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	S-135

This bill adds flood control to the list of suitable designated uses for Class GPA waters.

Committee Amendment "A" (S-135)

The amendment changes the bill to a resolve. The amendment directs the Department of Environmental Protection and the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to undertake a study for the purpose of identifying ways to reduce the threat of flooding in the State. In conducting the study, the agencies are directed to invite the participation of interested stakeholders. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008 and the committee is authorized to submit legislation related to the report to the Second Regular

Session of the 123rd Legislature. The amendment also directs the Maine Emergency Management Agency to review and submit a report on the criteria and procedures by which dams and flood control structures modify water levels in emergency circumstances and the procedures for notifying downstream properties of those water level modifications. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008.

Enacted Law Summary

Resolve 2007, chapter 80 directs the Department of Environmental Protection and the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to undertake a study for the purpose of identifying ways to reduce the threat of flooding in the State. In conducting the study, the agencies are directed to invite the participation of interested stakeholders. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008 and the committee is authorized to submit legislation related to the report to the Second Regular Session of the 123rd Legislature. Chapter 80 also directs the Maine Emergency Management Agency to review and submit a report on the criteria and procedures by which dams and flood control structures modify water levels in emergency circumstances and the procedures for notifying downstream properties of those water level modifications. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008.

LD 1234 **Resolve, Directing the Department of Environmental Protection and the Public Utilities Commission To Develop a Program That Supports the Recycling of Fluorescent Lamps** **RESOLVE 25**

Sponsor(s)	Committee Report	Amendments Adopted
MAKAS	OTP-AM	H-97

This bill amends the definition of "mercury-added product" to include light bulbs containing mercury. Under current law, a retailer may not knowingly sell in this State a mercury-added product unless the item is labeled to clearly inform the purchaser or consumer that mercury is present in the item and that the item may not be disposed of or placed in a waste stream destined for disposal until the mercury is removed and reused, recycled or otherwise managed to ensure that it does not become part of solid waste or wastewater.

Committee Amendment "A" (H-97)

The amendment changes the bill to a resolve. The amendment requires the Department of Environmental Protection and the Public Utilities Commission to develop a program to support and expand the recycling of fluorescent lamps in the State, with a focus on household recycling. It requires the agencies to report on the program to the Joint Standing Committee on Natural Resources by January 1, 2008 and it authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 25 requires the Department of Environmental Protection and the Public Utilities Commission to develop a program to support and expand the recycling of fluorescent lamps in the State, with a focus on household recycling. It requires the agencies to report on the program to the Joint Standing Committee on Natural Resources by January 1, 2008 and it authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

LD 1270 **Resolve, To Clarify the Definition of Smart Growth** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	

This resolve requires the Executive Department, State Planning Office to adopt rules that define smart growth to include the reuse and rehabilitation of existing buildings.

LD 1274 **An Act To Allow the Discharge of Aquatic Pesticides Approved by the Department of Environmental Protection for the Control of Mosquito-borne Diseases in the Interest of Public Health and Safety** **PUBLIC 291**

Sponsor(s)	Committee Report	Amendments Adopted
AYOTTE	OTP-AM	H-302

This bill adds an exception to the prohibition against issuance of a waste discharge license for the direct discharge of pollutants to waters having a drainage area of less than 10 square miles and for the discharge of pollutants to Class AA waters, Class GPA waters and Class SA waters. The new exception is for discharges of aquatic pesticides approved by the Department of Environmental Protection for the control of mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of nontarget species.

The bill allows the department to find that discharge of effluent to Class A waters will be equal to or better than the existing water quality of the receiving waters, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

This bill allows the department to find that discharged effluent to Class B waters will not cause adverse impact to aquatic life, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

This bill allows the department to find that discharged effluent to Class SB waters will not cause adverse impact to estuarine and marine life, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

Committee Amendment "A" (H-302)

This amendment requires the Department of Environmental Protection to notify a municipality in which the application of aquatic pesticides is licensed to occur and to post the notice on the department's website when the department issues a license for an authorized application for the control of mosquito-borne diseases.

Enacted Law Summary

Public Law 2007, chapter 291 adds an exception to the prohibition against issuance of a waste discharge license for the direct discharge of pollutants to waters having a drainage area of less than 10 square miles and for the discharge of pollutants to Class AA waters, Class GPA waters and Class SA waters. The new exception is for discharges of aquatic pesticides approved by the Department of Environmental Protection for the control of

mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of nontarget species.

It allows the department to find that discharge of effluent to Class A waters will be equal to or better than the existing water quality of the receiving waters, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

It allows the department to find that discharged effluent to Class B waters will not cause adverse impact to aquatic life, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

It allows the department to find that discharged effluent to Class SB waters will not cause adverse impact to estuarine and marine life, in which case the department may allow the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety if the materials and methods used provide protection for nontarget species.

It requires the Department of Environmental Protection to notify a municipality in which the application of aquatic pesticides is licensed to occur and to post the notice on the department's website when the department issues a license for an authorized application for the control of mosquito-borne diseases.

LD 1297 **Resolve, Regarding Measures To Ensure the Continued Health and Commercial Viability of Maine's Seacoast by Establishing Nutrient Criteria for Coastal Waters** **RESOLVE 49**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	OTP-AM	H-219

This resolve directs the Department of Environmental Protection to establish nutrient standards for coastal waters by January 31, 2008 to reduce marine pollution. It also directs the department to first focus on Casco Bay and then the rest of the State's coastal waters and to consult with affected entities in developing the standards. The department shall report its findings to the Joint Standing Committee on Natural Resources, which is authorized to submit legislation to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-219)

This amendment replaces the resolve. The amendment removes the requirement in the resolve for the Department of Environmental Protection to develop nutrient standards for coastal waters and instead directs the Department of Environmental Protection to establish the process for setting nutrient criteria for coastal waters by January 31, 2008 to reduce marine pollution. The amendment removes language regarding the role of nutrient pollution as a source of pollution, removes language directing the department to work to implement standards for the rest of the State's waters once standards are established for Casco Bay and directs the department to include in its report any necessary implementing legislation.

Enacted Law Summary

Resolve 2007, chapter 49 directs the Department of Environmental Protection to initiate the development of water quality criteria for nutrients in state coastal waters. It directs the department to initiate a series of discussions with wastewater treatment facilities and interested organizations to solicit input and gather information. The department shall initially focus on the waters of Casco Bay. Finally, chapter 49 directs the department to report its findings to

the Joint Standing Committee on Natural Resources, which is authorized to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 1311 An Act To Fight Global Warming Effects in the State **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

This bill does the following to fight global warming effects in the State:

1. It requires the Department of Environmental Protection to report biennially on emissions and emissions reduction in the State and it directs the department to apply for a federal waiver to enact its draft rules concerning new motor vehicle emission standards.

2. It requires code enforcement officers to attend any training sessions about energy efficiency that are created by the United States Department of Energy, Office of Energy Efficiency and Renewable Energy.

3. It requires the Public Utilities Commission to adopt rules establishing minimum efficiency standards for sale and installation of appliances not covered under federal standards.

4. It requires the Department of Transportation and the Department of Environmental Protection to examine and evaluate the carbon dioxide and greenhouse gas emissions in the State for incorporation into decision-making alternatives.

LD 1313 An Act To Amend the Solid Waste Management Laws **PUBLIC 192**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-96

This bill modifies Maine's solid waste management laws as follows.

1. It adds a state policy to encourage waste reduction measures and maximize waste diversion by encouraging new and expanded uses of solid waste as a resource.

2. It establishes the Solid Waste Management Advisory Council to meet annually, replacing a task force that meets every 5 years.

3. It changes the Executive Department, State Planning Office's solid waste capacity and recycling report from a biannual to an annual report.

4. It changes the disposal capacity threshold by which the State Planning Office is required to submit a recommendation on the construction and operation of a state-owned solid waste disposal facility to the Legislature from 4 years to 6 years.

Committee Amendment "A" (S-96)

This amendment clarifies that waste reduction measures from all sources should be promoted. It clarifies that the Solid Waste Management Advisory Council created by the bill is established to advise and assist the Executive

Department, State Planning Office as may be appropriate. It makes the Director of the State Planning Office and the Commissioner of Environmental Protection, or their designees, nonvoting members of the advisory council.

Enacted Law Summary

Public Law 2007, chapter 192 modifies Maine's solid waste management laws as follows.

1. It adds a state policy to encourage waste reduction measures and maximize waste diversion by encouraging new and expanded uses of solid waste as a resource.

2. It establishes the Solid Waste Management Advisory Council to advise and assist the State Planning Office as may be appropriate, replacing a task force that meets every 5 years.

3. It changes the Executive Department, State Planning Office's solid waste capacity and recycling report from a biannual to an annual report.

4. It changes the disposal capacity threshold by which the State Planning Office is required to submit a recommendation on the construction and operation of a state-owned solid waste disposal facility to the Legislature from 4 years to 6 years.

LD 1319 **An Act Relating to Previously Approved Small Coastal Subdivisions** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK	ONTP	

This bill allows, without a natural resources protection permit and subject to specified setback requirements, construction of a single-family dwelling and accessory structures on a lot in a subdivision adjacent to a waterfowl, wading bird or shorebird feeding area as long as the subdivision has fewer than 10 lots and was approved prior to June 8, 2006.

LD 1353 **Resolve, To Provide a Comprehensive Assessment of Progress Made To Eliminate Combined Sewer Overflow into the State's Waterways** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BENOIT	ONTP	

This bill directs the Governor to appoint an independent expert panel to draft a report assessing the status of efforts to eliminate combined sewer overflow in the State.

LD 1359 **An Act To Ensure the Availability of Existing Drinking Water Sources of Supply** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	ONTP	

This bill directs the Board of Environmental Protection to incorporate into its water use standards a mechanism to reconcile the objectives of protecting aquatic life and of allowing existing water supplies to provide water service.

LD 1392 **An Act To Update the Dioxin Monitoring Program** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN		

This bill repeals the laws governing the current dioxin monitoring program, which under current law are scheduled to sunset on December 31, 2007. The bill changes the laws governing the surface water ambient toxic monitoring program to include the relevant portions of the laws governing the dioxin monitoring program. Certain provisions of the dioxin monitoring program are continued in order to determine the status of fish consumption advisories on Maine rivers, streams and lakes. The bill provides that the Commissioner of Environmental Protection shall notify the owners or operators of selected facilities proposed for dioxin monitoring of each facility's inclusion in the commissioner's plan for monitoring pollutants.

LD 1392 was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 1417 **An Act To Assist in the Cleanup of Waste Motor Oil Disposal Sites** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	ONTP	

This bill creates a stream of revenue to retire the costs of investigation and remediation at the Portland-Bangor Waste Oil Services Sites in Plymouth, Ellsworth and Casco where waste motor oil was stored and that are now contaminated. The Finance Authority of Maine is authorized to issue revenue obligation securities in amounts sufficient to cover a large percentage of the clean-up costs. These revenue obligation securities are to be retired with funds derived from a premium on motor oil. The premium is imposed at the wholesale level.

The State and instrumentalities of the State, including the Department of Transportation, the Department of Public Safety and counties and municipalities, are eligible to participate in the waste motor oil disposal site remediation program. The revenue obligation securities will also cover the shares of those businesses that maintained or repaired motor vehicles between 1953 and 1981 or their successors in interest, and that had waste motor oil deposited at one or more of the 3 sites. Any business that operated a fleet of 25 or more vehicles for which it performed its own maintenance and repairs and that contributed waste motor oil to one or more of the 3 sites is eligible for participation in the program. The United States Government and its instrumentalities are not eligible to participate in the program.

The bill creates the Waste Motor Oil Revenue Board to oversee the process and make determinations as to eligibility for participation in the program.

NOTE: See Committee Bill - LD 1929.

LD 1430 **An Act To Compensate Property Owners for Property Designated as a Significant Wildlife Habitat** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JOY RAYE	ONTP	

This bill requires the State to compensate a person that owns land designated as a significant wildlife habitat with an annual rent in an amount equal to the fair market value of the loss of use of the land.

LD 1431 **An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility** **PUBLIC 406**

Sponsor(s)	Committee Report	Amendments Adopted
VALENTINO HOBBINS	OTP-AM	H-493

This bill requires solid waste disposal facilities and incineration facilities to have in place host community agreements and directs the Commissioner of Environmental Protection to establish a mediation process to hear and review disputes concerning host community agreements.

Committee Amendment "A" (H-493)

This amendment replaces the bill. The amendment expands on the provisions of the bill that deal with host community agreements.

1. It changes the definition of "host community."

2. It prohibits the Department of Environmental Protection from issuing a license unless a host community agreement is in place.

3. It requires commercial and publicly owned solid waste disposal facilities, including municipal and state-owned facilities, to have in place host community agreements during the development and operation and through closure of the facility.

4. If the host community and the facility cannot agree on the terms of agreement, this amendment requires the parties to submit to mediation and to arbitration if mediation is not successful.

5. It adds a provision requiring consideration of case-specific issues in connection with host community benefits for state-owned facilities.

6. It adds a mandate preamble.

Enacted Law Summary

Public Law 2007, chapter 406 accomplishes the following relating to host community agreements.

1. It defines "host community."

2. It prohibits the Department of Environmental Protection from issuing a license for a solid waste disposal facility unless a host community agreement is in place.

3. It requires commercial and publicly owned solid waste disposal facilities, including municipal and state-owned facilities, to have in place host community agreements during the development and operation and through closure of the facility.

4. If the host community and the facility cannot agree on the terms of agreement, it requires the parties to submit to mediation and to arbitration if mediation is not successful.

5. It requires consideration of case-specific issues in connection with host community benefits for state-owned facilities.

Chapter 406 was enacted with a mandate preamble.

LD 1477 **An Act Concerning the Natural Resources Protection Laws and Related Provisions** **PUBLIC 290 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN	OTP-AM	H-388
		S-224 RAYE

This bill:

1. Clarifies the definition of "permanent structure" for the natural resources protection laws;

2. Amends the section concerning identification by maps to be consistent with previous amendments to the definition of "significant wildlife habitat" in the natural resources protection laws by qualifying the mapping requirement through a reference to the Maine Revised Statutes, Title 38, section 480-B, subsection 10, paragraphs A and B. It also removes out-of-date language concerning jurisdiction and mapping requirements that applied to wetlands of 10 acres or more when section 480-B was amended in 1995;

3. Repeals the exemption for alteration of freshwater wetlands associated with the construction, operation, maintenance or repair of an interstate pipeline;

4. Amends an applicability section to be consistent with previous amendments to the definition of "significant wildlife habitat";

5. Amends Title 38, section 490-D, subsection 1 of the borrow pit law to provide that the Department of Environmental Protection may allow excavation in a significant wildlife habitat provided a permit is obtained pursuant to the protection of natural resources laws;

6. Amends Title 38, section 490-Z, subsection 1 of the quarry law to provide that the Department of Environmental Protection may allow excavation in a significant wildlife habitat provided a permit is obtained pursuant to the protection of natural resources laws;

7. Enacts a section providing supplemental provisions concerning shorebird feeding, staging and roosting areas. It includes supplemental definitions and permitting standards for cutting within roosting buffers and feeding buffers that apply in addition to otherwise applicable standards under the protection of natural resources laws;

8. Enacts a section to allow the Department of Inland Fisheries and Wildlife to determine that an area is not a significant wildlife habitat due to the impact of development in existence on June 8, 2006 and continuing in existence on the date of the determination, although the area otherwise conforms with significant wildlife criteria adopted by the Department of Environmental Protection for shorebird nesting, feeding and staging areas or high and moderate value inland waterfowl and wading bird habitat. Certain factors and requirements are specified;

9. Amends Resolve 2005, chapter 183, which approved amendments to chapter 335, Significant Wildlife Habitat, a major substantive rule of the Department of Environmental Protection, to clarify that an activity in, on, over or adjacent to a significant vernal pool habitat or potential significant vernal pool habitat is eligible for

permit by rule if certain habitat standards are met by adding a citation to the regulatory standards;

10. Provides that changes to the Maine Revised Statutes, Title 38, sections 480-CC and 480-DD and changes to Resolve 2005, chapter 183 are applicable as of June 8, 2006. The bill also provides that changes to the Department of Environmental Protection's rules on significant wildlife habitat that are adopted pursuant to this legislation as well as additional corrections, clarifications and minor changes of the significant wildlife habitat rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The bill also provides that the Department of Environmental Protection's rules concerning permit by rule must be amended to allow certain specified activities to be authorized under permit by rules if applicable standards are met. The Department of Environmental Protection's rules on permit by rule and amendments to those rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A and

11. Provides the short title for the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 5-A of "the Natural Resources Protection Act."

Committee Amendment "A" (H-388)

This amendment clarifies that a person lawfully harvesting marine organisms or vegetation is not required to obtain a permit under the natural resources protection laws to engage in those activities in a coastal wetland containing a high or moderate value wading bird habitat or shorebird feeding or staging area.

It removes from the bill the provision that repeals the exemption for alteration of freshwater wetlands associated with the construction, operation, maintenance or repair of an interstate pipeline.

It changes the definition of "shorebird feeding area" that is in the bill to include a 100-foot-wide surrounding buffer. It removes from the bill supplemental cutting standards for shorebird feeding buffers.

It allows the Department of Inland Fisheries and Wildlife to determine that an area is not a significant wildlife habitat due to the topography in existence on June 8, 2006.

It clarifies that upland areas that abut open water on great ponds and are more than 250 feet from freshwater wetlands are not regulated under the natural resources protection laws.

It requires the Department of Environmental Protection to notify municipalities and members of the Legislature who represent residents of those municipalities if a shorebird nesting, feeding or staging area, a significant vernal pool habitat or a high or moderate value waterfowl and wading bird habitat is identified by the Department of Inland Fisheries and Wildlife after the effective date of the bill.

It requires the Department of Environmental Protection to amend its rules to clarify that significant wildlife habitat that is not fully contained within a freshwater wetland is not subject to the department's adjacency jurisdiction under the Maine Revised Statutes, Title 38, section 480-C.

It requires the Department of Environmental Protection to develop a proposal for mitigation and compensation standards for tidal and freshwater significant wildlife habitat.

Senate Amendment "A" (S-224)

The amendment clarifies that the cutting standards applied within 100 feet of a shorebird feeding area are those that are used within 75 feet of a coastal wetland under shoreland zoning.

The amendment also makes 2 changes to the proposed exemption for lawful harvesting. It clarifies that the exemption applies to waterfowl as well as wading bird habitat and that the removal of vegetation or displacement of soil associated with lawful harvesting activities is not a violation of the natural resources protection laws.

Enacted Law Summary

Public Law 2007, chapter 290:

1. Provides the short title for the Maine Revised Statutes, Title 38, chapter 3, subchapter 1, article 5-A of "the Natural Resources Protection Act."

2. Clarifies the definition of "permanent structure" for the natural resources protection laws;

3. Amends the section concerning identification by maps to be consistent with previous amendments to the definition of "significant wildlife habitat" in the natural resources protection laws by qualifying the mapping requirement through a reference to the Maine Revised Statutes, Title 38, section 480-B, subsection 10, paragraphs A and B. It also removes out-of-date language concerning jurisdiction and mapping requirements that applied to wetlands of 10 acres or more when section 480-B was amended in 1995;

4. Amends an applicability section to be consistent with previous amendments to the definition of "significant wildlife habitat";

5. Amends Title 38, section 490-D, subsection 1 of the borrow pit law to provide that the Department of Environmental Protection may allow excavation in a significant wildlife habitat provided a permit is obtained pursuant to the protection of natural resources laws;

6. Amends Title 38, section 490-Z, subsection 1 of the quarry law to provide that the Department of Environmental Protection may allow excavation in a significant wildlife habitat provided a permit is obtained pursuant to the protection of natural resources laws;

7. Clarifies that a person lawfully harvesting marine organisms or vegetation is not required to obtain a permit under the natural resources protection laws to engage in those activities in a coastal wetland containing a high or moderate value waterfowl or wading bird habitat or shorebird feeding or staging area. It also clarifies that the removal of vegetation or displacement of soil associated with lawful harvesting activities is not a violation of the natural resources protection laws;

8. Enacts a section providing supplemental provisions concerning shorebird feeding, staging and roosting areas. It includes supplemental definitions and permitting standards for cutting within roosting buffers and feeding buffers that apply in addition to otherwise applicable standards under the protection of natural resources laws;

9. Enacts a section to allow the Department of Inland Fisheries and Wildlife to determine that an area is not a significant wildlife habitat due to the topography or impact of development in existence on June 8, 2006 and continuing in existence on the date of the determination, although the area otherwise conforms with significant wildlife criteria adopted by the Department of Environmental Protection for shorebird nesting, feeding and staging areas or high and moderate value inland waterfowl and wading bird habitat. Certain factors and requirements are specified;

10. Clarifies that upland areas that abut open water on great ponds and are more than 250 feet from freshwater wetlands are not regulated under the natural resources protection laws;

11. Requires the Department of Environmental Protection to notify municipalities and members of the Legislature who represent residents of those municipalities if a shorebird nesting, feeding or staging area, a significant vernal

pool habitat or a high or moderate value waterfowl and wading bird habitat is identified by the Department of Inland Fisheries and Wildlife after the effective date of chapter 290;

12. Amends Resolve 2005, chapter 183, which approved amendments to chapter 335, Significant Wildlife Habitat, a major substantive rule of the Department of Environmental Protection, to clarify that an activity in, on, over or adjacent to a significant vernal pool habitat or potential significant vernal pool habitat is eligible for permit by rule if certain habitat standards are met by adding a citation to the regulatory standards;

13. Provides that changes to the Maine Revised Statutes, Title 38, sections 480-CC and 480-DD and changes to Resolve 2005, chapter 183 are applicable as of June 8, 2006. It also provides that changes to the Department of Environmental Protection's rules on significant wildlife habitat that are adopted pursuant to this legislation as well as additional corrections, clarifications and minor changes of the significant wildlife habitat rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. It also provides that the Department of Environmental Protection's rules concerning permit by rule must be amended to allow certain specified activities to be authorized under permit by rules if applicable standards are met. The Department of Environmental Protection's rules on permit by rule and amendments to those rules are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

14. Requires the Department of Environmental Protection to amend its rules to clarify that significant wildlife habitat that is not fully contained within a freshwater wetland is not subject to the department's adjacency jurisdiction under the Maine Revised Statutes, Title 38, section 480-C; and

15. Requires the Department of Environmental Protection to develop a proposal for mitigation and compensation standards for tidal and freshwater significant wildlife habitat.

Public Law 2007, chapter 290 was enacted as an emergency measure effective June 14, 2007.

LD 1488 **An Act To Reduce Contamination in the Home from the Release of Brominated Flame Retardants** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This bill further restricts the sale of products containing a class of chemical flame retardants known as polybrominated diphenyl ethers. The bill exempts products made from recycled material and certain replacement parts from the restrictions. The bill changes the reporting requirement on brominated flame retardants from annually to every 2 years. The bill authorizes the Department of Environmental Protection to require a manufacturer to provide a certificate of compliance if there are grounds to suspect that a product is being offered for sale in violation of the law.

LD 1500 **An Act To Allow the Department of Environmental Protection To Charge Interest for Late Payment of Fees** **PUBLIC 187**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP	

The bill requires the Department of Environmental Protection to charge interest at a rate of 15% per annum and authorizes the department to pursue enforcement, including suspension or revocation of a license, for the failure of a licensee to pay licensing fees by the due date.

Enacted Law Summary

Public Law 2007, chapter 187 requires the Department of Environmental Protection to charge interest at a rate of 15% per annum and authorizes the department to pursue enforcement, including suspension or revocation of a license, for the failure of a licensee to pay licensing fees by the due date.

LD 1508 **An Act To Protect the Scenic Value of the Kennebec River** **PUBLIC 364**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	H-422 KOFFMAN
		S-147

This bill is a concept draft pursuant to Joint Rule 208. The bill proposes to enact measures designed to protect the scenic value of the Kennebec River. In order to accomplish this, the Department of Environmental Protection is directed to:

1. Require greater buffer zones with natural vegetation on the riverbank;

2. Take measures to protect the integrity of the river; and

3. Restore and remediate the existing gravel pits along the river.

Committee Amendment "A" (S-147)

This amendment replaces the bill. Under current law, the Kennebec River from Bay Point in Georgetown to the Father Curran Bridge in Augusta is designated as an outstanding river segment. The amendment would continue the designation from Bay Point in Georgetown to the confluence of the Kennebec River with the Sebasticook River in Winslow as an outstanding river segment. It also directs the Department of Environmental Protection to review the setback and buffer standards for excavations and quarries, including how setbacks and buffers for areas of steep slopes are addressed, and report to the Joint Standing Committee on Natural Resources by January 15, 2008. It also authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

House Amendment "A" (H-422)

This amendment adds an emergency preamble and emergency clause. The amendment requires that a 100-foot-wide natural buffer be maintained between the working edge of an excavation for borrow, clay, topsoil or silt and the normal high water line of a segment of the Kennebec River identified in the Maine Revised Statutes, Title 12, section 403, subsection7.

The amendment also requires that a 100-foot-wide natural buffer be maintained between the working edge of a quarry excavation and the normal high water line of a segment of the Kennebec River identified in Title 12, section 403, subsection 7.

Enacted Law Summary

Public Law 2007, chapter 364 designates the Kennebec River from Bay Point in Georgetown to the confluence of the Kennebec River with the Sebasticook River in Winslow as an outstanding river segment. It requires that a 100-foot-wide natural buffer be maintained between the working edge of an excavation for borrow, clay, topsoil or silt and the normal high water line of a segment of the Kennebec River identified in the Maine Revised Statutes, Title 12, section 403, subsection 7. It also requires that a 100-foot-wide natural buffer be maintained between the working edge of a quarry excavation and the normal high water line of a segment of the Kennebec River identified in Title 12, section 403, subsection 7. Chapter 364 also directs the Department of Environmental Protection to review the setback and buffer standards for excavations and quarries, including

how setbacks and buffers for areas of steep slopes are addressed, and report to the Joint Standing Committee on Natural Resources by January 15, 2008. It also authorizes the committee to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

Public law 2007, chapter 364 was enacted as an emergency measure effective June 20, 2007.

LD 1551 **An Act To Establish a Seasonal Ban on the Operation of Outdoor Wood Boilers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	ONTP	

This bill defines "outdoor wood boiler" and prohibits the operation of an outdoor wood boiler between April 1st and November 1st.

LD 1596 **Resolve, Directing the Department of Environmental Protection To Study Construction and Demolition Debris Recycling** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUCHESNE	ONTP	

This resolve directs the Department of Environmental Protection to study and report its findings on the subject of construction and demolition debris that can be removed at a recycling facility to the Joint Standing Committee on Natural Resources, and it authorizes the committee to submit legislation to set minimum standards for waste reduction and resource recovery.

LD 1658 **An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home** **PUBLIC 296**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM MAJ ONTP MIN	H-231

This bill amends current law restricting the manufacture, sale and distribution in this State of products containing certain brominated flame retardants. The bill accomplishes the following.

1. It defines "brominated flame retardant."

2. It prohibits, beginning January 1, 2008, the manufacture, sale or distribution of mattresses or mattress pads or upholstered furniture intended for indoor residential use if they have plastic fibers that contain the "deca" mixture.

3. It prohibits, beginning January 1, 2010, the manufacture, sale or distribution of televisions and computers that have a plastic housing that contains the "deca" mixture.

4. It exempts from the "deca" restrictions transportation vehicles or products or parts, products or equipment used in industrial or manufacturing processes, and electronic wiring and cable used for power transmission.

5. It requires manufacturers to notify sellers of the manufacturer's product of the law, beginning January 1, 2008.

6. It requires the Department of Environmental Protection to develop a program to assist retailers in identifying

products that might contain PBDEs.

7. Beginning January 1, 2010, it requires manufacturers of products that contain any brominated flame retardant to provide written notice to DEP. If the notice is not provided, the product may not be offered for sale in Maine.

8. It authorizes the department to participate in a regional, multistate clearinghouse to assist in carrying out any activities related to the administration of the proposed law.

9. It amends the review and reporting requirements of the Department of Environmental Protection and the Maine CDC. It requires DEP and the Maine CDC to review hazard and risk assessments in connection with brominated flame retardants; assessments of alternatives; and findings and rulings of the USEPA and the European Union. It requires DEP to report to the Natural Resources Committee every 2 years beginning in 2008.

10. It exempts used products.

Committee Amendment "A" (H-231)

This amendment is the majority report of the Joint Standing Committee on Natural Resources. The amendment:

1. Removes the use notification provision in the bill;

2. Authorizes the Commissioner of Environmental Protection to require a manufacturer to provide a certificate of compliance if there are grounds to suspect that a product is being offered for sale in violation of the law;

3. Makes a grammatical correction;

4. Changes the date a report is due from the department from 2008 to 2009; and

5. Authorizes the Commissioner of Environmental Protection to prohibit the manufacture, sale or distribution of mattresses or mattress pads, upholstered furniture intended for indoor use in a residence and televisions or computers that contain a flame retardant if the commissioner determines, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, that the prohibition is necessary to protect the public health and the environment and that a safer alternative to the flame retardant is nationally available and the State Fire Marshal determines that the alternative meets applicable fire safety standards.

Enacted Law Summary

Public Law 2007, chapter 296 amends current law restricting the manufacture, sale and distribution in this State of products containing certain brominated flame retardants. Chapter 296 accomplishes the following.

1. It defines "brominated flame retardant."

2. It prohibits, beginning January 1, 2008, the manufacture, sale or distribution of mattresses or mattress pads or upholstered furniture intended for indoor residential use if they have plastic fibers that contain the "deca" mixture.

3. It prohibits, beginning January 1, 2010, the manufacture, sale or distribution of televisions and computers that have a plastic housing that contains the "deca" mixture.

4. It exempts from the "deca" restrictions transportation vehicles or products or parts, products or equipment used in industrial or manufacturing processes, and electronic wiring and cable used for power transmission.

5. It requires manufacturers to notify sellers of the manufacturer's product of the law, beginning January 1, 2008.

6. It requires the Department of Environmental Protection to develop a program to assist retailers in identifying products that might contain PBDEs.

7. It authorizes the department to participate in a regional, multistate clearinghouse to assist in carrying out any activities related to the administration of the proposed law.

8. It amends the review and reporting requirements of the Department of Environmental Protection and the Maine CDC. It requires DEP and the Maine CDC to review hazard and risk assessments in connection with brominated flame retardants; assessments of alternatives; and findings and rulings of the USEPA and the European Union. It requires DEP to report to the Natural Resources Committee every 2 years beginning in 2008.

9. It exempts used products.

10. It authorizes the Commissioner of Environmental Protection to require a manufacturer to provide a certificate of compliance if there are grounds to suspect that a product is being offered for sale in violation of the law.

11. It authorizes the Commissioner of Environmental Protection to prohibit the manufacture, sale or distribution of mattresses or mattress pads, upholstered furniture intended for indoor use in a residence and televisions or computers that contain a flame retardant if the commissioner determines, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, that the prohibition is necessary to protect the public health and the environment and that a safer alternative to the flame retardant is nationally available and the State Fire Marshal determines that the alternative meets applicable fire safety standards.

LD 1685 Resolve, To Develop a Comprehensive Water Use Plan for Maine **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	ONTP	

This resolve directs the Land and Water Resources Council to convene the Comprehensive Water Use Plan Steering Committee and to enter into a contract with a consultant selected by the steering committee to develop a comprehensive water use plan. The resolve designates the membership of the committee and the duties that the consultant is required to undertake. The Maine Geological Survey is directed to provide staff assistance to the steering committee and is designated as the lead agency of the steering committee. The Land and Water Resources Council is directed to submit a final report to the Joint Standing Committee on Natural Resources by January 15, 2009. The report must include the consultant's recommended comprehensive water use plan and any draft legislation necessary to implement the plan.

LD 1717 An Act To Promote Recycling of Cellular Telephones **PUBLIC 343**

Sponsor(s)	Committee Report	Amendments Adopted
BABBIDGE	OTP-AM	H-418

This bill requires a retail establishment that sells cellular telephones to accept used cellular telephones for reuse, recycling or proper disposal. The bill also requires retail establishments to report by January 1, 2008 to the Department of Environmental Protection with the reuse, recycling and disposal system they have implemented.

Committee Amendment "A" (H-418)

This amendment replaces the bill. The amendment deletes the provisions in the bill that require retailers to have a specified system in place for the collection of used cellular telephones and replaces those provisions with a provision requiring retailers to accept used cellular telephones from any person beginning January 1, 2008. It also deletes from the bill the provision making it unlawful for retailers who do not comply with the law to sell cell phones in the State.

The amendment prohibits the disposal of cellular telephones in solid waste disposal facilities. It requires service providers to report to the Department of Environmental Protection the number of cellular telephones collected and how the collected phones were disposed of, reused or recycled. It also requires the Department of Environmental Protection to report on the collection program to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

Enacted Law Summary

Public Law 2007, chapter 343 requires retailers to accept used cellular telephones from any person beginning January 1, 2008. It requires service providers to report to the Department of Environmental Protection the number of cellular telephones collected and how the collected phones were disposed of, reused or recycled. It requires the Department of Environmental Protection to report on the collection program to the joint standing committee of the Legislature having jurisdiction over natural resources matters. It prohibits the disposal of cellular telephones in solid waste disposal facilities.

LD 1743 **An Act Concerning the Sustainable Use of and Planning for Water Resources** **PUBLIC 399**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	OTP-AM	S-273

This bill provides for the creation of the Freshwater Resource Board to protect Maine groundwater, to protect the rights of all persons who own homes, farms and businesses over the groundwater and to protect the surface water that benefits from groundwater and the plants and wildlife that benefit. The bill provides for the continuation of water removal by water bottling interests when the removal of water does not threaten these goals. The bulk water transport permitting process is amended to make clear that transport for bottling is permitted. The bill transfers the authority to issue bulk water transport permits from the Commissioner of Health and Human Services to the Freshwater Resource Board and to also convey the power to set fees to carry out this law from the commissioner to the board.

Committee Amendment "A" (S-273)

The amendment replaces the bill. The amendment requires the Land and Water Resources Council to convene the Water Resources Planning Committee and describes requirements related to membership, meetings and reporting. It details a list of areas on which to focus effort. It also requires the committee to conduct an annual review of state policy in regard to certain topics, provide guidance to municipalities and develop and disseminate educational materials.

It requires an applicant for or a holder of a permit from the Department of Environmental Protection or the Department of Conservation who retains an environmental professional for the purpose of providing information to either agency to disclose if the environmental professional has a financial interest in the applicant, in the permit holder or in the property or activity that is the subject of the permit.

It adds to the list of exceptions in the bulk water transport laws so that water withdrawn pursuant to a permit issued by the Department of Environmental Protection or the Maine Land Use Regulation Commission does not

require transport authorization pursuant to the bulk water transport laws.

It repeals the legislative findings section of the bulk water transport laws.

It repeals 2 standards in the bulk water transport laws.

It amends the fee provisions of the Department of Environmental Protection to provide processing and licensing fee ceilings for a permit for a significant groundwater well and a permit for an activity within a community public water supply primary protection area.

It makes the following changes to the natural resources protection laws:

1. It adds a definition of "significant groundwater well";

2. It amends the prohibition provisions to provide that a person may not establish or operate a significant groundwater well without first obtaining a permit from the Department of Environmental Protection; and

3. It adds an additional standard applicable to significant groundwater wells.

It provides transition language for persons who are required to obtain a permit for a significant groundwater well but already are authorized to transport bulk water pursuant to the bulk water transport laws on the effective date of this Act.

It requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to amend their rules to require that a public information meeting be held prior to submission of an application for a significant groundwater well. The public information meeting must be in conformance with requirements for public information meetings contained in the Department of Environmental Protection's rules concerning the processing of applications and other administrative matters. These rules are routine technical rules.

It requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to periodically contract with independent environmental professionals to provide a technical review and assessment of monitoring information. It also requires each department to undertake rulemaking to develop a fee structure to provide funding for those contracts.

Enacted Law Summary

Public Law 2007, chapter 399 requires the Land and Water Resources Council to convene the Water Resources Planning Committee and describes requirements related to membership, meetings and reporting. It details a list of areas on which to focus effort. It also requires the committee to conduct an annual review of state policy in regard to certain topics, provide guidance to municipalities and develop and disseminate educational materials.

It requires an applicant for or a holder of a permit from the Department of Environmental Protection or the Department of Conservation who retains an environmental professional for the purpose of providing information to either agency to disclose if the environmental professional has a financial interest in the applicant, in the permit holder or in the property or activity that is the subject of the permit.

It adds to the list of exceptions in the bulk water transport laws so that water withdrawn pursuant to a permit issued by the Department of Environmental Protection or the Maine Land Use Regulation Commission does not require transport authorization pursuant to the bulk water transport laws.

It repeals the legislative findings section of the bulk water transport laws.

It repeals 2 standards in the bulk water transport laws.

It amends the fee provisions of the Department of Environmental Protection to provide processing and licensing fee ceilings for a permit for a significant groundwater well and a permit for an activity within a community public water supply primary protection area.

It makes the following changes to the natural resources protection laws:

1. It adds a definition of "significant groundwater well";

2. It amends the prohibition provisions to provide that a person may not establish or operate a significant groundwater well without first obtaining a permit from the Department of Environmental Protection; and

3. It adds an additional standard applicable to significant groundwater wells.

It provides transition language for persons who are required to obtain a permit for a significant groundwater well but already are authorized to transport bulk water pursuant to the bulk water transport laws on the effective date of this Act.

It requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to amend their rules to require that a public information meeting be held prior to submission of an application for a significant groundwater well. The public information meeting must be in conformance with requirements for public information meetings contained in the Department of Environmental Protection's rules concerning the processing of applications and other administrative matters. These rules are routine technical rules.

It requires the Department of Environmental Protection and the Maine Land Use Regulation Commission to periodically contract with independent environmental professionals to provide a technical review and assessment of monitoring information. It also requires each department to undertake rulemaking to develop a fee structure to provide funding for those contracts.

LD 1778 **An Act To Amend Certain Laws Administered by the Department of Environmental Protection** **PUBLIC 292**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP-AM	S-144

This bill:

1. Amends the law governing certification of underground oil storage tank installers by the Board of Underground Oil Storage Tank Installers. The amendments eliminate the current distinction between Class I and Class II installers and eliminate the requirement to complete 6 tank installations as a condition of certification. In lieu of the latter requirement, candidates for certification must demonstrate field experience in accordance with rules to be adopted by the board;

2. Amends the definition of "Code of Federal Regulations" to include those regulations effective on or before July 1, 2007;

3. Amends the definition of "Federal Water Pollution Control Act" to include amendments effective on or before July 1, 2007;

4. Amends the transfer provision in the waste discharge laws to provide that application for transfer of a license must be made no later than 2 weeks after the transfer of ownership or interest in the source of the discharge is completed;

5. Adds a rescission provision to the stormwater management laws;

6. Amends the Fish River provision in the significant rivers list of the mandatory shoreland zoning laws to update a location description that refers to a bridge that has been removed;

7. Amends the volume standard in the timber harvesting standard of the mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;

8. Amends the volume standard in the clearing of vegetation standard of the mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;

9. Amends the bacteria standard for Class GPA waters in the water classification program to include Escherichia coli bacteria of domestic animal origin, consistent with other recent changes to bacteria standards in this program;

10. Amends the Fish River provision in the list of outstanding river segments in the natural resources protection laws to update a location description that refers to a bridge that has been removed;

11. Amends the Piscataquis River provision in the list of outstanding river segments in the natural resources protection laws to change the name of Little Squaw Township to Moosehead Junction Township;

12. Amends the exemption in the natural resources protection laws for cutting or clearing subject to mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;

13. Reduces the number of members on the Oil Spill Advisory Committee from 14 to 9;

14. Eliminates reference to 2 completed reporting requirements on the availability of insurance for oil storage tanks, while preserving the requirement to prepare an annual report on the adequacy of the Ground Water Oil Clean-up Fund;

15. Provides for the biennial report on hazardous waste handling prepared by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 1319-Q to be filed directly with the Legislature by November 1st. The bill also eliminates the need for the report to include recommendations for legislative action to develop and establish needed hazardous waste facilities. The current law provides for the report to be filed first with the Board of Environmental Protection for the purpose of making recommendations regarding the need for additional hazardous waste capacity. The board's responsibility to assess capacity needs was eliminated with the repeal of Title 38, section 1319-Q, subsection 3 in 1993;

16. Clarifies the law governing recycling of electronic waste by defining the term "consolidator" and amending the definitions of "consolidation facility" and "manufacturer;"

17. Requires the Department of Environmental Protection to submit the annual report on the removal of mercury switches from automobiles to the joint standing committee of the Legislature having jurisdiction over natural resources matters. Under current law, the report is submitted to the Mercury Products Advisory

Committee, which ceased to exist as of August 1, 2006 by operation of law;

18. Adds language that removes any ambiguity that might be read into the State's environmental protection laws regarding the Department of Environmental Protection and Attorney General's shared responsibility for enforcement; and

19. Adds language that removes any ambiguity that might be read into the Department of Environmental Protection fee setting authority regarding the amount subject to increase when an application is submitted after its due date.

Committee Amendment "A" (S-144)

This amendment amends the exemption in the site location of development laws and natural resources protection laws to include aquaculture activities regulated by the Department of Marine Resources under the Maine Revised Statutes, Title 12, section 6072-A, 6072-B or 6072-C. The amendment also extends the date by which the Department of Environmental Protection shall report on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil and authorizes the Joint Standing Committee on Natural Resources to submit legislation dealing with the fees for the transport and disposal of hazardous waste to the 123rd Legislature by February 15, 2008. The amendment also makes a technical change to the bill.

Enacted Law Summary

Public Law 2007, chapter 292:

1. Amends the law governing certification of underground oil storage tank installers by the Board of Underground Oil Storage Tank Installers. The amendments eliminate the current distinction between Class I and Class II installers and eliminate the requirement to complete 6 tank installations as a condition of certification. In lieu of the latter requirement, candidates for certification must demonstrate field experience in accordance with rules to be adopted by the board;

2. Amends the definition of "Code of Federal Regulations" to include those regulations effective on or before July 1, 2007;

3. Amends the definition of "Federal Water Pollution Control Act" to include amendments effective on or before July 1, 2007;

4. Amends the transfer provision in the waste discharge laws to provide that application for transfer of a license must be made no later than 2 weeks after the transfer of ownership or interest in the source of the discharge is completed;

5. Adds a rescission provision to the stormwater management laws;

6. Amends the Fish River provision in the significant rivers list of the mandatory shoreland zoning laws to update a location description that refers to a bridge that has been removed;

7. Amends the volume standard in the timber harvesting standard of the mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;

8. Amends the volume standard in the clearing of vegetation standard of the mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;

9. Amends the bacteria standard for Class GPA waters in the water classification program to include

Escherichia coli bacteria of domestic animal origin, consistent with other recent changes to bacteria standards in this program;

10. Amends the Fish River provision in the list of outstanding river segments in the natural resources protection laws to update a location description that refers to a bridge that has been removed;

11. Amends the Piscataquis River provision in the list of outstanding river segments in the natural resources protection laws to change the name of Little Squaw Township to Moosehead Junction Township;

12. Amends the exemption in the natural resources protection laws for cutting or clearing subject to mandatory shoreland zoning laws to be consistent with statewide timber harvesting standards adopted by the Department of Conservation;

13. Reduces the number of members on the Oil Spill Advisory Committee from 14 to 9;

14. Eliminates reference to 2 completed reporting requirements on the availability of insurance for oil storage tanks, while preserving the requirement to prepare an annual report on the adequacy of the Ground Water Oil Clean-up Fund;

15. Provides for the biennial report on hazardous waste handling prepared by the Department of Environmental Protection under the Maine Revised Statutes, Title 38, section 1319-Q to be filed directly with the Legislature by November 1st. It also eliminates the need for the report to include recommendations for legislative action to develop and establish needed hazardous waste facilities;

16. Clarifies the law governing recycling of electronic waste by defining the term "consolidator" and amending the definitions of "consolidation facility" and "manufacturer;"

17. Requires the Department of Environmental Protection to submit the annual report on the removal of mercury switches from automobiles to the joint standing committee of the Legislature having jurisdiction over natural resources matters;

18. Adds language that removes any ambiguity that might be read into the State's environmental protection laws regarding the Department of Environmental Protection and Attorney General's shared responsibility for enforcement;

19. Adds language that removes any ambiguity that might be read into the Department of Environmental Protection fee setting authority regarding the amount subject to increase when an application is submitted after its due date;

20. Amends the exemption in the site location of development laws and natural resources protection laws to include aquaculture activities regulated by the Department of Marine Resources under the Maine Revised Statutes, Title 12, section 6072-A, 6072-B or 6072-C; and

21. Extends the date by which the Department of Environmental Protection shall report on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil and authorizes the Joint Standing Committee on Natural Resources to submit legislation dealing with the fees for the transport and disposal of hazardous waste to the 123rd Legislature by February 15, 2008.

LD 1803 An Act To Clarify Comprehensive Planning and Land Use Ordinances **PUBLIC 247**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN	OTP-AM	H-300

This bill makes the following changes to the laws governing growth management. It:

1. Clarifies that the portion of a rate of growth, zoning or impact fee ordinance not directly related to an inconsistency identified during a comprehensive plan review by the State Planning Office remains in effect after the inconsistency is identified;

2. Excludes certain ordinances from the definition of "zoning ordinance" thereby allowing towns to adopt those ordinances without having a consistent comprehensive plan;

3. Requires a comprehensive plan's implementation strategy and timetable to guide periodic review and revision of the comprehensive plan;

4. Exempts towns with no village or densely settled area and towns that identify as its growth area a growth area identified in another town's comprehensive plan from having to designate a growth area; and

5. Revises the review process for comprehensive plans.

Committee Amendment "A" (H-300)

This amendment adds a provision that clarifies that portions of rate of growth, zoning or impact fee ordinances not directly related to an inconsistency identified by a court remain in effect. It clarifies that cluster development ordinances and design ordinances that apply townwide are not included in the definition of "zoning ordinance." It removes the requirement in the bill that implementation strategies must guide revision of a comprehensive plan. It requires a finding of inconsistency made by the Executive Department, State Planning Office to identify sections of the growth management laws and rules that are not adequately addressed in the comprehensive plan and to make recommendations for resolving the inconsistency.

Enacted Law Summary

Public Law 2007, chapter 247 makes the following changes to the laws governing growth management. It:

1. Clarifies that the portion of a rate of growth, zoning or impact fee ordinance not directly related to an inconsistency identified by a court or during a comprehensive plan review by the State Planning Office remains in effect after the inconsistency is identified;

2. Excludes certain ordinances from the definition of "zoning ordinance" thereby allowing towns to adopt those ordinances without having a consistent comprehensive plan;

3. Requires a comprehensive plan's implementation strategy and timetable to guide periodic review of the comprehensive plan;

4. Exempts a town with no village or densely settled area and a town that identifies as its growth area a growth area identified in another town's comprehensive plan from having to designate a growth area; and

5. Revises the review process for comprehensive plans.

LD 1824 **An Act To Regulate Outdoor Wood Boilers** **PUBLIC 442**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
BERRY BENOIT	OTP-AM	H-494

This bill defines "outdoor wood boiler." It permits the Commissioner of Environmental Protection to adopt a moratorium on the sale of high-emissions outdoor wood boilers until the department establishes rules regulating the sale, installation and use of outdoor wood boilers and directs the department to review the rules every 3 years and revise them if necessary. The bill also restricts the use of outdoor wood boilers manufactured prior to October 1, 2007 unless they meet the standards and rules adopted by the department. It directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention in consultation with the Department of Environmental Protection to develop guidelines to determine whether an outdoor wood boiler is causing a public health nuisance.

Committee Amendment "A" (H-494)

This amendment changes the title and adds an emergency preamble and clause to the bill. It removes from the bill the moratorium provisions with regard to wood boilers. It sets emission standards for the sale of outdoor wood boilers and prohibits the operation of outdoor wood boilers in a manner that creates a nuisance condition as defined in rules of the Department of Environmental Protection. It directs the Department of Environmental Protection to adopt emergency major substantive rules for the regulation of outdoor wood boilers including provisions relating to siting, operation and labeling requirements, stack heights, dealer and manufacturer reporting, public notification of emission standards and operation and siting requirements, code enforcement officer training, nuisance conditions and existing inventory issues. The rules must provide for enforcement of the rules by the Department of Environmental Protection. The amendment directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on achievable emission standards for outdoor wood boilers and on the status of the resolution of complaints regarding outdoor wood boilers.

Enacted Law Summary

Public Law 2007, chapter 442 sets emission standards for the sale of outdoor wood boilers and prohibits the operation of outdoor wood boilers in a manner that creates a nuisance condition as defined in rules of the Department of Environmental Protection. It directs the Department of Environmental Protection to adopt emergency major substantive rules for the regulation of outdoor wood boilers including provisions relating to siting, operation and labeling requirements, stack heights, dealer and manufacturer reporting, public notification of emission standards and operation and siting requirements, code enforcement officer training, nuisance conditions and existing inventory issues. The rules must provide for enforcement of the rules by the Department of Environmental Protection. It directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on achievable emission standards for outdoor wood boilers and on the status of the resolution of complaints regarding outdoor wood boilers.

Public Law 2007, chapter 442 was enacted as emergency measure effective June 27, 2007.

LD 1825 **An Act To Amend the Groundwater Oil Clean-up Fund (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JOY	ONTP	

This bill exempts from the conditional deductible requirement all nonconforming underground facilities and tanks that were removed prior to the enactment of the conditional deductible requirement.

LD 1830 **Resolve, Regarding Legislative Review of Portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a Major Substantive Rule of the Department of Environmental Protection** **RESOLVE 64 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

This resolve provides for legislative review of portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a major substantive rule of the Department of Environmental Protection.

Enacted Law Summary

Resolve 2007, chapter 64 provides for legislative review of portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a major substantive rule of the Department of Environmental Protection.

Resolve 2007, chapter 64 was finally passed as an emergency measure effective June 6, 2007.

LD 1845 **An Act To Strengthen the Laws Concerning Surface Water Ambient Toxic Monitoring** **PUBLIC 445**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY	OTP-AM	H-254

This bill strengthens the surface water ambient toxic monitoring program as it relates to inland and coastal waters by:

1. Altering the membership of the technical advisory group to include a second nonvoting legislative member by adding a Legislator who serves on the joint standing committee of the Legislature having jurisdiction over marine resources matters;

2. Requiring submission of the annual report on the monitoring program to the joint standing committee of the Legislature having jurisdiction over marine resources matters; and

3. Directing the Commissioner of Environmental Protection and the Commissioner of Marine Resources to make a report to the relevant joint standing committees by January 4, 2008 identifying a reliable and consistent source of funding for the program.

Committee Amendment "A" (H-254)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 445 amends the surface water ambient toxic monitoring program as it relates to inland and coastal waters by:

1. Altering the membership of the technical advisory group to include a second nonvoting legislative member by adding a Legislator who serves on the joint standing committee of the Legislature having jurisdiction over marine resources matters;

2. Requiring submission of the annual report on the monitoring program to the joint standing committee of the Legislature having jurisdiction over marine resources matters; and

3. Directing the Commissioner of Environmental Protection and the Commissioner of Marine Resources to make a report to the relevant joint standing committees by January 4, 2008 identifying a reliable and consistent source of funding for the program

LD 1851 An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007 **PUBLIC 317**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN	OTP-AM MAJ	H-321
	OTP-AM MIN	H-380 BLISS

This bill establishes a statewide carbon dioxide cap-and-trade program for fossil fuel fired electrical generating units within the State that have a nameplate capacity equal to or greater than 25 megawatts and requires the Department of Environmental Protection to develop carbon dioxide cap-and-trade rules. The bill also authorizes the Department of Environmental Protection to adopt major substantive rules regarding combined heat and power incentives and the Public Utilities Commission to adopt major substantive rules regarding the establishment and administration of the Maine Energy Conservation Board. The bill also authorizes the sale of carbon dioxide emissions allowances for the benefit of consumers and the creation of the Energy and Carbon Savings Trust.

Committee Amendment "A" (H-321)

This amendment makes the following changes to the bill.

1. It amends the provision of the bill regarding additional assessments on transmission and distribution utilities to fund efficiency programming to require that prior to making such assessments the Public Utilities Commission shall consider: the amount and timing of the existing assessments to fund conservation programs; the funding for conservation programs through the Energy and Carbon Savings Trust; forward capacity market payments; and other predictable sources of funding for or investment in energy conservation and efficiency programs. It also specifies that any such assessments may not be charged until the Legislature has approved the commission's budget and requires that the commission identify these assessments in its presentation of its budget recommendations in any current services budget legislation or supplemental budget legislation. It specifies that these additional assessments must be paid on the same schedule that payment of assessments to the commission is required for the current conservation program assessment.

2. It amends the provisions of the bill regarding the Maine Energy Conservation Board in several ways. It changes the composition of the board as follows: it removes 3 trustees of the Energy and Carbon Savings Trust from the board as voting members, while retaining one trustee on the board as a nonvoting member; and it adds as voting members a representative of small business, the Commissioner of Environmental Protection or the commissioner's designee and the director of the Governor's Office of Energy Independence and Security or the director's designee. The amendment removes the Public Utilities Commission's responsibility for staffing the board and authorizes the board to contract for technical expertise and administrative services.

3. It amends the provision in the bill regarding the energy efficiency and conservation plan. It specifies that the plan must be a triennial plan developed jointly by the Public Utilities Commission and the trustees of the

Energy and Carbon Savings Trust with input from the Maine Energy Conservation Board. It requires that the commission and the trustees consult the board in development of the plan and authorizes the board to submit recommended changes to the plan to the commission and the trustees for review. It requires the board to vote on the plan and make a full report of its vote to the commission and the trustees. It specifies that with respect to the commission's conservation programs, the first triennial plan must address programs implemented on or after July 1, 2010.

4. It amends the provisions of the bill governing the Energy and Carbon Savings Trust to provide an effective date of October 1, 2008; to remove the Public Utilities Commission's responsibility for the management, administration, staffing and rulemaking of the trust and other trust-related responsibilities, while retaining the provision that requires the commission to appoint the 3 trustees; to specify that legal action in the name of the trust is to be taken by the trustees; and to provide initial funding for the trust through a temporary transfer of funds from the conservation program fund to the trust to be repaid when the trust receives revenue as a result of the regional greenhouse gas initiative.

5. It amends the circumstances under which the Commissioner of Environmental Protection may grant a waiver of enforcement for violations of the carbon dioxide cap-and-trade program. The bill authorizes the commissioner to grant waivers if the regional greenhouse gas initiative auction results in price levels that are expected to be excessive, or that are excessive and will result, or that are expected to result, in immediate and irreparable harm. The amendment authorizes the commissioner to grant a temporary waiver of enforcement, not to exceed one year, if the regional greenhouse gas initiative results in price levels for allowances that will result in immediate and irreparable harm.

6. It amends the provisions regarding combined heat and power units. The bill requires the Department of Environmental Protection to set aside a portion of the emissions allowances for carbon dioxide budget units that are combined heat and power units located at integrated manufacturing facilities. The amendment clarifies that the department is required to use the allowances for emissions related to electricity and thermal power generated at a unit that is a combined heat and power unit and to clarify that a combined heat and power unit may be a combined cycle system or other energy generation configuration. It also clarifies language authorizing department rules to distinguish between combined heat and power units that commence operation after July 1, 2007 and those that commence operation before July 1, 2007.

7. It amends the provision regarding the submittal of an annual report by the Department of Environmental Protection and the Energy and Carbon Savings Trust by clarifying that the joint standing committees of the Legislature having jurisdiction over natural resources matters and utilities and energy matters may individually submit legislation relating to areas within each committee's jurisdiction.

8. It adds a provision to the bill that directs the Office of the Public Advocate to study the feasibility of integrating the programmatic and organizational responsibilities and functions with respect to energy efficiency and conservation within the Public Utilities Commission and the Energy and Carbon Savings Trust and consider the responsibilities of the Maine Energy Conservation Board in relation to the commission and the trust. The Office of the Public Advocate is required to submit a report by January 15, 2008 to the Joint Standing Committee on Utilities and Energy, and the committee may submit legislation on this issue to the Second Regular Session of the 123rd Legislature.

9. It adds an appropriations and allocations section to the bill.

House Amendment "A" (H-380)

This amendment changes the establishment date of the Energy and Carbon Savings Trust and the Energy and

Carbon Savings Trust Fund from October 1, 2008 to July 1, 2008 and makes the same date change to the authorization to transfer funds.

This amendment also requires the Office of the Public Advocate, in its study of integrating and combining responsibilities for energy efficiency functions into a single entity, to identify and report on options and the timing of integration.

Enacted Law Summary

Public Law 2007, chapter 317 establishes a statewide carbon dioxide cap-and-trade program for fossil fuel fired electrical generating units within the State that have a nameplate capacity equal to or greater than 25 megawatts of electrical output. The cap-and-trade program is contingent on initiation of comparable programs in other states that are participating in the northeast regional greenhouse gas initiative. Chapter 317 requires the Department of Environmental Protection to develop carbon dioxide rules to implement the cap-and-trade program. Chapter 317 also:

1. Amends the laws governing the Public Utilities Commission's Efficiency Maine program, including a provision for an additional assessment on transmission and distribution utilities to fund efficiency programming;

2. Establishes the Energy and Carbon Savings Trust and the Energy and Carbon Savings Trust Fund, consisting of revenue from the sale of carbon dioxide offset allowances, to support the goals and implementation of the carbon dioxide cap-and-trade program; and

3. Establishes the Maine Energy Conservation Board to assist the Public Utilities Commission and the trustees of the Energy and Carbon Savings Trust in the development, coordination and integration of planning for the State's energy conservation efforts and to provide advice and counsel to the commission and the Energy and Carbon Savings Trust on energy conservation and carbon dioxide reduction matters.

LD 1887 **An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth** **PUBLIC 220 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP	

This bill amends the Plymouth Waste Oil Loan Program and authorizes the Finance Authority of Maine to loan money in the Waste Oil Clean-up Fund to eligible responsible parties to pay their share of oversight costs of the United States and the State, remedial action costs and costs related to any de minimis settlement offered by the United States Environmental Protection Agency under federal law.

Enacted Law Summary

Public Law 2007, chapter 220 amends the Plymouth Waste Oil Loan Program and authorizes the Finance Authority of Maine to loan money in the Waste Oil Clean-up Fund to eligible responsible parties to pay their share of oversight costs of the United States and the State, remedial action costs and costs related to any de minimis settlement offered by the United States Environmental Protection Agency under federal law.

Public Law 2007, chapter 220 was enacted as an emergency measure effective June 4, 2007.

LD 1888 **An Act To Implement Recommendations of the Drinking Water Program Regarding Public Water Supply Protection** **PUBLIC 353**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-263

This bill implements recommendations of the drinking water program of the Department of Health and Human Services in connection with a report required pursuant to Resolve 2005, chapter 140. The bill accomplishes the following.

1. It amends the acquisition criteria for the Executive Department, Land for Maine's Future Board. It requires the board to consider whether the site provides public water supply protection.

2. It requires state agencies to consider the negative impact of the agency's actions on public water supplies, evaluate alternatives to minimize the impact and conduct mitigation of any unavoidable impact.

3. It allows the safe drinking water revolving loan fund to be used by a public water system to acquire protective interests in land.

4. It defines "community public water system" and "community public water system primary protection area."

5. It adds community public water system primary protection areas to the definition of "protected natural resource."

6. It adds language to the standards imposed under the laws governing natural resources protection to require that an applicant for a project in a community public water system primary protection area has to meet only the soil erosion and water quality standards contained in those laws.

7. It requires the applicant to notify the drinking water program of the Department of Health and Human Services and the community public water system if the resource subject to alteration or the underlying groundwater is used by a community public water system.

8. It authorizes the Commissioner of Environmental Protection to, under certain circumstances, delegate to the drinking water program of the Department of Health and Human Services or to a community public water system the authority to determine whether an activity that is located within a community public water system primary protection area meets the erosion and water quality standards.

9. It exempts community public water systems from the laws governing natural resources protection permitting requirements for activities within their community public water system primary protection areas.

10. It requires the Department of Environmental Protection to adopt rules to specify requirements for an activity located in a community public water system primary protection area.

11. It directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by January 15, 2008 concerning the status of the rulemaking.

Committee Amendment "A" (S-263)

This amendment deletes the requirement in the bill that requires state agencies to conduct mitigation of unavoidable impacts the agency's actions have on a public water supply. It clarifies that the Commissioner of Environmental

Protection may delegate review authority to the drinking water program of the Department of Health and Human Services or to a community public water system. It adds an exemption to the laws regarding the protection of natural resources for transportation reconstruction or replacement projects within a community public water system primary protection area. It clarifies that the Department of Environmental Protection may address mitigation in rules concerning community public water system primary protection areas, but may not include compensation as a method of mitigation. It designates rules specifying requirements for activities located in a community public water system primary protection area as major substantive rules. It requires the Department of Environmental Protection to provide notice of the rulemaking to municipalities in which community public water system primary protection areas are located.

Enacted Law Summary

Public Law 2007, chapter 353 implements recommendations of the drinking water program of the Department of Health and Human Services in connection with a report required pursuant to Resolve 2005, chapter 140. Chapter 353 accomplishes the following.

1. It amends the acquisition criteria for the Executive Department, Land for Maine's Future Board. It requires the board to consider whether the site provides public water supply protection.

2. It requires state agencies to consider the negative impact of the agency's actions on public water supplies and to evaluate alternatives to avoid and minimize the impact.

3. It allows the safe drinking water revolving loan fund to be used by a public water system to acquire protective interests in land.

4. It defines "community public water system" and "community public water system primary protection area."

5. It adds community public water system primary protection areas to the definition of "protected natural resource."

6. It adds language to the standards imposed under the laws governing natural resources protection to require that an applicant for a project in a community public water system primary protection area has to meet only the soil erosion and water quality standards contained in those laws.

7. It requires the applicant to notify the drinking water program of the Department of Health and Human Services and the community public water system if the resource subject to alteration or the underlying groundwater is used by a community public water system.

8. It authorizes the Commissioner of Environmental Protection to, under certain circumstances, delegate review authority to the drinking water program of the Department of Health and Human Services or to a community public water system to determine whether an activity that is located within a community public water system primary protection area meets the erosion and water quality standards.

9. It adds an exemption to the laws regarding the protection of natural resources for transportation reconstruction or replacement projects within a community public water system primary protection area.

10. It exempts community public water systems from the laws governing natural resources protection permitting requirements for activities within their community public water system primary protection areas.

11. It requires the Department of Environmental Protection to adopt major substantive rules to specify requirements for an activity located in a community public water system primary protection area. The department is required to provide notice of the rulemaking to municipalities in which community public water system primary protection areas are located.

12. It directs the Department of Environmental Protection to report to the Joint Standing Committee on Natural Resources by January 15, 2008 concerning the status of the rulemaking.

LD 1903 **An Act To Implement the Recommendations of the Working Group Studying Mold in Buildings** **PUBLIC 355**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-514

This bill implements recommendations of the working group created pursuant to Resolve 2005, chapter 174 to study mold in buildings. Specifically, the bill:

1. Requires home construction contracts to contain the training received and certifications held by project supervisors;

2. Requires disclosure of the potential for conflict of interest if mold assessment and remediation services are provided by the same person or company;

3. Adds mandatory moisture control provisions to the Maine Model Building Code and the Maine model building energy code;

4. Establishes a mandatory mediation program for mold or excess moisture disputes between tenants and landlords;

5. Authorizes local health officers to evaluate complaints made by tenants concerning issues with mold or excess moisture;

6. Directs the Maine Center for Disease Control and Prevention to review and recommend guidelines and standards regarding assessment and remediation of mold; and

7. Establishes one position in the Department of the Attorney General, Consumer Protection Division to support investigations of complaints related to substandard construction, renovation and mold assessment and remediation practices. It also establishes one position in the Department of Health and Human Services, Maine Center for Disease Control and Prevention to support the reviewing and recommending of guidelines and standards in connection with mold in buildings in the State and to provide education and response to public concerns regarding mold.

Committee Amendment "A" (H-514)

This amendment strikes all of the provisions from the bill except for the requirement for disclosure of the potential for conflict of interest if mold assessment and remediation services are provided by the same person or company. It also adds a requirement directing the Department of Health and Human Services, Maine Center for Disease Control and Prevention to submit a report to the joint standing committees of the Legislature having jurisdiction over natural resources matters, legal and veterans affairs and judiciary matters on activities and reviews undertaken by the department in connection with issues relating to mold and excess moisture in buildings.

Enacted Law Summary

Public Law 2007, chapter 355 requires disclosure of the potential for conflict of interest if mold assessment and remediation services are provided by the same person or company. It also requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention to submit a report to the joint standing committees of the Legislature having jurisdiction over natural resources matters, legal and veterans affairs and

judiciary matters on activities and reviews undertaken by the department in connection with issues relating to mold and excess moisture in buildings.

LD 1908 **An Act To Implement Recommendations of the Blue Ribbon Commission on Solid Waste Management** **PUBLIC 414**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-238

This bill implements recommendations of the Blue Ribbon Commission on Solid Waste Management.

It amends the provisions relating to a public benefit determination by requiring state-owned disposal facilities to provide a substantial public benefit and by authorizing the Department of Environmental Protection to revise a public benefit determination if a change in the underlying facts or circumstances upon which the determination was based has occurred or is proposed.

It prohibits state-owned solid waste disposal facilities from accepting waste that is not generated within the State.

It requires the Department of Environmental Protection to submit recommendations on the sources of revenue from construction and demolition debris recycling and incineration that are sufficient to fund ambient air quality monitoring and landfill oversight. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008, and the committee is authorized to submit legislation relating to the recommendations to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (S-238)

This amendment replaces the bill. The amendment exempts from the provisions of the bill relating to public benefit determinations those solid waste disposal facilities that are owned by the State and currently in operation or to an expansion of those facilities. It defines "waste generated within the State" and "bypass."

It clarifies the reporting requirement in the bill to require the Department of Environmental Protection to submit a report on funding options for the State's solid waste management program, including recommendations concerning potential sources of revenue from fees relating to construction and demolition debris to fund monitoring and compliance activities.

Enacted Law Summary

Public Law 2007, chapter 414 requires a solid waste disposal facility owned by the State, other than a facility that is currently in operation or to an expansion of that facility, to provide a substantial public benefit. It authorizes the Department of Environmental Protection to revise a public benefit determination if a change in the underlying facts or circumstances upon which the determination was based has occurred or is proposed. It prohibits state-owned solid waste disposal facilities from accepting waste that is not waste generated within the State. It defines "waste generated within the State" and "bypass."

Chapter 414 also requires the Department of Environmental Protection to submit a report on funding options for the State's solid waste management program, including recommendations concerning potential sources of revenue from fees relating to construction and demolition debris to fund monitoring and compliance activities.

LD 1929 **An Act To Assist in the Cleanup of Waste Motor Oil Disposal Sites** **PUBLIC 464**

Sponsor(s)	Committee Report	Amendments Adopted
		S-378 ROTUNDO

This bill creates a stream of revenue to retire the costs of investigation and remediation at the Portland-Bangor Waste Oil Services Sites in Plymouth, Ellsworth, Casco and Presque Isle. The Finance Authority of Maine is authorized to issue revenue obligation securities in amounts sufficient to cover the clean-up costs. These revenue obligation securities are to be retired with funds derived from a premium on motor vehicle oil changes. The premium is imposed at the retail level.

Parties that contributed waste motor oil to one of the 4 sites and who have been designated as responsible parties, including the State, instrumentalities of the State and counties and municipalities, are eligible to participate in the waste motor oil disposal site remediation program. The United States Government and its instrumentalities are not eligible to participate in the program.

Senate Amendment "A" (S-378)

This amendment includes a provision to transfer the first $11,000 received by the Waste Motor Oil Revenue Fund within the Finance Authority of Maine to the General Fund no later than June 30, 2008.

Enacted Law Summary

Public Law 2007, chapter 464 creates a stream of revenue to retire the costs of investigation and remediation at the Portland-Bangor Waste Oil Services Sites in Plymouth, Ellsworth, Casco and Presque Isle. The Finance Authority of Maine is authorized to issue revenue obligation securities in amounts sufficient to cover the clean-up costs. These revenue obligation securities are to be retired with funds derived from a premium on motor vehicle oil changes. The premium is imposed at the retail level.

Parties that contributed waste motor oil to one of the 4 sites and who have been designated as responsible parties, including the State, instrumentalities of the State and counties and municipalities, are eligible to participate in the waste motor oil disposal site remediation program. The United States Government and its instrumentalities are not eligible to participate in the program.

Joint Standing Committee on Natural Resources

SUBJECT INDEX

Air Quality - Climate Change

Enacted

LD 1851	An Act To Establish the Regional Greenhouse Gas Initiative Act of 2007	PUBLIC 317

Not Enacted

LD 107	Resolve, To Address State Leadership in Climate Engineering	ONTP
LD 1090	An Act To Authorize the State's Participation in the Regional Greenhouse Gas Initiative	ONTP
LD 1311	An Act To Fight Global Warming Effects in the State	ONTP

Air Quality - Haze

Enacted

LD 443	An Act To Require the Department of Environmental Protection To Meet the Federal Requirements on Regional Haze Visibility Impairment	PUBLIC 95

Air Quality - Outdoor Wood Boilers

Enacted

LD 1824	An Act To Regulate Outdoor Wood Boilers	PUBLIC 442 EMERGENCY

Not Enacted

LD 128	Resolve, Directing the Board of Environmental Protection To Adopt Rules To Improve the Emissions and Efficiency of Outdoor Wood Boilers	ONTP
LD 1551	An Act To Establish a Seasonal Ban on the Operation of Outdoor Wood Boilers	ONTP

Air Quality - Vehicles

Not Enacted

LD 108	An Act To Exempt Certain Vehicles from the California Low-emission Vehicle Standards	ONTP
LD 1168	An Act To Amend New Motor Vehicle Laws Regarding Emission Standards	ONTP

Aquatic Pesticides

Enacted

LD 1274	An Act To Allow the Discharge of Aquatic Pesticides Approved by the Department of Environmental Protection for the Control of Mosquito-borne Diseases in the Interest of Public Health and Safety	PUBLIC 291

Boards and Commissions

Not Enacted

LD 1089	An Act To Create the Maine Natural Resource and Environment Efficiency Commission (by request)	ONTP

Cell Phones

Enacted

LD 1717	An Act To Promote Recycling of Cellular Telephones	PUBLIC 343

Department of Environmental Protection

Enacted

LD 848	An Act To Encourage Greater Public Input into the State Environmental Licensing Process	PUBLIC 43
LD 1200	An Act To Authorize the Department of Environmental Protection To Exclude Repeat Violators of Environmental Laws from Receiving Contracts with the Department	PUBLIC 300
LD 1500	An Act To Allow the Department of Environmental Protection To Charge Interest for Late Payment of Fees	PUBLIC 187
LD 1778	An Act To Amend Certain Laws Administered by the Department of Environmental Protection	PUBLIC 292

Not Enacted

LD 52	An Act To Review the Department of Environmental Protection's Procedures in Issuing Written Approval for New Building Projects	ONTP
LD 444	Resolve, Directing the Department of Environmental Protection To Review the Maine Pollutant Discharge Elimination System/Waste Discharge License Program Fee System	ONTP

Flame Retardants

Enacted

LD 1658	An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home	PUBLIC 296

Not Enacted

LD 1488	An Act To Reduce Contamination in the Home from the Release of Brominated Flame Retardants	ONTP

Gravel Pits - Blasting

Enacted

LD 895	An Act Concerning Blasting near Residential Areas	PUBLIC 297

Not Enacted

LD 597	Resolve, To Regulate Blasting Operators	ONTP

Impact Statements

Not Enacted

LD 399	An Act To Require Impact Statements from Potential Purchasers of Public Utilities and Those Who Apply To Extract Natural Resources	ONTP

Invasives

Not Enacted

LD 692	An Act To Eradicate Invasive Aquatic Plants and Nuisance Species	ONTP

Junkyards

Not Enacted

LD 78	An Act To Protect Neighborhoods from Scrap Metal Pollution	ONTP

Land Use - Growth Management

Enacted

LD 345	An Act To Clarify Recent Changes to the Laws Regulating Land Use Ordinances	PUBLIC 77 EMERGENCY
LD 1108	An Act To Change the Calculation of the Municipal Rate of Growth Ordinance Limit	PUBLIC 155
LD 1803	An Act To Clarify Comprehensive Planning and Land Use Ordinances	PUBLIC 247

Not Enacted

LD 333	An Act To Reward Cooperation in Comprehensive Planning	ONTP

LD 359	An Act To Link Sewer Extension Funding to Comprehensive Planning	ONTP
LD 1270	Resolve, To Clarify the Definition of Smart Growth	ONTP

Lead

Enacted

LD 555	An Act To Protect Children from Lead Exposure by Requiring Sufficient Notice of Renovations	PUBLIC 238

Mercury

Enacted

LD 916	An Act To Permit the Sale of Certain Used Mercury-added Products	PUBLIC 98
LD 1234	Resolve, Directing the Department of Environmental Protection and the Public Utilities Commission To Develop a Program That Supports the Recycling of Fluorescent Lamps	RESOLVE 25
LD 1830	Resolve, Regarding Legislative Review of Portions of Chapter 872: Exemptions from the Ban on Sale of Mercury-added Switches, Relays and Measuring Devices, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 64 EMERGENCY

Not Enacted

LD 637	An Act To Limit Mercury Exposure	ONTP

Mold

Enacted

LD 1903	An Act To Implement the Recommendations of the Working Group Studying Mold in Buildings	PUBLIC 355

Natural Resources Protection Act

Enacted

LD 1477	An Act Concerning the Natural Resources Protection Laws and Related Provisions	PUBLIC 290 EMERGENCY

Not Enacted

LD 258	An Act To Amend the Laws Governing Setbacks under the Natural Resource Protection Laws	ONTP
LD 326	An Act To Enhance Implementation of the Significant Wildlife Habitat Rules	ONTP

LD 1014	An Act To Ensure Reasonable and Equitable Land Use Opportunities near Shorebird, Wading Bird and Waterfowl Habitat	ONTP
LD 1319	An Act Relating to Previously Approved Small Coastal Subdivisions	ONTP
LD 1430	An Act To Compensate Property Owners for Property Designated as a Significant Wildlife Habitat	ONTP

Oils - Groundwater

Enacted

LD 437	Resolve, Concerning the Reporting of Oil Spills	RESOLVE 99

Not Enacted

LD 542	Resolve, To Direct the Department of Environmental Protection To Locate and Remediate a Gasoline Spill Contaminating a Private Well (by request)	ONTP
LD 733	An Act Concerning Deductibles for Underground Oil Storage Facilities and Tanks	ACCEPTED ONTP REPORT
LD 1825	An Act To Amend the Groundwater Oil Clean-up Fund (by request)	ONTP

Oils - Waste Motor Oil

Enacted

LD 1887	An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Site in Plymouth	PUBLIC 220 EMERGENCY
LD 1929	An Act To Assist in the Cleanup of Waste Motor Oil Disposal Sites	PUBLIC 464

Not Enacted

LD 1417	An Act To Assist in the Cleanup of Waste Motor Oil Disposal Sites	ONTP

Radon

Enacted

LD 109	An Act To Require a Model Radon Standard for New Residential Construction	PUBLIC 90

Shoreland Zoning

Enacted

LD 340	An Act To Require the Replacement of Trees Cut in Shoreland Areas	PUBLIC 92

Solid Waste

Enacted

LD 301	An Act Relating to Alternate Directors for Public Waste Disposal Corporations	PUBLIC 91
LD 935	An Act To Continue To Ensure the Long-term Capacity of Municipal Landfills	PUBLIC 338
LD 1313	An Act To Amend the Solid Waste Management Laws	PUBLIC 192
LD 1431	An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility	PUBLIC 406
LD 1908	An Act To Implement Recommendations of the Blue Ribbon Commission on Solid Waste Management	PUBLIC 414

Not Enacted

LD 810	An Act To Improve Solid Waste Management	CARRIED OVER
LD 1196	An Act To Protect Host Communities' Sovereign Rights	ONTP
LD 1204	Resolve, To Impose a Moratorium on the Acceptance or Processing of an Application To Increase or Revise Licensing of New or Existing Incineration Facilities	ONTP
LD 1596	Resolve, Directing the Department of Environmental Protection To Study Construction and Demolition Debris Recycling	ONTP

Water

Enacted

LD 587	An Act To Protect and Improve Lake Water Quality by Reducing Phosphorus in Lawn Care Fertilizer	PUBLIC 65
LD 774	An Act To Coordinate the Implementation of the In-stream Flow and Water Level Rules among the Department of Environmental Protection, the Drinking Water Program of the Department of Health and Human Services and the Public Utilities Commission	PUBLIC 235 EMERGENCY
LD 968	Resolve, Regarding Legislative Review of Portions of Chapter 587: In-stream Flow and Lake and Pond Water Levels, a Major Substantive Rule of the Department of Environmental Protection	RESOLVE 63 EMERGENCY
LD 1219	Resolve, To Study Flood Control and Water Storage	RESOLVE 80

LD 1297	Resolve, Regarding Measures To Ensure the Continued Health and Commercial Viability of Maine's Seacoast by Establishing Nutrient Criteria for Coastal Waters	RESOLVE 49
LD 1508	An Act To Protect the Scenic Value of the Kennebec River	PUBLIC 364 EMERGENCY
LD 1743	An Act Concerning the Sustainable Use of and Planning for Water Resources	PUBLIC 399
LD 1845	An Act To Strengthen the Laws Concerning Surface Water Ambient Toxic Monitoring	PUBLIC 445
LD 1888	An Act To Implement Recommendations of the Drinking Water Program Regarding Public Water Supply Protection	PUBLIC 353

Not Enacted

LD 493	Resolve, To Require the Department of Environmental Protection To Provide Engineering and Permitting Assistance To Clean Up Toothaker Pond	ONTP
LD 537	An Act to Protect the Machiasport Clam Flats along the Machias River from Effluent Contamination	ONTP
LD 1353	Resolve, To Provide a Comprehensive Assessment of Progress Made To Eliminate Combined Sewer Overflow into the State's Waterways	ONTP
LD 1359	An Act To Ensure the Availability of Existing Drinking Water Sources of Supply	ONTP
LD 1392	An Act To Update the Dioxin Monitoring Program	CARRIED OVER
LD 1685	Resolve, To Develop a Comprehensive Water Use Plan for Maine	ONTP

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT SELECT COMMITTEE ON JOINT RULES

July 2007

MEMBERS:

SEN. JOHN L. MARTIN, CHAIR
SEN. ELIZABETH H. MITCHELL
SEN. PHILIP L. BARTLETT
SEN. CAROL WESTON
SEN. RICHARD W. ROSEN

REP. STAN GERZOFSKY, CHAIR
REP. HERBERT ADAMS
REP. NANCY E. SMITH
REP. HENRY L. JOY
REP. STACEY A. FITTS

LD 360 **An Act To Identify the Methodology Used To Develop a Fiscal Note** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS	ONTP	

This bill requires each fiscal note attached to a legislative document or an amendment to identify the methodology used to develop the note and an analysis of the methodology, including a statement of why that particular methodology was used.

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

July 2007

MEMBERS:

SEN. ELIZABETH M. SCHNEIDER, CHAIR
SEN. JOSEPH C. BRANNIGAN
SEN. PAULA I. BENOIT

REP. CHRISTOPHER R. BARSTOW, CHAIR
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REP. PHILIP A. CURTIS
REP. H. DAVID COTTA
REP. WINDOL C. WEAVER

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OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

LD 110 **An Act To Require an Independent Audit of State Government Every 4 Years** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA COURTNEY	ONTP	

LD 110 requires the State Controller within the Department of Administrative and Financial Services to contract with an independent auditor to conduct a single fiscal year financial audit of the State Government every 4 years beginning in 2009.

LD 111 **An Act To Designate May 1st of Each Year as Cold War Victory Day** **PUBLIC 330**

Sponsor(s)	Committee Report	Amendments Adopted
DUPREY	OTP-AM MAJ ONTP MIN	H-334

LD 111 establishes May 1st of each year as Cold War Victory Day.

Committee Amendment "A" (H-86)

This amendment, which is the majority report, adds language to recognize the efforts of the military during the Cold War. This amendment was not adopted.

Committee Amendment "B" (H-87)

This amendment, which is the minority report, changes the title of the commemorative day from Cold War Victory Day to Cold War Remembrance Day and changes the date from May 1st to November 9th. It adds language to recognize the efforts of the military during the Cold War. It removes the emergency preamble and emergency clause from the bill. This amendment was not adopted.

Committee Amendment "C" (H-334)

This amendment strikes the emergency preamble and emergency clause from the original bill. LD 111 was recommitted to the State and Local Government Committee. Committee Amendment "C" was the majority report when it was reported out after being recommitted.

Enacted Law Summary

Public Law 2007, chapter 330 establishes May 1st of each year as Cold War Victory Day.

LD 129 **An Act To Provide for the Nonpartisan Election of County Commissioners** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
HOTHAM COURTNEY	ONTP MAJ OTP MIN	

LD 129 allows for county commissioners to be elected on a nonpartisan basis. A candidate for county commissioner may not file as a candidate during the primaries.

LD 130 **An Act To Allow County Commissioners To Appoint Registers of Deeds** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
HOTHAM COURTNEY	ONTP MAJ OTP-AM MIN	

LD 130 allows county commissioners to replace the position of elected register of deeds with an appointed register of deeds. It follows the process available to commissioners to replace elected treasurers with appointed treasurers by requiring a countywide vote on the question.

Committee Amendment "A" (H-6)

This amendment, which is the minority report, incorporates a fiscal note.

LD 141 **An Act To Clarify the Process for Public Improvement Construction Contracts** **PUBLIC 9**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	OTP-AM	S-7

LD 141 clarifies the process for awarding public improvement contracts in unusual and emergency situations.

Committee Amendment "A" (S-7)

This amendment allows the competitive bidding process for public improvement contracts to be waived by the Director of the Bureau of General Services within the Department of Administrative and Financial Services in emergency circumstances only, and removes the language relating to unusual circumstances.

Enacted Law Summary

Public Law 2007, chapter 9 allows the competitive bidding process for public improvement contracts to be waived by the Director of the Bureau of General Services within the Department of Administrative and Financial Services in emergency circumstances.

LD 142 **Resolve, To Improve the Professional Development of County Officials** **RESOLVE 3**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP	

LD 142 directs the Intergovernmental Advisory Commission to establish a working group to examine the professional development available to county officials and make recommendations on how to improve professional development, including the possibility of requiring new qualifications and updating those currently required for county officials. The working group shall also consider the feasibility of having county officials appointed where election is the current method of selection. The working group shall report its findings to the Joint Standing Committee on State and Local Government by January 15, 2008. The Joint Standing Committee on State and Local Government may report out legislation.

Enacted Law Summary

Resolve 2007, chapter 3 directs the Intergovernmental Advisory Commission to establish a working group to examine the professional development available to county officials and make recommendations on how to improve professional development, including the possibility of requiring new qualifications and updating those currently required for county officials. The working group shall also consider the feasibility of having county officials appointed where election is the current method of selection. The working group shall report its findings to the Joint Standing Committee on State and Local Government by January 15, 2008. The Joint Standing Committee on State and Local Government may report out legislation.

LD 154 **An Act To Provide Reinstatement of Group Life Insurance for Public Employees Returning from Unpaid Military Leave** **PUBLIC 17**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	OTP-AM	H-9

LD 154 allows group life insurance to be reinstated for public employees returning from unpaid military leave without the employees having to provide evidence of insurability.

Committee Amendment "A" (H-9)

This amendment adds employees of participating local districts to those public employees whose group life insurance must be automatically reinstated when returning from unpaid military leave without having to provide evidence of insurability. It also makes the bill retroactive to any employee who is on military leave on or after January 1, 2007.

Enacted Law Summary

Public Law 2007, chapter 17 allows group life insurance to be reinstated for public employees and employees of participating local districts returning from unpaid military leave without the employees having to provide evidence of insurability. The law is retroactive to cover any employee who is on military leave on or after January 1, 2007.

LD 202 **An Act To Allow the Municipal Clerk To Inspect Municipal Election Ballots** **PUBLIC 19**

Sponsor(s)	Committee Report	Amendments Adopted
BLANCHARD SCHNEIDER	OTP-AM	H-8

LD 202 requires municipal clerks to inspect ballots prior to municipal elections.

Committee Amendment "A" (H-8)

This amendment allows municipal clerks to inspect ballots prior to municipal elections rather than requiring them to do so.

Enacted Law Summary

Public Law 2007, chapter 19 allows municipal clerks to inspect ballots prior to municipal elections.

LD 204 **Resolve, To Combine Payroll and Human Resources for All State Agencies into One Central Agency** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	

LD 204 directs the Commissioner of Administrative and Financial Services to combine the payroll and human resources functions of the six service centers within the Department of Administrative and Financial Services into a single service center by June 30, 2008.

LD 205 **An Act To Require Regulatory Impact Estimates on Private Property** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EMERY SNOWE-MELLO	ONTP	

LD 205 requires an agency adopting a rule to develop an impact statement specifying how the rule would affect private property values. The impact statement must specify whether the rule will have no significant impact, significant positive impact, significant negative impact or significant positive and negative impact. The impact statement must be made public no less than 45 days before the rule is adopted.

LD 214 **An Act To Improve Access to the Government Chart of Accounts** **P & S 3**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ OTP-AM MIN	H-12

LD 214 reforms county government in the following ways:

1. It amends the county budget process so that all county budget committees are advisory and the county commissioners have the authority to adopt a final budget. It amends the budget process in the counties of Androscoggin, Aroostook, Knox, York, Waldo, Kennebec, Franklin, Oxford, Somerset and Penobscot.

2. It establishes an apportionment commission to increase the number of county commissioner districts to 5 or 7 in all counties except York County, which already has 5 commissioner districts, and Knox County and Aroostook County, both of which have county charters that set the number of commissioner districts at 3. It requires the apportionment commission to develop 2 plans, one that increases the number of county commissioner districts to 5 and one that increases the number to 7. Voters in each county vote on whether to accept the plan that increases the number of districts to 7. If the referendum fails, that county shall adopt the plan increasing the number of districts to 5. The plans chosen by county voters are to be submitted to the Legislature for enactment no later than January 15, 2009. Election of county commissioners must take place at the November 2010 election.

3. It requires the Department of Audit to post on its website the government chart of accounts for municipal and county governments.

Committee Amendment "A" (H-12)

This amendment is the majority report of the committee. It retains only the section of the bill that requires the Department of Audit to post on its website the government chart of accounts for municipal and county governments. It removes all the sections relating to increasing the number of county commissioners and making county budget committees advisory.

Committee Amendment "B" (H-13)

This amendment replaces the bill and is the minority report. It requires all counties that do not currently have a county charter to initiate a charter commission. The membership of the commission must be elected no later than the November 2007 election and the proposed county charter must be submitted to the voters no later than November 2008. Each charter must include the powers of the budget committees in that county. The joint standing committee of the Legislature having jurisdiction over state and local government matters may submit a bill to the Second Regular Session of the 124th Legislature after the charters have been adopted in all counties making the necessary changes to the Maine Revised Statutes relating to budgetary procedures. The amendment retains the requirement of the Department of Audit to supply the government chart of accounts for municipal and county governments on its website.

Enacted Law Summary

Private & Special Law 2007, chapter 3 requires the Department of Audit to post on its website the government chart of accounts for municipal and county governments.

LD 217 **An Act Regarding Penalties for Payments Made to the State That Are Rejected by a Financial Institution** **PUBLIC 13**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW SCHNEIDER	OTP	

LD 217 clarifies that when a person makes a payment to any state department, agency, board, commission, authority or any other state entity and that payment fails as a result of insufficient funds, a closed account, no account or a similar reason, that person is liable for a $20 penalty.

Enacted Law Summary

Public Law 2007, chapter 13 clarifies that when a person makes a payment to any state department, agency, board, commission, authority or any other state entity and that payment fails as a result of insufficient funds, a closed account, no account or a similar reason, that person is liable for a $20 penalty.

LD 226 **An Act To Enhance the Concept of Representative Democracy by Ensuring Basic Compensation for Elected Representatives** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS STRIMLING	ONTP	

LD 226 requires the Executive Department, State Planning Office to develop a plan that sets the salary for members of the House of Representatives and the Senate at a level that meets a basic needs budget. The State Planning Office shall submit legislation to the Legislature in each even-numbered year to implement the salary plan. A salary plan that increases members' compensation may not apply to the Legislature that enacts it.

LD 243 **An Act To Establish Cancer Awareness Week and Lung Cancer Awareness Day** **PUBLIC 27**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	S-13

LD 243 establishes November as Lung Cancer Awareness Month each year.

Committee Amendment "A" (S-13)

This amendment establishes November 1st to 7th as Cancer Awareness Week and November 1st as Lung Cancer Awareness Day.

Enacted Law Summary

Public Law 2007, chapter 27 establishes November 1st to 7th as Cancer Awareness Week and November 1st as Lung Cancer Awareness Day.

LD 249 **An Act To Establish May 25th as Missing Persons Day** **PUBLIC 28 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	OTP-AM	S-14

LD 249 establishes May as Missing Persons Month each year.

Committee Amendment "A" (S-14)

This amendment establishes May 25th as Missing Persons Day.

Enacted Law Summary

Public Law 2007, chapter 28 establishes May 25th as Missing Persons Day.

Public Law 2007, chapter 28 was enacted as an emergency measure effective April 4, 2007.

LD 312 **An Act To Allow Plantations To Enact an Animal Control Ordinance** **PUBLIC 35**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	OTP-AM	H-23

LD 312 allows an unincorporated township in the unorganized territory to place a noise ordinance on the ballot for that township in the next statewide election upon a petition signed by at least 25 residents of the township or 10% of the residents of the township, whichever is less.

Committee Amendment "A" (H-23)

This amendment allows plantations to enact an animal control ordinance.

Enacted Law Summary

Public Law 2007, chapter 35 allows plantations to enact an animal control ordinance.

LD 336 An Act To Reauthorize the Community Preservation Advisory Committee **PUBLIC 458**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-22
		S-351 ROTUNDO

LD 336 implements a recommendation of the Community Preservation Advisory Committee. It changes the repeal date of the law under which the committee operates from June 1, 2008 to June 1, 2016.

Committee Amendment "A" (S-22)

This amendment changes the repeal date of the Community Preservation Advisory Committee to 2012.

Senate Amendment "A" (S-351)

This amendment removes the 2008-09 appropriation, as the necessary funds are included in a legislative account in Public Law 2007, chapter 240.

Enacted Law Summary

Public Law 2007, chapter 458 extends the law under which the Community Preservation Advisory Committee operates until June 1, 2012.

LD 342 An Act To Contract Out the State Single Audit **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE	ONTP MAJ	
	OTP-AM MIN	

LD 342 requires the State Controller within the Department of Administrative and Financial Services to contract with an independent auditor to conduct the state single audit of State Government every year beginning in 2008. It repeals the provision of law that currently gives the responsibility for the state single audit to the Department of Audit.

Committee Amendment "A" (H-42)

This amendment, which is the minority report, adds an appropriations and allocations section to the bill.

Senate Amendment "A" (S-72)

This amendment eliminates the Department of Audit as of July 1, 2008 and requires the State Controller to submit legislation to the Joint Standing Committee on State and Local Government that distributes the duties and functions of the Department of Audit to other State Government entities, including the Department of Administrative and Financial Services, Office of the State Controller.

LD 344 **An Act To Modify the Membership of the Franklin County Budget Advisory Committee** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINEAU	ONTP	

LD 344 allows municipal officials other than elected officials to serve on the Franklin County Budget Advisory Committee, with the provision that a member whose position or department may be directly affected by a budget matter may not participate in a discussion or a vote on that matter.

LD 353 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of Each House of the Legislature To Enact or Increase a Tax or License Fee** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP MAJ OTP-AM MIN	

LD 353 is a constitutional amendment to require the approval of 2/3 of all members of each House of the Legislature to enact or increase taxes or license fees except when inadequate funds have been appropriated for debt payment.

Committee Amendment "A" (H-34)

This amendment, which is the minority report, incorporates a fiscal note.

LD 430 **An Act To Enable Unorganized Territory Townships To Become a Municipality** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	OTP-AM	

LD 430 develops a procedure for up to 3 townships in the Unorganized Territory to organize as a municipality.

Committee Amendment "A" (H-175)

This amendment removes the requirement for a census to establish the resident population of the unincorporated township or townships. It prohibits the inclusion of a township without a resident population from the proposed municipality. County commissioners are required to send notice to all residents in the unincorporated township or townships discussing possible organization. Notice of the organizational meetings and public hearing must be mailed to the fiscal administrator of the unorganized territory, the director of schools in the unorganized territory, the supervisor of the unorganized territory property tax division, the director of the Maine Land Use Regulation Commission and a representative from a statewide organization representing municipalities appointed by the county commissioners. The amendment also requires that the effective date of organization be included in the organization procedure and specifies that the question must be in the referendum to finally approve organization.

LD 466 **An Act To Provide County Commissioners with an Enforcement Mechanism with Regard to Parking Ordinances** **PUBLIC 41**

Sponsor(s)	Committee Report	Amendments Adopted
DOW	OTP	

LD 466 provides the same enforcement authority for sheriff's deputies as presently exists for municipal law enforcement officers under the Maine Revised Statutes, Title 30-A, section 2671, subsection 3, thereby providing the county commissioners with an enforcement mechanism with regard to the parking ordinances they are allowed to enact under Title 30-A, section 121.

Enacted Law Summary

Public Law 2007, chapter 41 provides the same enforcement authority for sheriff's deputies as presently exists for municipal law enforcement officers under the Maine Revised Statutes, Title 30-A, section 2671, subsection 3, thereby providing the county commissioners with an enforcement mechanism with regard to the parking ordinances they are allowed to enact under Title 30-A, section 121.

LD 510 **An Act To Amend the Membership of the Advisory Council on Tax-deferred Arrangements** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A	ONTP	

LD 510 increases the number of members on the Advisory Council on Tax-deferred Arrangements from 10 members to 11 members and amends the composition of the council to provide employee representatives from the judicial employee bargaining unit and the legislative employee bargaining unit.

Similar changes to the membership of the Advisory Council on Tax-deferred Arrangements were included in LD 259 and enacted as Public Law 2007, chapter 298. LD 259 was referred to the Committee on Labor.

LD 523 **An Act To Provide for Enforcement of Land Use Limitations Relating to Cemeteries** **PUBLIC 112**

Sponsor(s)	Committee Report	Amendments Adopted
HANLEY S EDMONDS	OTP-AM	H-109

LD 523 specifies that a violation of the statutory limitations on construction and excavation near burial sites is a civil violation punishable by a fine. This provision is enforceable by municipalities.

Committee Amendment "A" (H-109)

This amendment specifies that a violation of statutory limitations on construction and excavation near burial sites is a civil violation punishable by fines set in the Maine Revised Statutes, Title 30-A, section 4452 between $100 and $2,500 that may be assessed on a per-day basis. It also allows for the Attorney General's office to seek injunctive relief. The language in Title 13, section 1035 is amended to conform with updated statutes in Title 17-A, and section 1371-A is amended to conform to the rest of the chapter by replacing "graveyard" with "established cemetery."

Enacted Law Summary

Public Law 2007, chapter 112 specifies that a violation of statutory limitations on construction and excavation near burial sites is a civil violation punishable by a fine between $100 and $2,500 and it may be assessed on a per-day basis. It also allows for the Attorney General's office to seek injunctive relief. The law amends the language in Title 17-A to conform to the rest of the chapter by replacing "graveyard" with "established cemetery."

LD 556 Resolve, To Achieve Cost Savings of 7% in State Government — RESOLVE 57

Sponsor(s)	Committee Report	Amendments Adopted
JOY	OTP-AM MAJ ONTP MIN	H-37

LD 556 directs each state department to conduct an evaluation of its operations to determine if any of its programs and personnel could be reduced by 4% without affecting the ability of the department to complete its mission. Each department shall report the results of its evaluation and any potential cost savings to the Commissioner of Administrative and Financial Services by December 15, 2007.

Committee Amendment "A" (H-37)

This amendment changes the savings percentage that state departments should look for from 4% to 7%. It also changes the reporting date from December 15, 2007 to a date set by the Commissioner of Administrative and Financial Services that is consistent with the supplemental budget process.

Enacted Law Summary

Resolve 2007, chapter 57 directs each state department to conduct an evaluation of its operations to determine if any of its programs and personnel could be reduced by 7% without affecting the ability of the department to complete its mission. Each department shall report the results of its evaluation and any potential cost savings to the Commissioner of Administrative and Financial Services on a date consistent with the supplemental budget process that is set by the Commissioner of Administrative and Financial Services.

LD 601 Resolve, To Direct the Bureau of General Services To Develop a Purchasing Pool for Political Subdivisions of the State and School Administrative Units — ONTP

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	ONTP	

LD 601 directs the Department of Administrative and Financial Services, Bureau of General Services to develop a centralized statewide purchasing pool for political subdivisions of the State and school administrative units to buy motor vehicles so that all political subdivisions and school administrative units are getting the best prices and information.

LD 622 **Resolve, To Study the Need for and Placement of a Child Care Center in or near the State House Complex** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY SCHNEIDER	ONTP	

LD 622 requires the Department of Administrative and Financial Services, Bureau of Human Resources to study the need for a child care center in or near the State House Complex for state employees and their dependents. The study includes the costs, location and the potential number of children who would be cared for in the center.

The Department of Health and Human Services already has authority to conduct a feasibility study for a child care facility for state employees in conjunction with the Department of Administrative and Financial Services, Bureau of General Services.

LD 638 **An Act To Require Joint Planning and Development Board Review for Proposed Developments That Abut Municipal Boundaries** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EBERLE SHERMAN	ONTP	

LD 638 requires a joint review by each municipality of proposals for subdivisions that share a common boundary with another municipality. Current law requires a joint review only for subdivisions that cross municipal boundaries.

LD 664 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Members of the House and Senate Be Assigned Seats That Correlate with Each Member's District for the Purpose of Enhancing Communications and Reducing the Perception of Partisan Gridlock** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS	ONTP	

LD 664 is a constitutional amendment that requires members of the Senate and the House of Representatives to be assigned seats that correlate with each member's district.

LD 679 **An Act To Clarify Portions of the Laws Governing InforME** **PUBLIC 37**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	OTP	

LD 679 changes references to the Bureau of Information Services to the Office of Information Technology, reassigns responsibility for the Business Licensing Assistant program to the Office of Information Technology

and clarifies language regarding funding of online initiatives.

Enacted Law Summary

Public Law 2007, chapter 37 changes references to the Bureau of Information Services to the Office of Information Technology, reassigns responsibility for the Business Licensing Assistant program to the Office of Information Technology and clarifies language regarding funding of online initiatives.

LD 702 **An Act To Allow Municipalities To Establish Foundations To Support Education** **PUBLIC 405**

Sponsor(s)	Committee Report	Amendments Adopted
HOLMAN MCCORMICK	OTP	

LD 702 authorizes the establishment of municipal education foundations to support education. It directs the Executive Department, State Planning Office to establish a template for municipalities to use to establish a foundation and authorizes municipalities to accept funds to endow the municipal education foundations.

Enacted Law Summary

Public Law 2007, chapter 405 authorizes the establishment of municipal education foundations to support education. It directs the Executive Department, State Planning Office to establish a template for municipalities to use to establish a foundation and authorizes municipalities to accept funds to endow the municipal education foundations.

LD 715 **An Act To Disclose Legislative Spending** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

LD 715 requires a detailed, line-item disclosure of the money spent by the Legislature to be posted on the Legislature's publicly accessible website along with comparative data from other rural states' legislatures.

LD 734 **An Act To Improve Public Understanding in Rulemaking** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	ONTP	

LD 734 requires a rule-making agency to make its principal source of information for a rule available to the public.

LD 785 **An Act To Promote Green Power Use at State Buildings** **PUBLIC 52**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI	OTP-AM	H-41

LD 785 requires that by January 1, 2010 all electricity consumed in state-owned or state-leased buildings be supplied by renewable resources. It requires the chair of the Energy Resources Council to develop a plan to achieve this requirement and to submit that plan to the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on State and Local Government by April 1, 2008.

Committee Amendment "A" (H-41)

This amendment removes the requirement that state-leased buildings must consume electricity from renewable resources by 2010. The chair of the Energy Resources Council and the Director of the Bureau of General Services within the Department of Administrative and Financial Services must develop a plan to increase the use of electricity from renewable resources in state-leased buildings. The plan must include a specific goal, strategies to increase the use of electricity from renewable resources and a requirement for newly leased space to be supplied with power from renewable resources. In addition, the plan must examine the extent to which state-owned and state-leased buildings are heated using renewable resources and strategies to increase that. The plan must be submitted to the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on State and Local Government by December 15, 2007. The Joint Standing Committee on State and Local Government is authorized to submit legislation.

Enacted Law Summary

Public Law 2007, chapter 52 requires that by January 1, 2010 all electricity consumed in state-owned buildings be supplied by renewable resources. The chair of the Energy Resources Council and the Director of the Bureau of General Services within the Department of Administrative and Financial Services must develop a plan to increase the use of electricity from renewable resources in state-leased buildings. The plan must include a specific goal, strategies to increase the use of electricity from renewable resources and a requirement for newly leased space to be supplied with power from renewable resources. In addition, the plan must examine the extent to which state-owned and state-leased buildings are heated using renewable resources and strategies to increase that. The plan must be submitted to the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on State and Local Government by December 15, 2007. The Joint Standing Committee on State and Local Government is authorized to submit legislation.

LD 905 **An Act To Amend the Maine Administrative Procedure Act To Strengthen Safeguards for Small Businesses** **PUBLIC 181**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR RAYE	OTP-AM	H-202

LD 905 requires an agency adopting a rule to develop and make available to the public an economic impact statement on small businesses prior to adoption of the rule. The contents of the notice must include where the economic impact statement can be obtained. If the economic impact statement is not prepared, the rule may not go into effect.

Committee Amendment "A" (H-202)

This amendment clarifies the language of the bill that requires agencies to prepare economic impact statements of proposed rules on small businesses. The statement must identify the types of small businesses subject to the rule, include a brief statement of probable impacts, and describe reasonable alternatives to the rule rather than all alternatives. It also repeals a similar but voluntary requirement in current law to prevent two parallel processes.

Enacted Law Summary

Public Law 2007, chapter 181 requires an agency adopting a rule to develop and make available to the public an economic impact statement on small businesses prior to adoption of the rule. The contents of the notice must include where the economic impact statement can be obtained. If the economic impact statement is not prepared, the rule may not go into effect.

LD 917 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature to 132 Members** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PENDLETON SAVAGE C	ONTP	

LD 917 is a constitutional amendment to reduce the size of the House of Representatives from 151 members to 99 members and the size of the Senate from no more than 35 members to 33 members. The redistricting will be done in 2008 during the Second Regular Session of the 123rd Legislature and the reduction in the size of each legislative body takes effect in 2009.

LD 953 **An Act To Provide for Nonpartisan Elections for Sheriffs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP	

LD 953 allows for sheriffs to be elected on a nonpartisan basis. A candidate for sheriff would not be allowed to file as a candidate during the primaries.

LD 1007 **An Act To Promote County-based Economic and Community Development** **PUBLIC 321**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP-AM MAJ ONTP MIN	S-160

LD 1007 allows counties in the State to adopt a statute conferring countywide economic powers to raise, appropriate, borrow and expend money for the purposes of county economic development through a countywide referendum. It makes a one-time General Fund appropriation of $1,600,000 in fiscal year 2007-08 for the Department of Economic and Community Development to provide support to Maine's 16 counties of up to $100,000 in state funding per county subject to a 1:1 match.

LD 1007 was co-referred to the Committee on State and Local Government and to the Committee on Business, Research and Economic Development.

Committee Amendment "A" (S-160)

This amendment requires any bonds or salary expenses to be approved by a majority of the county budget committee, whether advisory or not. It also requires a 50% turnout by the voters for a bond approval, as is the current law, rather than changing it to 40% as in the bill. It strikes out the appropriations and allocations section of the bill but allows for the possibility of funding in the future. It broadens county development efforts to include community development as well as economic development.

Enacted Law Summary

Public Law 2007, chapter 321 allows counties in the State to adopt a statute conferring countywide economic powers to raise, appropriate, borrow and expend money for the purposes of county economic and community development. Any bonds or salary expenses must be approved by a majority of the county budget committee, whether advisory or not. Bonds remain subject to approval by a county-wide referendum.

LD 1017 **An Act To Protect Citizens' Privacy** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

LD 1017 prohibits a state agency from using a social security number for the sole purpose of identifying a person in order to provide services to that person or to take enforcement action against that person.

LD 1021 **Resolve, To Lower the Cost of State Government** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	ONTP MAJ OTP-AM MIN	

LD 1021 establishes the bipartisan Commission to Lower the Cost of State Government to undertake a comprehensive analysis of State Government with the goals of consolidating functions and eliminating duplication and inefficiencies in the administrative and supervisory positions within the structure of State Government. The commission shall investigate and identify major sources of administrative excess, redundancy, inefficiency and program overlap with other state, local or federal programs. The commission is charged with submitting a report and suggested legislation to the Joint Standing Committee on State and Local Government by January 8, 2008. The report must identify those administrative and supervisory positions, including positions in the unclassified service and major policy-influencing positions, that should be eliminated in order to result in a spending reduction of a minimum of $30,000,000 annually. The commission is staffed by the Office of Program Evaluation and Government Accountability.

Committee Amendment "A" (S-264)

This amendment, which is the minority report, makes a number of changes to the bill:

1. It changes the commission from a legislative study staffed by the Office of Program Evaluation and Government Accountability to a study that is conducted and staffed by the Office of Program Evaluation and Government Accountability in consultation with an advisory committee.

2. It amends the membership of the advisory committee from 11 to 13. It includes an additional Senator and an additional member of the House of Representatives. It replaces the member of the Maine Development Foundation with a member representing municipalities. It requires one of the members representing business to represent small businesses. It requires a member of the public appointed by the Governor to be a retired state employee with expertise in state government financial matters.

3. It includes an examination of contracted personal services in the study of State Government.

4. It requires the report to be submitted to the Joint Standing Committee on Appropriations and Financial

Affairs, in addition to the Joint Standing Committee on State and Local Government.

5. It changes the date by which the advisory committee must have raised outside funding to support its activities from September 15, 2007 to July 15, 2007.

LD 1056 An Act To Change Building Requirements for County Buildings and Land **PUBLIC 151**

Sponsor(s)	Committee Report	Amendments Adopted
CROCKETT MITCHELL	OTP-AM	H-148

LD 1056 exempts county registries that archive records off-site from the requirement that their buildings be built of brick or stone.

Committee Amendment "A" (H-148)

This amendment replaces the bill. It allows county registries to occupy buildings made of fire-resistant materials other than brick or stone. It exempts county registries that archive records off-site from the requirement that their buildings be made from brick or stone or other fire-resistant materials if the permanent records are held in a secure fire-resistant facility, records held temporarily for copying are stored in fire-resistant containers and the registry buildings meet applicable fire and life safety codes.

Enacted Law Summary

Public Law 2007, chapter 151 allows county registries to occupy buildings made of fire-resistant materials other than brick or stone. It also exempts county registries that archive records off-site from the requirement that their buildings be made from brick or stone or other fire-resistant materials if the permanent records are held in a secure fire-resistant facility, records held temporarily for copying are stored in fire-resistant containers and the registry buildings meet applicable fire and life safety codes.

LD 1061 An Act To Accept the Determination of Public Opinion on Municipal Projects (by request) **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MCFADDEN RAYE	ONTP MAJ OTP-AM MIN	

LD 1061 develops a process for a majority of voters in a municipality to overturn an approval for a governmental or commercial project. On the written petition of at least 10% of the voters of the municipality, municipal officers must hold a referendum vote on the project. If a majority of the voters at the referendum are in favor of overturning the approval for the project, then the project may not proceed.

Committee Amendment "A" (H-214)

This amendment, which is the minority report, replaces the bill. It requires municipal officers to provide notice of a public hearing to all residents within a one-mile radius or the entire municipality, whichever is the smaller, by mail at least 10 days prior to the hearing. This notice is necessary for all significant development projects, including, but not limited to, projects that: are at least 75,000 square feet in size; require licensing or oversight by the Department of Environmental Protection; involve public waste water treatment facilities; involve disposal of hazardous or toxic waste; or involve subdivisions. Everyone present at the public hearing must be allowed to testify. Notice must be provided whether the municipality has a planning board or the planning

decisions are made at a town meeting.

LD 1091 Resolve, To Establish the Maine Civil War Sesquicentennial Commission **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	OTP-AM	H-85

LD 1091 creates the Maine Civil War Sesquicentennial Commission to develop and coordinate the commemoration of the 150th anniversary of the Civil War.

Committee Amendment "A" (H-85)

This amendment makes a number of changes to the Maine Civil War Sesquicentennial Commission to develop and coordinate the commemoration of Maine's role in the Civil War. It changes the membership of the commission to 7 Legislators; adds the State Librarian or the State Librarian's designee; the State Historian or the State Historian's designee; the Adjutant General or the Adjutant General's designee; and reduces the number of public members to 2. It requires the Legislative Council to administer the funding for the commission and allows outside funding to be used for activities and duties other than legislative compensation. It also makes a number of other technical changes related to reporting dates, staff assistance and terms of appointment.

LD 1122 An Act To Prohibit a Person from Serving as Both Municipal Tax Collector and Treasurer **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP MAJ OTP-AM MIN	

LD 1122 prohibits a person serving simultaneously as both tax collector and treasurer of a municipality.

Committee Amendment "A" (S-66)

This amendment, which is the minority report, adds an effective date of July 1, 2008, so that municipalities that currently have one person serving as treasurer and tax collector can elect 2 people at the next regularly scheduled election and avoid a special election.

LD 1132 An Act To Make Technical Changes to the Maine Municipal Bond Bank Laws **PUBLIC 48**

Sponsor(s)	Committee Report	Amendments Adopted
LUNDEEN	OTP	

LD 1132 clarifies that public waste disposal corporations may apply and qualify for municipal bond bank funding through the Maine Municipal Bond Bank established under the Maine Revised Statutes, Title 30-A in the same manner that a water, sewer or electric municipal corporation may.

Enacted Law Summary

Public Law 2007, chapter 48 clarifies that public waste disposal corporations may apply and qualify for municipal bond bank funding through the Maine Municipal Bond Bank established under the Maine Revised

Statutes, Title 30-A in the same manner provided for a water, sewer or electric municipal corporation.

LD 1135 An Act To Allow Municipal Cost Sharing for County Services **PUBLIC 105 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM	H-81

LD 1135 allows a geographically isolated municipality to enter into a cost-sharing arrangement for services provided by a county.

Committee Amendment "A" (H-81)

This amendment replaces the bill. It allows offshore island municipalities to enter into contracts with the county to provide rural patrol services by crediting to a municipality the portion of the county assessment that would be used for rural patrol of the municipality if it were on the mainland. The assessment credit must be negotiated annually between the island municipalities and the county. The amendment also adds an emergency preamble.

Enacted Law Summary

Public Law 2007, chapter 105 allows offshore island municipalities to enter into contracts with the county to provide rural patrol services by crediting to a municipality the portion of the county assessment that would be used for rural patrol of the municipality if it were on the mainland. The assessment credit must be negotiated annually between the island municipalities and the county.

Public Law 2007, chapter 105 was enacted as an emergency measure effective May 11, 2007.

LD 1147 An Act To Impose a Modified Hiring Freeze in State Government **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLETT TURNER	ONTP	

LD 1147 requires any positions, funded wholly or partly by the General Fund or the Highway Fund, that are vacant on the effective date of the bill or become vacant after that date within the executive, legislative and judicial branches must remain unfilled. The only exceptions are positions that require confirmation by the Legislature and up to 5% of vacancies within each branch of government that are approved to be filled by the head of that branch. The State Budget Officer must submit a report to the Joint Standing Committee on Appropriations and Financial Affairs by May 15, 2007 detailing the savings achieved from the General Fund and the Highway Fund for 2007 and include proposed legislation that extends the hiring freeze through the 2008-2009 biennium but allowing for a maximum of 50% of all vacancies to be filled. The Joint Standing Committee on Appropriations and Financial Affairs may submit legislation to achieve this purpose.

LD 1173 An Act To Clarify the Application of the Definition of "Tract or Parcel of Land" under the State Subdivision Laws **PUBLIC 49**

Sponsor(s)	Committee Report	Amendments Adopted
MILLETT	OTP	

LD 1173 clarifies that when dealing with subdivisions created prior to September 22, 1971 any proposal submitted involving contiguous land under the same ownership that is separated by a public or private road is considered to involve separate tracts or parcels of land.

Enacted Law Summary

Public Law 2007, chapter 49 clarifies that when dealing with subdivisions created prior to September 22, 1971 any proposal submitted involving contiguous land under the same ownership that is separated by a public or private road is considered to involve separate tracts or parcels of land.

LD 1191 **An Act To Authorize a Local Bond Issue for Solid Waste, Storm and Drainage Issues and Transfer Stations** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

LD 1191 is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the current law to allow a local bond issue in York County for funds for environmental uses, including solid waste, storm and drainage issues and transfer stations.

LD 1227 **An Act To Require Posting of the State's Debt** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	ONTP	

LD 1227 requires that the Commissioner of Administrative and Financial Services post on the Department of Administrative and Financial Services' publicly accessible website a detailed disclosure of the State's debt.

LD 1238 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms for Legislators** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BROWNE	ONTP	

LD 1238 is a constitutional amendment to change the terms of Senators and members of the House of Representatives to 4 years. It provides for staggered terms by having half of the Senators and members of the House beginning 4-year terms in 2010 and the other half beginning in 2012. It retains term limits of 8 years, except that during the period of transition from 2-year to 4-year terms a limit of 10 years is imposed. Each Legislature would continue to consist of a 2-year cycle, with a first regular session and a second regular session. In order to ensure that terms remain staggered, a provision is added to require that districts retain like number designations during 10-year reapportionments and that a reapportionment plan not curtail or cut short a 4-year term before its expiration.

LD 1247 **Resolve, To Establish a Study Commission To Explore the Creation of a Department of Peace (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	ONTP	

LD 1247 establishes a Study Commission to Explore the Creation of a Department of Peace.

LD 1264 **An Act To Resolve Differences in the Laws Regarding Public Shade Trees** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
WAGNER	ONTP MAJ OTP-AM MIN	

LD 1264 gives municipalities the authority to plant, trim, cut and remove trees in the right-of-way, after giving notice to the abutting property owners. The property owners have the opportunity to appeal the decision and negotiate changes. Municipalities retain the authority to cut and remove trees without notice in emergency situations. Municipalities are required to adopt standards governing many aspects of maintaining trees in the right-of-way, including setbacks and utilities' plans to trim, cut and remove trees. Utilities are required to give customers and abutting landowners in the municipality notice of plans to cut, trim or remove trees in the right-of-way or that encroach on the right-of-way. Notice must also be posted at the municipal office.

Committee Amendment "A" (H-136)

This amendment, which is the minority report, amends the bill so that municipalities are not required to adopt ordinances or standards but may choose to do as long as those ordinances or standards do not include restrictions on utility companies. The amendment removes the requirements for utilities to comply with municipal standards or to provide additional notice to customers other than those requirements that currently exist in state law.

LD 1320 **An Act Requiring the Development of Codes of Ethics by Component Units and Other Related Organizations of State Government** **PUBLIC 107**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	OTP	

LD 1320 requires that all component units, public instrumentalities and independent agencies develop codes of conduct that will guide the operations and financial administration of such entities. The code is to be disseminated to employees of the entity and will be available for inspection by the general public.

Enacted Law Summary

Public Law 2007, chapter 107 requires that all component units, public instrumentalities and independent agencies develop codes of conduct that will guide the operations and financial administration of such entities. The code is to be disseminated to employees of the entity and will be available for inspection by the general public.

LD 1322 **An Act To Prohibit Constitutional Officers from Endorsing Candidates for the Legislature** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	ONTP MAJ OTP-AM MIN	

LD 1322 prohibits the Secretary of State, Treasurer of State and Attorney General from endorsing a candidate for the Legislature.

Committee Amendment "A" (H-263)

This amendment, which is the minority report, moves the prohibition on the Secretary of State, Treasurer of State and Attorney General to endorse a candidate for the Legislature from general provisions in the Maine Revised Statutes, Title 5 to the chapters that are specific to each constitutional officer. It also prohibits the State Auditor from endorsing a candidate to the Legislature and changes the title to reflect that.

LD 1336 **An Act To Allow the Town of Kennebunk To Adjust the Definition of Original Assessed Value for the Route 1 Municipal Tax Increment Financing District** **P & S 13**

Sponsor(s)	Committee Report	Amendments Adopted
BABBIDGE	OTP-AM	H-176

LD 1336 clarifies potential ambiguity in the definition of the term "original assessed value" in the municipal development district law by making it clear that the reference date is made with regard to the prior tax year rather than to the prior municipal or calendar year for those projects that were based on the prior language and that funded only municipal infrastructure improvements.

Committee Amendment "A" (H-176)

This amendment replaces the bill. It changes it to a private and special law allowing the Town of Kennebunk to define "original assessed value" for the Route 1 tax increment financing district as the assessed value as of April 1, 2003.

Enacted Law Summary

Private & Special Law 2007, chapter 13 allows the Town of Kennebunk to define "original assessed value" for the Route 1 tax increment financing district as the assessed value as of April 1, 2003.

LD 1365 **An Act To Make Civil Process Fees on Papers Served on Behalf of the State of Maine Consistent with Fees Paid by Other Governmental Entities** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
PLUMMER	OTP-AM	H-192

LD 1365 increases the fees paid to sheriffs and their deputies for services on behalf of the State.

Committee Amendment "A" (H-192)

This amendment adds an appropriations and allocations section.

LD 1374 An Act To Require Expense Reporting by Municipalities and Counties **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COTTA	ONTP	

LD 1374 requires a municipality and county to report expenses on the annual return that an assessor must file with the State Tax Assessor. The bill also requires a municipality or county that has a publicly accessible website to post this list on its publicly accessible website.

LD 1441 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Maine State Endowment Trust **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY PERRY J	ONTP	

LD 1441 is a constitutional amendment to establish the Maine State Endowment Trust for the purpose of providing funds to support the public mission of State Government.

LD 1456 Resolve, Establishing a Blue Ribbon Commission To Study the Operations of State Government **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GROSE BRYANT B	ONTP	

LD 1456 is a concept draft pursuant to Joint Rule 208. This bill establishes a blue ribbon commission charged with the duty of studying the operations of State Government and its delivery of services and proposing efficiencies, economies of scale and means of conservation. Specifically, the blue ribbon commission is charged with examining potential areas for increased efficiencies, such as bidding for contracts and services; use of electricity and energy; and procurement of office supplies and service contracts. In addition, the blue ribbon commission is charged with causing an energy audit to be conducted in an effort to identify energy-efficient measures that can be implemented throughout State Government.

LD 1462 Resolve, Regarding the Department of Audit's Municipal Internal Control Observation Program **RESOLVE 66**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	OTP-AM	S-156

LD 1462 clarifies that if a municipality has, for the most recent fiscal year, conducted and executed an annual post-audit, then participation in the Department of Audit's municipal internal control observation program or a similar observation program is voluntary.

Committee Amendment "A" (S-156)

This amendment replaces the bill. It requires the Department of Audit to convene a working group with municipal officials, the Maine Municipal Association and other interested parties to determine the requirements of the municipal internal control observation program. The working group must consider whether the program is mandatory, whether the program's focus is on fraud or education and if the department website accurately describes the program. The Department of Audit shall report to the Joint Standing Committee on State and Local Government by January 15, 2008. The Committee may submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 66 requires the Department of Audit to convene a working group with municipal officials, the Maine Municipal Association and other interested parties to determine the requirements of the municipal internal control observation program. The working group must consider whether the program is mandatory, whether the program's focus is on fraud or education and if the department website accurately describes the program. The Department of Audit shall report to the Joint Standing Committee on State and Local Government by January 15, 2008. The Committee may submit legislation to the Second Regular Session of the 123rd Legislature.

LD 1464 **An Act To Expand the Duties of the State Planning Office To Provide Additional Services to Municipalities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP	

LD 1464 expands the duties of the Executive Department, State Planning Office to include the provision of services to municipalities similar to those provided by the Maine Municipal Association.

LD 1475 **An Act To Assist Maine Property Owners of Land near State-owned Railroads** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GROSE	ONTP	

LD 1475 requires that the Director of the Bureau of General Services within the Department of Administrative and Financial Services provide insurance services so that private landowners may purchase insurance for coverage of land crossing state-owned railroads.

LD 1515 **An Act To Require That Notaries Public Keep Records of Notarial Acts** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	OTP	

LD 1515 makes record keeping for all notarial acts performed by a notary public mandatory.

Senate Amendment "A" (S-225)

This amendment excepts from the record-keeping requirement proposed in the bill, absentee ballot envelopes and candidate petitions. It also expands the minimum information required to be recorded to include the type, title or description of a set of documents comprising a transaction. It also requires the Secretary of State to provide notarial journals, at cost, or contact information for organizations that provide complete notary public supplies and services.

LD 1530 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature to 140 Members** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DOW	ONTP	

LD 1530 is a constitutional amendment to reduce the size of the House of Representatives from 151 members to 105 members and to establish the size of the Senate at 35 members. Reduction in the size of the House of Representatives and freezing the size of the Senate take effect in 2015.

LD 1550 **An Act To Amend the Term Limitation Laws for State Legislators** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
VALENTINO	OTP-AM MAJ ONTP MIN	

LD 1550 affects term limits for Legislators in the following ways and is contingent upon the adoption and ratification of a constitutional amendment in LD 1553 that would increase the number of years for a legislative term from 2 to 4:

1. Legislators would have a lifetime cumulative limit of 8 terms regardless of where those terms are served. The limit on 4 consecutive terms in one chamber would remain intact, thereby requiring a break in service to return to service in the same chamber for a 5th term.

2. The limits for serving as President of the Senate and Speaker of the House would be 2 consecutive Legislatures.

Committee Amendment "A" (H-506)

This amendment amends the term limit law to maintain the current maximum of 8 years in each chamber rather than the 16 years proposed by the bill. Like the bill, this amendment is contingent upon a constitutional amendment being adopted and ratified by referendum that would increase legislative terms from 2 years to 4. The amendment also requires the President of the Senate and the Speaker of the House to be reelected by their respective chambers at the beginning of the each odd-numbered regular session of the Legislature. The constitutional amendment and new term limit law would not take effect until the 2014 general election.

LD 1552 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Reduction in the Size of the Legislature** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
FINCH	ONTP MAJ OTP-AM MIN	

LD 1552 is a constitutional amendment to reduce the size of the House of Representatives from 151 members to 105 members and to establish in the Constitution of Maine the size of the Senate at 35 members. The redistricting will be done in 2008 during the Second Regular Session of the 123rd Legislature and the adjustments in the size of each legislative body take effect in 2009.

Committee Amendment "A" (H-266)

This amendment, which is the minority report, incorporates a fiscal note.

LD 1553 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Legislative Terms to 4** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
VALENTINO	OTP-AM MAJ ONTP MIN	

LD 1553 is a constitutional amendment to change the terms of Senators and members of the House of Representatives to 4 years beginning with the statewide election in 2008. The reapportionment cycle would increase from 10 to 12 years to coincide with the 4-year legislative cycle.

Committee Amendment "A" (H-509)

This amendment changes the terms of Senators and members of the House of Representatives to 4 years beginning with the statewide election in 2014 after the next regularly scheduled reapportionment rather than in 2008.

LD 1614 **An Act To Transfer All Registry of Deeds and Probate Functions to the Secretary of State and Courts** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON	ONTP	

LD 1614 transfers the functions of the county register of deeds offices to the Secretary of State, and transfers the functions of the county registers of probate to the office of the clerk of courts in order to regionalize services.

PART A amends the Maine Revised Statutes, Title 33, chapter 11, which governs registers of deeds, to transfer the functions of the registers of deeds to the office of the Secretary of State.

PART B amends Title 18-A, Article 1, Part 5, which governs registers of probate, to transfer the functions of the registers of probate to the office of the clerk of courts.

PART C directs the Joint Standing Committee on State and Local Government, with the advice and counsel of the Secretary of State, to develop legislation to implement the transfer of the register of deeds functions from the county to the office of the Secretary of State. Part C also directs the Joint Standing Committee on State and Local Government, with the advice and counsel of the Chief Justice of the Supreme Judicial Court, to develop legislation to implement the transfer of the register of probate functions from the county to the office of clerk of courts.

LD 1618 **An Act To Seek Direct Voter Approval To Exceed Government Spending Limits** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	ONTP MAJ OTP-AM MIN	

LD 1618 requires that the spending caps set in Public Law 2005, chapter 2 on school administrative units, counties and municipalities may be exceeded only if approved by the voters at a referendum.

Committee Amendment "A" (S-128)

This amendment, which is the minority report, allows counties to exceed the spending caps in Public Law 2005, chapter 2 only if it is approved by referendum and removes the sections of the bill relating to school administrative units and municipalities.

LD 1636 **An Act To Extend the Right To Vote by Absentee Ballot at an Annual Town Meeting (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	

LD 1636 allows a voter to vote on warrant articles at a town meeting by absentee ballot if the voter for any reason is unable to attend the town meeting.

LD 1663 **An Act To Modify Daylight Savings Time According to Federal Statute** **PUBLIC 129**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	OTP	

LD 1663 requires that the standard time for the State be determined by federal law.

Enacted Law Summary

Public Law 2007, chapter 129 requires that the standard time for the State be determined by federal law.

LD 1678 **An Act To Implement the Recommendations of the Working Group on the State Purchasing Code of Conduct Laws** **PUBLIC 193**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	OTP-AM	S-102

LD 1678 implements the recommendations of the working group on the state purchasing code of conduct laws. Specifically the bill:

1. Charges a vendor's fee of 1% of the amount of a winning bid by a supplier of apparel, footwear or textiles to the State to pay for the administration and implementation of the state purchasing code of conduct, including allowing the State Purchasing Agent to develop a consortium to monitor and investigate alleged violations of the code of conduct;

2. Amends the laws regarding the state purchasing code of conduct to allow a party found not to be in compliance with the code of conduct to provide continued access to independent monitors; and

3. Creates the Citizens' Code of Conduct Working Group, with 7 members appointed by the Governor and the State Purchasing Agent and Commissioner of Administrative and Financial Service as ex officio members, to advise the State Purchasing Agent on matters related to the state purchasing code of conduct and to help implement a monitoring consortium for the code of conduct.

Committee Amendment "A" (S-102)

This amendment amends the section of the bill relating to the 1% vendor's fee. Rather than requiring the fee, it gives authority to the State Purchasing Agent to charge the fee to reflect the fact that the consortium to monitor and investigate alleged violations of the state purchasing code of conduct is not yet operational. Rules adopted by the State Purchasing Agent with respect to the fee are changed from major substantive to routine technical. The amendment also requires the Director of the Bureau of General Services to submit an annual report on the revenue generated by the vendor's fee to the joint standing committee of the Legislature having jurisdiction over state and local government matters. This amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2007, chapter 193 implements the recommendations of the working group on the state purchasing code of conduct laws. Specifically the law:

1. Allows the State Purchasing Agent to charge a vendor a fee of 1% of the amount of a winning bid by a supplier of apparel, footwear or textiles to pay for the administration and implementation of the state purchasing code of conduct, including allowing the State Purchasing Agent to develop a consortium to monitor and investigate alleged violations of the code of conduct;

2. Amends the laws regarding the state purchasing code of conduct to allow a party found not to be in compliance with the code of conduct to provide continued access to independent monitors;

3. Creates the Citizens' Code of Conduct Working Group, with 7 members appointed by the Governor and the State Purchasing Agent and Commissioner of Administrative and Financial Service as ex officio members, to advise the State Purchasing Agent on matters related to the state purchasing code of conduct and to help implement a monitoring consortium for the code of conduct; and

4. Requires the Director of the Bureau of General Services to submit an annual report on the revenue generated by the vendor's fee to the joint standing committee of the Legislature having jurisdiction over state and local government matters.

LD 1705 **Resolve, To Study the Enactment Procedures for Municipal Ordinances** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	ONTP	

LD 1705 requires the Executive Department, State Planning Office to convene a working group of persons interested in studying and reforming the laws governing the enactment procedures for municipal ordinances. The office is required to report to the Joint Standing Committee on State and Local Government with findings, recommendations and legislation to implement those recommendations.

LD 1718 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
BABBIDGE	OTP-AM MAJ ONTP MIN	H-316

LD 1718 is a constitutional amendment to reduce the size of the House of Representatives from 151 members to 132 members and the size of the Senate from no more than 35 members to 33 members. The reduction in the size of each legislative body takes effect in 2015.

Committee Amendment "A" (H-316)

This amendment incorporates a fiscal note.

LD 1735 **An Act To Facilitate and Promote Regional Cooperation** **PUBLIC 215**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	OTP-AM	H-265

LD 1735 addresses regional cooperation issues. It makes real or personal property used for providing regional services to 2 or more municipalities exempt from property taxation. It allows municipalities to enter into cooperative arrangements for activities such as transit, solid waste, household hazardous waste, economic development, code enforcement and joint purchasing and clarifies that these endeavors are cooperative regional government activities. It also requires the minutes of commission meetings to be provided on request and posted on a website, rather than mailed to every member of the planning board and all municipal officials, in order to save on printing and mailing costs.

Committee Amendment "A" (H-265)

This amendment removes the section related to the property tax status of regional council buildings from the bill.

Enacted Law Summary

Public Law 2007, chapter 215 allows municipalities to enter into cooperative arrangements for activities such as transit, solid waste, household hazardous waste, economic development, code enforcement and joint purchasing and clarifies that these endeavors are cooperative regional government activities. It also requires the minutes of

commission meetings to be provided on request and posted on a website, rather than mailed to every member of the planning board and all municipal officials, in order to save on printing and mailing costs.

LD 1776 **An Act To Strengthen Budget Caps for Counties, Municipalities and School Districts** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP	

LD 1776 requires that the spending caps set in Public Law 2005, chapter 2 on school administrative units, counties and municipalities may be exceeded only if approved by the voters at a referendum.

LD 1793 **An Act To Authorize Peaks Island, House Island, Pumpkin Knob and Catnip Island To Secede from the City of Portland** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE C	ONTP MAJ OTP-AM MIN	

LD 1793 authorizes the incorporation of Peaks Island, House Island, Pumpkin Knob and Catnip Island into the Town of Peaks Island if the legal residents of those territories approve, by referendum, separation from the City of Portland and incorporation as a separate town. It requires a binding arbitration process for Peaks Island and the City of Portland if negotiation on secession fails. It also specifies the liability and rights of the City of Portland and the Town of Peaks Island if secession occurs.

Committee Amendment "A" (S-151)

This amendment, which is the minority report, clarifies that the agreement between the Peaks Island territory and the City of Portland must to be submitted to a referendum election of the voters of the Peaks Island territory.

LD 1804 **An Act To Permit Greater Voter Participation Regarding Municipal Expenditures** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BABBIDGE	ONTP	

Under Public Law 2005, chapter 2, a municipality that adopts its budget through a town meeting may exceed the maximum spending targets imposed pursuant to L.D. 1 by the same process as long as it is done by written ballot. LD 1804 allows the municipal officers of a municipality that allows the spending targets to be exceeded by a vote at a town meeting to submit the question of exceeding the property tax levy limit to a referendum of the legal voters in that municipality.

LD 1810 An Act To Enact the Informed Growth Act **PUBLIC 347**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW SCHNEIDER	OTP-AM A ONTP B OTP-AM C	H-355 H-383 BEAUDETTE S-236 SCHNEIDER

LD 1810 enacts the Informed Growth Act to supplement existing municipal project application review criteria with a comprehensive impact study specifically related to the impact of large-scale retail development. It requires an applicant seeking a permit to build a large-scale retail development that is larger than 75,000 square feet to pay for a comprehensive impact study, a public hearing and related municipal staff support in order to estimate the positive and negative economic and environmental effects of the project on the local area prior to permit approval. The study must be presented at a public hearing before the municipal reviewing authority held simultaneously with its review of the permit application. In order for approval for the application to be given, the municipal reviewing authority must determine, based on the comprehensive impact study, other materials and a public hearing, that the project would have no undue adverse impact on the local area.

Committee Amendment "A" (H-355)

This amendment makes a number of changes to the bill:

1. It removes the definitions of "aggregate of buildings or structures" and "market area" from the bill.

2. It includes a definition of "municipal reviewing authority" and clarifies that "office" means the Executive Department, State Planning Office.

3. It changes the defined term "comprehensive impact area" to "comprehensive economic impact area." "Comprehensive economic impact area" includes the municipality and the abutting municipalities in the geographic area affected by the proposed large-scale retail development rather than the market area of the development or 5 miles in all directions.

4. It changes the defined term "comprehensive impact study" to "comprehensive economic impact study." It estimates effects of the retail development rather than requiring positive and negative judgments. It removes other references to positive and negative effects. It also requires the preparer of the study to collect any studies on environmental issues that have already been carried out.

5. It limits the definition of "large-scale retail development" to a single retail business on a single site.

6. It clarifies the definition of "retail business establishment" by removing a reference to services.

7. It requires the study to be completed within 4 months of application rather than 6 months.

8. It requires the municipal reviewing authority and the applicant for the permit to agree on the preparer of the study from the list provided by the State Planning Office. If there is no agreement after 15 days, the municipal reviewing authority has the authority to choose the preparer.

9. It adds an appropriations and allocations section.

Committee Amendment "B" (H-356)

This amendment, which is the minority report, is the same as Committee Amendment "A" (H-355) except that it requires the applicant for the permit to pay the $40,000 fee to the municipality rather than to the State Planning Office. This amendment was not adopted.

House Amendment "A" (H-383)

This amendment provides an exemption from the Informed Growth Act for a municipality that has adopted economic and community impact review criteria that apply to large-scale retail development land use permit applications and that require a study of the comprehensive economic and community impacts of the proposed large-scale retail development for consideration, among other evidence, in applying the review criteria to the application.

House Amendment "A" (H-409)

This amendment allows a municipality to voluntarily adopt the Informed Growth Act and specifies that the Act does not apply to a municipality that chooses not to adopt it. It also replaces the requirement that the applicant for a permit pay a $40,000 fee with language allowing the municipality to assess the fee necessary to conduct the impact study. This amendment was not adopted.

Senate Amendment "A" (S-236)

This amendment clarifies that a municipality that, after the effective date of this Act, adopts economic and community impact review criteria that apply to large-scale retail development land use permit applications may be exempt from the provisions of the Informed Growth Act.

Enacted Law Summary

Public Law 2007, chapter 347 enacts the Informed Growth Act to supplement existing municipal project application review criteria with a comprehensive impact study specifically related to the impact of large-scale retail development.

The law requires an applicant seeking a permit to build a large-scale retail development that is larger than 75,000 square feet to pay for a comprehensive economic impact study, a public hearing and related municipal staff support in order to estimate the effects of the project on the local area prior to permit approval. The study must be presented at a public hearing before the municipal reviewing authority held simultaneously with its review of the permit application. In order for approval for the application to be given, the municipal reviewing authority must determine, based on the comprehensive economic impact study, other materials and a public hearing, that the project would have no undue adverse impact on the local area. The preparer of the study must come from a list provided by the State Planning Office and must be mutually agreed upon by the municipal reviewing authority and the applicant for the permit. If there is no agreement after 15 days, the municipal reviewing authority has the authority to choose the preparer.

A municipality that has adopted economic and community impact review criteria that apply to large-scale retail development land use permit applications and that require a study of the comprehensive economic and community impacts of the proposed large-scale retail development for consideration as part of the review criteria for the application are exempt from the Informed Growth Act.

LD 1814 **An Act To Allow Legislative Pay To Be Set by the State Compensation Commission** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE		

LD 1814 sets the level of compensation for Legislators to $15,750 in the first year and $11,250 in the 2nd year of each biennium beginning in December 2008 in accordance with the recommendations of the State Compensation Commission report of 1999. It also changes the State Compensation Commission so that its future recommendations do not require legislative approval. Any member of the House of Representatives or Senate may choose not to receive an increase in compensation that is recommended by the State Compensation Commission. This bill died on reference.

LD 1835 An Act To Amend the Laws Relating to Notaries Public **PUBLIC 285**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	OTP	

LD 1835 repeals and replaces the current law governing the appointment and renewal of commissions of notaries public. It includes a comprehensive process and criteria to evaluate a candidate for the office of notary public. It establishes a process for a resident of an adjoining state to be considered for the office of notary public. It also creates a review board to review a violation of notary law or a complaint concerning a notary public and provides a mechanism to deal with a violation or complaint.

Enacted Law Summary

Public Law 2007, chapter 285 repeals and replaces the current law governing the appointment and renewal of commissions of notaries public. It includes a comprehensive process and criteria to evaluate a candidate for the office of notary public. It establishes a process for a resident of an adjoining state to be considered for the office of notary public. It also creates a review board to review a violation of notary law or a complaint concerning a notary public and provides a mechanism to deal with a violation or complaint.

LD 1840 An Act To Define the Process for a Municipality To Secede from a County **PUBLIC 401**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	OTP-AM	S-148

LD 1840 establishes a process by which a municipality may secede from one county and join another.

Committee Amendment "A" (S-148)

This amendment requires municipal officers to call a public hearing to discuss seceding from one county and joining another within 60 days of the petition rather than 30 days. It also requires the vote by the municipality to be held at a town meeting by written ballot if the municipal legislative body is the town meeting. The amendment changes the question for the county referendum to clarify that the voter is also approving the municipality continuing to pay debt service to the county that it is seceding from.

Enacted Law Summary

Public Law 2007, chapter 401 establishes a process by which a municipality may secede from one county and join another.

LD 1846 **An Act To Allow Bayville Village To Separate from the Town of Boothbay Harbor and Affiliate with the Town of Boothbay** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD	ONTP	

LD 1846 allows Bayville Village Corporation to separate from the Town of Boothbay Harbor and to affiliate with the Town of Boothbay if the legal voters of Bayville Village Corporation vote in favor of the separation and affiliation and the legal voters of the Town of Boothbay vote in favor of the affiliation.

LD 1867 **An Act To Clarify the Intergovernmental Relationship between the Town of Boothbay Harbor and Bayville Village Corporation** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DOW	ONTP	

LD 1867 amends Private & Special Law 1911, chapter 227, which created the Bayville Village Corporation, by repealing the provision that required 60% of property taxes raised by the Town of Boothbay Harbor on property located in Bayville Village Corporation to be annually paid over to the corporation for use in providing municipal-type services to the residents within the territory of the Bayville Village Corporation. It clarifies that the residents of Bayville Village Corporation are considered residents of the Town of Boothbay Harbor in all respects and that they are entitled to receive the same municipal services delivered in the same manner as any other residents of the town.

LD 1876 **Resolve, Regarding the Maine State Cultural Building in Augusta** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-400
		H-466 ADAMS

LD 1876 amends Resolve 2005, chapter 168, which established a task force to develop a plan for the Maine State Cultural Building in Augusta. It adds to the existing membership of the task force representatives of the Department of Transportation and the judicial branch. It requires the task force to submit a 2nd report by November 15, 2007 with any recommendations regarding the cultural building. It also provides an appropriation of $100,000 to contract with an architectural consultant and give the Joint Standing Committee on State and Local Government authority to submit legislation to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-400)

This amendment changes the membership of the task force to develop a plan for the Maine State Cultural Building in Augusta by adding a representative of the Department of Defense, Veterans and Emergency Management, office of the Adjutant General and from the Friends of the Blaine House. It changes the report date to the joint standing committee of the Legislature having jurisdiction over state and local government matters to January 15, 2009. The joint standing committee is authorized to submit legislation to the First Regular Session of the 124th Legislature. It requires the task force to raise the $100,000 necessary for architectural consultant services from private funds and requires the Department of Administrative and

Financial Services, Bureau of General Services to administer the funds. If sufficient money is not raised privately by January 15, 2008, the Legislature is authorized to make up the difference. The consultant services must be contracted according to purchasing standards established for the Department of Administrative and Financial Services, Bureau of General Services.

House Amendment "A" (H-466)

This amendment specifies that the task force may apply for New Century Community Program funds to provide funding for the task force and the architectural consultant; any funds received from the New Century Community Program are eligible to be matched by federal, state or local funds.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1878 An Act To Generate Savings by Changing Public Notice Requirements **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
HAYES SCHNEIDER	OTP-AM ONTP	

LD 1878 phases out, over a one-year period, the requirement that State Government, including the executive branch, departments, independent agencies, the Legislature and the judicial branch, and the Maine Land Use Regulation Commission, or LURC, publish legal or public notices in a newspaper. Instead, the Department of Administrative and Financial Services, for State Government, and LURC, for the unorganized territory, are required to establish and maintain a publicly accessible Internet site on which to post all legal and public notices. In addition, the department and LURC are required to establish and maintain an in-state toll-free telephone number that allows a person in Maine to call and receive, by mail, any notice posted on the respective Internet sites.

For the first 6 months, from July 1, 2007 to December 31, 2007, every notice published in a newspaper by an entity of State Government or LURC is required to include an entity of statement with the printing of each public notice that notices will not be printed in newspapers after December 31, 2007 and the address of the Internet site and telephone number of the government entity or LURC, as the case may be. For the next 6 months, from January 1, 2008 to June 30, 2008, instead of publishing a notice, the government entity and LURC are only required to publish a statement that notices are no longer published in the newspaper and the address of the Internet site and telephone number where such notices may not be obtained. Finally, beginning July 1, 2008, no notices will be published in newspapers by a government entity or LURC.

Municipalities are allowed to publish legal notices in a newspaper medium distributed as 3rd-class mail if the municipal officers adopt a publication policy. The policy must contain 5 requirements: the newspaper of general circulation must have a subscription rate of less than 30% of the residents in the municipality; all households in the municipality must receive the alternative newspaper; the alternative newspaper must cost less than the newspaper of general circulation; the municipality must retain a record of all notices published in the alternative newspaper; and the publisher of the alternative newspaper must have a system of archiving past editions.

The Department of Administrative and Financial Services is required to submit legislation by December 15, 2007 to the Joint Standing Committee on State and Local Government that removes any statutory requirement that a government entity publish notices in newspapers.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

Committee Amendment "A" (H-531)

This amendment delays and extends the phasing out of publishing legal or public notices in newspapers. The first phase, lasting from the effective date of this legislation until June 30, 2008, requires that legal and public notices be published in newspapers along with a notice informing readers that notices will be published only electronically after July 1, 2009. The second phase, lasting from July 1, 2008 until June 30, 2009, requires that only a notice informing readers where notices can be found electronically may be published in newspapers. After July 1, 2009, all public and legal notices are to be published electronically.

The amendment removes the specific language of the notices from the bill and removes the requirement for a toll-free number to be included in the notice. It gives the Commissioner of Administrative and Financial Services the duty to resolve disputes. It allows the commissioner to waive the requirement for executive departments in the interests of the State. The same authority is granted to the Executive Director of the Legislative Council for the Legislature and to the State Court Administrator for the judicial branch. It also requires the Commissioner of Administrative and Financial Services, the Executive Director of the Legislative Council and the State Court Administrator to provide annual reports to the joint standing committee of the Legislature having jurisdiction over state and local government matters until January 15, 2010. Finally, it removes the emergency preamble and emergency clause from the bill and adds an appropriations and allocations section.

LD 1885 An Act To Repeal Inactive Boards and Commissions **PUBLIC 395**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-496
		S-283 STRIMLING

LD 1885 repeals boards and commissions that did not file annual reports in 2005 or 2006, or that filed an annual report but indicated inactivity for 2005 and 2006. The boards and commissions being repealed are:

1. Education Commission of the States;

2. Future for Youth in Maine State Work Action Tactics Team;

3. Maine Higher Educational Attainment Council;

4. Pharmaceutical Cost Management Council;

5. Prescription Drug Advisory Commission;

6. Telecommunications Relay Services Advisory Council;

7. Work Center Purchases Committee;

8. Agricultural Products Utilization Commission;

9. Commission on Safety and Health in the Maine Workplace;

10. Maine Engineers Recruitment and Retention Advisory Committee;

11. Maine-Canadian Legislative Advisory Commission;

12. Natural Areas Advisory Board;

13. Oil Spill Advisory Committee;

14. The State Compensation Commission; and

15. The Board of Directors of the Maine Consumer Choice Health Plan.

It also removes references to the Advisory Commission on Radioactive Waste and Decommissioning, which has a sunset date of June 30, 2006; the General River Corridor Commissions, which were never formed; and the Commission on Performance Budgeting, which is repealed July 1, 2007.

Committee Amendment "A" (H-496)

This amendment removes a number of boards and commissions from the list to be repealed in the bill. Those boards and commissions being removed from the bill are:

1. Education Commission of the States;

2. Pharmaceutical Cost Management Council;

3. Telecommunications Relay Services Advisory Council;

4. Maine Engineers Recruitment and Retention Advisory Committee;

5. Maine-Canadian Legislative Advisory Commission;

6. Oil Spill Advisory Committee; and

7. State Compensation Commission.

It also transfers the responsibilities of the Work Center Purchases Committee to the Director of the Bureau of General Services within the Department of Administrative and Financial Services and repeals the committee itself. It gives authority for the joint standing committee of the Legislature having jurisdiction over state and local government matters to submit legislation in the first regular session of each biennium in order to act on the Secretary of State's report without the need for a joint order.

Senate Amendment "A" (S-283)

This amendment, presented on behalf of the Committee on Bills in the Second Reading, prevents a conflict by removing a section of the bill that amended a section of law amended by Public Law 2007, chapter 240, Part RRRR, section 4.

Enacted Law Summary

Public Law 2007, chapter 395 repeals boards and commissions that did not file annual reports in 2005 or 2006, or that filed an annual report but indicated inactivity for 2005 and 2006. The boards and commissions being repealed are:

1. Future for Youth in Maine State Work Action Tactics Team;

2. Maine Higher Educational Attainment Council;

3. Prescription Drug Advisory Commission;

4. Work Center Purchases Committee;

5. Agricultural Products Utilization Commission;

6. Commission on Safety and Health in the Maine Workplace;

7. Natural Areas Advisory Board;

8. The Board of Directors of the Maine Consumer Choice Health Plan.

It also removes references to the Advisory Commission on Radioactive Waste and Decommissioning, which has a sunset date of June 30, 2006; the General River Corridor Commissions, which were never formed; and the Commission on Performance Budgeting, which is repealed July 1, 2007. The responsibilities of the Work Center Purchases Committee are transferred to the Director of the Bureau of General Services within the Department of Administrative and Financial Services while the committee is repealed. Finally, the law gives authority for the joint standing committee of the Legislature having jurisdiction over state and local government matters to submit legislation in the first regular session of each biennium in order to act on the Secretary of State's report without the need for a joint order.

LD 1892 **An Act To Allow the City of Auburn To Adjust the Definition of "Original Assessed Value" for the City of Auburn's Mall Area Municipal Tax Increment Financing District and the City of Auburn's Downtown Area Municipal Tax Increment Financing District** **P & S 23**

Sponsor(s)	Committee Report	Amendments Adopted
SAMSON SNOWE-MELLO	OTP	

LD 1892 allows the City of Auburn to define "original assessed value" for the City of Auburn's mall area tax increment financing district and the City of Auburn's downtown area tax increment financing district as the assessed value of those districts as of April 1, 2001.

Enacted Law Summary

Private & Special Law 2007, chapter 23 allows the City of Auburn to define "original assessed value" for the City of Auburn's mall area tax increment financing district and the City of Auburn's downtown area tax increment financing district as the assessed value of those districts as of April 1, 2001.

LD 1911 **Resolve, To Authorize the State To Sell a Certain Property with Buildings Located within the City of Old Town** **RESOLVE 117**

Sponsor(s)	Committee Report	Amendments Adopted
BLANCHARD		

LD 1911 directs the Executive Department, State Planning Office to sell a portion of the land, with buildings, acquired by the State during the purchase of the West Old Town Landfill. This fulfills the agreement the former

landfill owner had with United Cerebral Palsy of Northeastern Maine, which operates a temporary care facility at the site.

Enacted Law Summary

Resolve 2007, chapter 117 directs the Executive Department, State Planning Office to sell a portion of the land, with buildings, acquired by the State during the purchase of the West Old Town Landfill. This fulfills the agreement the former landfill owner had with United Cerebral Palsy of Northeastern Maine, which operates a temporary care facility at the site.

LD 1916 **Resolve, Establishing an Apportionment Commission To Increase the Number of Androscoggin County Commissioners** **RESOLVE 135**

Sponsor(s)	Committee Report	Amendments Adopted
LANSLEY	OTP-AM MAJ ONTP MIN	H-507 H-608 BARSTOW

LD 1916 is a concept draft pursuant to Joint Rule 208. The bill proposes to increase the number of commissioners for Androscoggin County from 3 to 5. It puts the question out to the voters of Androscoggin County through a statewide referendum in November 2007.

Committee Amendment "A" (H-507)

This amendment replaces the bill with a resolve to establish an apportionment commission to develop a plan to redistrict Androscoggin County to increase the number of county commissioners to 5. The plan must be developed by October 1, 2007. The county commissioners may submit the plan to the county voters at referendum at the November 2007 election and to the Legislature for enactment during the Second Regular Session of the 123rd Legislature. If the plan is approved, the election for commissioners of the new county commissioner districts must take place at the November 2008 election.

House Amendment "A" (H-608)

This amendment allows the Androscoggin County commissioners to establish an apportionment commission to increase the number of county commissioners from 3 to 5. It delays any increase in county commissioners in Androscoggin County until the November 2010 election. If the Androscoggin County commissioners establish an apportionment commission, it requires the plan to be developed by October 1, 2009 for submission to the voters at the November 2009 election. If the plan is approved, the election for county commissioners would take place at the November 2010 election.

Enacted Law Summary

Resolve 2007, chapter 135 allows the Androscoggin County commissioners to establish an apportionment commission to increase the number of county commissioners in Androscoggin County from 3 to 5. If the Androscoggin County commissioners establish an apportionment commission, the plan must be developed by October 1, 2009 for submission to the voters at the November 2009 election. If the plan is approved, the election for county commissioners would take place at the November 2010 election.

LD 1922 **Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Interest in a Certain Parcel of Land** **RESOLVE 120**

Sponsor(s)	Committee Report	Amendments Adopted
CARTER	OTP-AM	H-583

LD 1922 authorizes the Commissioner of Administrative and Financial Services to sell land donated to the State in the will of Biagio Mendolia with proceeds to benefit the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services.

Committee Amendment "A" (H-583)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2007, chapter 120 authorizes the Commissioner of Administrative and Financial Services to sell land donated to the State in the will of Biagio Mendolia with proceeds to benefit the Department of Defense, Veterans and Emergency Management, Bureau of Veterans' Services.

LD 1927 **Resolve, Regarding Options for Long-term Renovation and Use of the Buildings Formerly Occupied by the Augusta Mental Health Institute** **RESOLVE 121**

Sponsor(s)	Committee Report	Amendments Adopted

LD 1927 amends Resolve 2005, chapter 201, which directed the Commissioner of Administrative and Financial Services to develop options for the long-term plans for the buildings formerly occupied by the Augusta Mental Health Institute and authorized the Joint Standing Committee on State and Local Government to report out legislation regarding those plans to the First Regular Session of the 123rd Legislature. This bill authorizes the joint standing committee to also report out legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 121 amends Resolve 2005, chapter 201, which directed the Commissioner of Administrative and Financial Services to develop options for the long-term plans for the buildings formerly occupied by the Augusta Mental Health Institute and authorized the Joint Standing Committee on State and Local Government to report out legislation regarding those plans to the First Regular Session of the 123rd Legislature. This resolve authorizes the joint standing committee to also report out legislation to the Second Regular Session of the 123rd Legislature.

Joint Standing Committee on State and Local Government

SUBJECT INDEX

Capitol Area/Capitol Complex

Not Enacted

LD 1876	Resolve, Regarding the Maine State Cultural Building in Augusta	CARRIED OVER

Constitutional Officers

Not Enacted

LD 1322	An Act To Prohibit Constitutional Officers from Endorsing Candidates for the Legislature	ACCEPTED ONTP REPORT

County Budget Process

Enacted

LD 1135	An Act To Allow Municipal Cost Sharing for County Services	PUBLIC 105 EMERGENCY

Not Enacted

LD 344	An Act To Modify the Membership of the Franklin County Budget Advisory Committee	ONTP

County Government

Enacted

LD 142	Resolve, To Improve the Professional Development of County Officials	RESOLVE 3
LD 214	An Act To Improve Access to the Government Chart of Accounts	P & S 3
LD 466	An Act To Provide County Commissioners with an Enforcement Mechanism with Regard to Parking Ordinances	PUBLIC 41
LD 1007	An Act To Promote County-based Economic and Community Development	PUBLIC 321
LD 1056	An Act To Change Building Requirements for County Buildings and Land	PUBLIC 151
LD 1916	Resolve, Establishing an Apportionment Commission To Increase the Number of Androscoggin County Commissioners	RESOLVE 135

Not Enacted

LD 129	An Act To Provide for the Nonpartisan Election of County Commissioners	ACCEPTED ONTP REPORT
LD 130	An Act To Allow County Commissioners To Appoint Registers of Deeds	ACCEPTED ONTP REPORT
LD 953	An Act To Provide for Nonpartisan Elections for Sheriffs	ONTP
LD 1191	An Act To Authorize a Local Bond Issue for Solid Waste, Storm and Drainage Issues and Transfer Stations	ONTP
LD 1365	An Act To Make Civil Process Fees on Papers Served on Behalf of the State of Maine Consistent with Fees Paid by Other Governmental Entities	DIED ON ADJOURNMENT
LD 1614	An Act To Transfer All Registry of Deeds and Probate Functions to the Secretary of State and Courts	ONTP

Departments and Agencies of State Government

Enacted

LD 217	An Act Regarding Penalties for Payments Made to the State That Are Rejected by a Financial Institution	PUBLIC 13
LD 556	Resolve, To Achieve Cost Savings of 7% in State Government	RESOLVE 57
LD 679	An Act To Clarify Portions of the Laws Governing InforME	PUBLIC 37
LD 1320	An Act Requiring the Development of Codes of Ethics by Component Units and Other Related Organizations of State Government	PUBLIC 107
LD 1885	An Act To Repeal Inactive Boards and Commissions	PUBLIC 395

Not Enacted

LD 110	An Act To Require an Independent Audit of State Government Every 4 Years	ONTP
LD 204	Resolve, To Combine Payroll and Human Resources for All State Agencies into One Central Agency	ONTP
LD 342	An Act To Contract Out the State Single Audit	ACCEPTED ONTP REPORT
LD 1017	An Act To Protect Citizens' Privacy	ONTP

LD 1021	Resolve, To Lower the Cost of State Government	DIED BETWEEN HOUSES
LD 1147	An Act To Impose a Modified Hiring Freeze in State Government	ONTP
LD 1227	An Act To Require Posting of the State's Debt	ONTP

Legislature and Legislative Process

Not Enacted

LD 226	An Act To Enhance the Concept of Representative Democracy by Ensuring Basic Compensation for Elected Representatives	ONTP
LD 353	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require a 2/3 Vote of Each House of the Legislature To Enact or Increase a Tax or License Fee	DIED BETWEEN HOUSES
LD 664	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Members of the House and Senate Be Assigned Seats That Correlate with Each Member's District for the Purpose of Enhancing Communications and Reducing the Perception of Partisan Gridlock	ONTP
LD 715	An Act To Disclose Legislative Spending	ONTP
LD 917	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature to 132 Members	ONTP
LD 1238	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms for Legislators	ONTP
LD 1530	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature to 140 Members	ONTP
LD 1550	An Act To Amend the Term Limitation Laws for State Legislators	DIED BETWEEN HOUSES
LD 1552	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Reduction in the Size of the Legislature	ACCEPTED ONTP REPORT
LD 1553	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Legislative Terms to 4	DIED BETWEEN HOUSES
LD 1718	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature	DIED BETWEEN HOUSES
LD 1814	An Act To Allow Legislative Pay To Be Set by the State Compensation Commission	DIED BETWEEN HOUSES

Miscellaneous

Enacted

LD 336	An Act To Reauthorize the Community Preservation Advisory Committee	PUBLIC 458
LD 1173	An Act To Clarify the Application of the Definition of "Tract or Parcel of Land" under the State Subdivision Laws	PUBLIC 49
LD 1663	An Act To Modify Daylight Savings Time According to Federal Statute	PUBLIC 129

Not Enacted

LD 510	An Act To Amend the Membership of the Advisory Council on Tax-deferred Arrangements	ONTP
LD 1091	Resolve, To Establish the Maine Civil War Sesquicentennial Commission	INDEF PP
LD 1247	Resolve, To Establish a Study Commission To Explore the Creation of a Department of Peace (by request)	ONTP
LD 1475	An Act To Assist Maine Property Owners of Land near State-owned Railroads	ONTP

Municipalities and Quasi-Municipalities

Enacted

LD 202	An Act To Allow the Municipal Clerk To Inspect Municipal Election Ballots	PUBLIC 19
LD 312	An Act To Allow Plantations To Enact an Animal Control Ordinance	PUBLIC 35
LD 523	An Act To Provide for Enforcement of Land Use Limitations Relating to Cemeteries	PUBLIC 112
LD 702	An Act To Allow Municipalities To Establish Foundations To Support Education	PUBLIC 405
LD 1132	An Act To Make Technical Changes to the Maine Municipal Bond Bank Laws	PUBLIC 48
LD 1336	An Act To Allow the Town of Kennebunk To Adjust the Definition of Original Assessed Value for the Route 1 Municipal Tax Increment Financing District	P & S 13
LD 1462	Resolve, Regarding the Department of Audit's Municipal Internal Control Observation Program	RESOLVE 66
LD 1735	An Act To Facilitate and Promote Regional Cooperation	PUBLIC 215

LD 1810	An Act To Enact the Informed Growth Act	PUBLIC 347
LD 1840	An Act To Define the Process for a Municipality To Secede from a County	PUBLIC 401
LD 1892	An Act To Allow the City of Auburn To Adjust the Definition of "Original Assessed Value" for the City of Auburn's Mall Area Municipal Tax Increment Financing District and the City of Auburn's Downtown Area Municipal Tax Increment Financing District	P & S 23

Not Enacted

LD 638	An Act To Require Joint Planning and Development Board Review for Proposed Developments That Abut Municipal Boundaries	ONTP
LD 1061	An Act To Accept the Determination of Public Opinion on Municipal Projects (by request)	ACCEPTED ONTP REPORT
LD 1122	An Act To Prohibit a Person from Serving as Both Municipal Tax Collector and Treasurer	ACCEPTED ONTP REPORT
LD 1264	An Act To Resolve Differences in the Laws Regarding Public Shade Trees	ACCEPTED ONTP REPORT
LD 1374	An Act To Require Expense Reporting by Municipalities and Counties	ONTP
LD 1464	An Act To Expand the Duties of the State Planning Office To Provide Additional Services to Municipalities	ONTP
LD 1636	An Act To Extend the Right To Vote by Absentee Ballot at an Annual Town Meeting (by request)	ONTP
LD 1705	Resolve, To Study the Enactment Procedures for Municipal Ordinances	ONTP
LD 1793	An Act To Authorize Peaks Island, House Island, Pumpkin Knob and Catnip Island To Secede from the City of Portland	ACCEPTED ONTP REPORT
LD 1846	An Act To Allow Bayville Village To Separate from the Town of Boothbay Harbor and Affiliate with the Town of Boothbay	ONTP
LD 1867	An Act To Clarify the Intergovernmental Relationship between the Town of Boothbay Harbor and Bayville Village Corporation	ONTP

Notaries Public

Enacted

LD 1835	An Act To Amend the Laws Relating to Notaries Public	PUBLIC 285

Not Enacted

LD 1515	An Act To Require That Notaries Public Keep Records of Notarial Acts	DIED BETWEEN HOUSES

Rulemaking

Enacted

LD 905	An Act To Amend the Maine Administrative Procedure Act To Strengthen Safeguards for Small Businesses	PUBLIC 181

Not Enacted

LD 205	An Act To Require Regulatory Impact Estimates on Private Property	ONTP
LD 734	An Act To Improve Public Understanding in Rulemaking	ONTP

Spending Limits

Not Enacted

LD 1618	An Act To Seek Direct Voter Approval To Exceed Government Spending Limits	INDEF PP
LD 1776	An Act To Strengthen Budget Caps for Counties, Municipalities and School Districts	ONTP
LD 1804	An Act To Permit Greater Voter Participation Regarding Municipal Expenditures	ONTP

State Contracts and Fiscal Procedures

Enacted

LD 141	An Act To Clarify the Process for Public Improvement Construction Contracts	PUBLIC 9
LD 1678	An Act To Implement the Recommendations of the Working Group on the State Purchasing Code of Conduct Laws	PUBLIC 193

Not Enacted

LD 601	Resolve, To Direct the Bureau of General Services To Develop a Purchasing Pool for Political Subdivisions of the State and School Administrative Units	ONTP

State Government - General

Enacted

LD 111	An Act To Designate May 1st of Each Year as Cold War Victory Day	PUBLIC 330

LD 154	An Act To Provide Reinstatement of Group Life Insurance for Public Employees Returning from Unpaid Military Leave	PUBLIC 17
LD 243	An Act To Establish Cancer Awareness Week and Lung Cancer Awareness Day	PUBLIC 27
LD 249	An Act To Establish May 25th as Missing Persons Day	PUBLIC 28 EMERGENCY
LD 785	An Act To Promote Green Power Use at State Buildings	PUBLIC 52

Not Enacted

LD 622	Resolve, To Study the Need for and Placement of a Child Care Center in or near the State House Complex	ONTP
LD 1441	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Maine State Endowment Trust	ONTP
LD 1456	Resolve, Establishing a Blue Ribbon Commission To Study the Operations of State Government	ONTP
LD 1878	An Act To Generate Savings by Changing Public Notice Requirements	CARRIED OVER

State Property

Enacted

LD 1911	Resolve, To Authorize the State To Sell a Certain Property with Buildings Located within the City of Old Town	RESOLVE 117
LD 1922	Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell Interest in a Certain Parcel of Land	RESOLVE 120
LD 1927	Resolve, Regarding Options for Long-term Renovation and Use of the Buildings Formerly Occupied by the Augusta Mental Health Institute	RESOLVE 121

Unorganized Territory

Not Enacted

LD 430	An Act To Enable Unorganized Territory Townships To Become a Municipality	DIED BETWEEN HOUSES

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON TAXATION

July 2007

MEMBERS:

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SEN. ETHAN STRIMLING
SEN. RICHARD A. NASS

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OFFICE OF FISCAL AND PROGRAM REVIEW
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AUGUSTA, ME 04333
(207)287-1635

LD 2 **An Act To Provide a Partial Tax Exemption for the Purchase of a Hybrid or Clean Fuel Vehicle** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	OTP-AM	S-195

This bill restores a temporary sales tax exemption that expired in 2006 for a portion of the sale or lease price of a vehicle that is a clean fuel vehicle.

Committee Amendment "A" (S-195)

This amendment specifies that the sales tax exemption proposed in the bill for a clean fuel vehicle is limited to the first $5,000 of the sales or lease price.

This bill was placed on the Special Appropriations Table and died on adjournment. See also LD 302.

LD 26 **An Act To Fund Transportation Projects** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to authorize counties to adopt by referendum a local option sales tax on sales within the county that are subject to the state sales tax. The tax would be collected and administered by the State. Ten percent of revenue from any county local option sales tax would be deposited in the State Transit, Aviation and Rail Transportation Fund, established in the Maine Revised Statutes, Title 23, section 4210-B, for use as authorized under that section to support transit, aeronautics and rail transportation. Ninety percent of revenue from the county local option sales tax would be returned to the county where collected for use on transportation-related projects within those counties.

LD 31 **An Act To Fund Alcohol and Tobacco Addiction Treatment Programs (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEDDELL	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to increase the tax on cigarettes and alcohol and use the revenue from the tax increase to fund programs aimed at prevention and treatment of addictions to tobacco and alcohol.

LD 53 **An Act To Provide a Tax Credit for College Education Costs When the Person Creates Jobs following Graduation** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUPREY PLOWMAN	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to provide an income tax credit for any graduate of a 4-year degree program in Maine who starts a business that creates jobs for at least 5 full-time equivalent employees in the first year and 10 full-time equivalent employees in subsequent years. The credit is equal to 1/4 of the cost of a 4-year college degree at any Maine college and can be used annually for up to 4 years in a row.

See also LDs 298, 368, 948, 1815 and 1856.

LD 54 **An Act To Conform Maine Law with Federal Law Regarding Tax Credits for Adoptions** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUPREY	ONTP	

This bill creates a state income tax credit equal to 20% of the federal income tax credit for qualified adoption expenses.

LD 79 **An Act To Repeal the Excise Tax on New Motor Vehicles (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCDONOUGH	ONTP	

This bill exempts new motor vehicles and camper trailers from the excise tax in the first model year.

LD 80 **An Act To Make Changes to the Maine Residents Property Tax Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE WESTON	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to change the Maine Residents Property Tax Program in the following ways.

1. The name of the program would be changed.

2. The filing dates would be changed to correspond to the income tax year.

3. An applicant would be able to use the Maine income tax form to apply for reimbursement under the program.

4. Any rental income earned by the applicant on the subject property would be treated the same as other income earned by the applicant and would not disqualify the applicant from participation in the program.

5. The income of a dependent who is a full-time student in a postsecondary educational institution and living away from home would be excluded from inclusion in the income of the applicant for purposes of determining eligibility and the level of reimbursement.

LD 81 **An Act To Update the Property Tax Exemption for Parsonages** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FARRINGTON BARTLETT	ONTP	

This bill increases the property tax exemption for a parsonage from $20,000 to $100,000.

LD 82 **Resolve, To Create a Study Commission To Evaluate the County Tax Structure** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON DIAMOND	ONTP	

This resolve is a concept draft pursuant to Joint Rule 208.

This resolve proposes to establish a study commission to evaluate the county tax structure as it relates to property valuation. The goal of the study is to construct a solution that would uncouple the county tax base from property tax and land valuation. The study commission will examine different ways to assess county taxes, including, but not limited to, assessment based on the population or on consequential services rendered.

LD 83 **An Act To Provide Equity for the Penobscot Nation in the Return of Tax Revenue** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
LORING	ONTP	

This bill returns sales tax revenues generated on the Penobscot Indian Island Reservation to the Penobscot Nation in the same way as the law currently returns sales tax revenues generated on the Passamaquoddy reservation at Pleasant Point and Indian Township to the Passamaquoddy Tribe.

LD 131 **An Act To Provide Tax Relief to Working Families** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HAYES STRIMLING	ONTP	

This bill is a recommendation of the Study Commission Regarding Liveable Wages established in Resolve 2005, chapter 128. The bill raises the income tax personal exemption to $3,200, raises the income tax credit for child care expenses to 100% of the federal credit and establishes a child tax credit equal to the federal credit.

LD 132 **An Act To Reform the Maine Tax Code** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAND PERRY J	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to reform Maine taxes in the following ways.

1. The taxable income amount at which the highest income tax rate, currently 8.5%, applies would be increased.

2. A local option sales tax would be created.

3. The sales tax base would be broadened and stabilized.

LD 144 **An Act To Support Maine's Free Clinics** **PUBLIC 416**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP-AM	S-36

This bill excludes from the Maine sales and use tax any free clinic whose sole mission is to provide free medical care to the indigent or uninsured.

Committee Amendment "A" (S-36)

This amendment places the sales tax exemption in a better location in the statutes and provides an effective date of October 1, 2007.

Enacted Law Summary

Public Law 2007, chapter 416 provides a sales tax exemption for free clinics whose sole mission is to provide free medical care to the indigent or uninsured.

LD 157 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Lower the Income Tax** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
VAUGHAN	ONTP	

This constitutional resolution establishes a timetable for phasing in a reduction in the maximum individual income tax rate to 3.5% over 5 years. It also phases in an income tax exemption of up to $20,000 over that same time period.

LD 158 **An Act To Allow a Local Option Sales Tax** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOGAN	ONTP	

This bill allows a municipality to adopt a local option sales tax up to 4% on prepared food and lodging. Revenue must be placed in a special account to be used to reduce property taxes.

LD 171 **An Act To Establish a Voluntary Tax Account** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
LANSLEY COURTNEY	ONTP	

This bill establishes the Tax ME More Fund funded by a checkoff on the individual income tax form to allow a taxpayer to donate a portion of a tax refund or make a donation with the tax return.

This bill also requires the InforME Board to develop a method to accept contributions to the Tax ME More Fund using the State's website.

LD 172 **An Act To Increase the Property Tax Exemption for Veterans** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
NASS J NASS R	OTP-AM	H-385

This bill increases the property tax exemption for post-World War I veterans and their eligible survivors from $5,000 to $6,000.

Committee Amendment "A" (H-385)

This amendment adds an appropriations and allocations section.

This bill was placed on the Special Appropriations Table and died on adjournment. The provisions of this bill were included in the biennial budget bill, Public Law 2007, chapter 240, Part PPPP.

See also LD 566.

LD 174 **An Act To Increase the County Share of the Real Estate Transfer Tax** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	ONTP	

This bill increases the portion of the real estate transfer tax that is retained by a county to 30%, from the current level of 10%, by increasing the percentage 10% each of 2 years, beginning February 2008.

LD 179 **An Act To Make Changes to the Maine Residents Property Tax Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	ONTP	

This bill allows certain homeowners who rent their homesteads for up to 31 days in the aggregate during the year to qualify for benefits under the Maine Residents Property Tax Program and prorates benefits to reflect the rental period.

This bill also provides that the earned income of a child who is a full-time postsecondary student is not counted for the purposes of a parent's claim under the Maine Residents Property Tax Program.

LD 206 **An Act To Provide an Inflation Adjustment to the Income Tax Exemption for Private, Public and Military Pensions** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CROCKETT SAVAGE C	ONTP	

This bill requires the amount of the deduction from income received as pension benefits to be adjusted annually based on the Consumer Price Index.

LD 207 **An Act To Reduce the Meals and Lodging Tax** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY PLOWMAN	ONTP	

This bill reduces the taxes imposed on lodging and prepared meals from 7% to 5%.

LD 208 **Resolve, Directing the Department of Economic and Community Development To Analyze and Evaluate the Effect of Tax Increment Financing for Retail Businesses on Economic Development** **RESOLVE 127**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON STRIMLING	OTP-AM MAJ ONTP MIN	H-592

This bill provides that tax increment financing may not be used for a development program adopted on or after October 1, 2007 with the primary purpose of the establishment or expansion of a retail business or businesses. The bill also provides that project costs within a tax increment financing district may not include costs that primarily benefit a retail business.

Committee Amendment "A" (H-592)

This amendment replaces the bill with a resolve requiring the Department of Economic and Community Development to evaluate and analyze the effect of tax increment financing for retail businesses on economic development in Maine and submit a report to the Joint Standing Committee on Taxation by November 1, 2007. The joint standing committee is authorized to submit legislation related to the report.

Enacted Law Summary

Resolve 2007, chapter 127 requires the Department of Economic and Community Development to evaluate and analyze the effect of tax increment financing for retail businesses on economic development in Maine and submit a report to the Joint Standing Committee on Taxation by November 1, 2007. The joint standing committee is authorized to submit legislation related to the report.

LD 227 **An Act To Allow the Reimbursement of Motor Vehicle Excise Taxes in Certain Cases** **PUBLIC 83**

Sponsor(s)	Committee Report	Amendments Adopted
HOLMAN	OTP-AM	H-76

This bill requires motor vehicle excise tax credit be proportional to the portion of the registration year that the vehicle was in service and requires a refund if the credit exceeds the amount applied to excise tax on another vehicle.

Committee Amendment "A" (H-76)

This amendment authorizes municipalities to refund excess motor vehicle excise tax credits but does not require them to do so. The amendment also removes from the bill the requirement that credits be prorated for the portion of the registration year that the vehicle was in service.

Enacted Law Summary

Public Law 2007, chapter 83 authorizes municipalities to refund motor vehicle excise tax credits that exceed the amount of credit applied to a replacement vehicle but does not require them to do so.

LD 236 **An Act To Exempt from the Income Tax Military Pay of Maine Residents Who Are Members of the Armed Services Stationed outside of the State Earned while on Active Duty** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	OTP-AM MAJ ONTP MIN	S-232

This bill exempts from income tax income received by an individual for active duty in the Armed Forces of the United States while the individual is stationed outside of the State.

Committee Amendment "A" (S-232)

This amendment adds an appropriations and allocations section.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 237 **An Act To Amend the Maine Tree Growth Tax Law** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

This bill provides that a parcel of land 500 acres or larger that is taxed pursuant to the Maine Tree Growth Tax Law must be open to the public for traditional uses, including, but not limited to, hunting, fishing, trapping, snowmobiling and hiking.

LD 260 **An Act To Provide an Income Tax Deduction for Teachers To Account for the Purchase of Supplies** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HARLOW	ONTP	

This bill provides an income tax deduction for full-time teachers equal to 2% of their gross income from teaching. The deduction is intended to compensate teachers for supplies and other items they purchase without reimbursement to support their work.

LD 261 **Resolve, To Review the Procedures by Which a Municipality Assesses Property** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	OTP-AM	H-75

This bill provides that property tax assessors may not review the value of a section of a municipality or individual classes of property unless all real and personal property in the municipality is also reviewed at the same time.

This bill also establishes the Property Tax Assessment Review Committee to review property tax assessment

practices and make recommendations to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-75)

This amendment removes from the bill statutory provisions relating to the procedures for valuation of property for tax purposes and makes the bill a resolve.

This amendment also changes the membership and duties of the Property Tax Assessment Review Committee.

The Legislative Council authorized the Taxation Committee to conduct this review during regularly authorized interim meetings.

LD 262 **An Act To Amend the Credit for Rehabilitation of Historic Properties** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN MARTIN	OTP-AM	H-595

This bill changes the amount of historic rehabilitation tax credit a taxpayer may take if the taxpayer received a credit under the United States Internal Revenue Code from an amount equal to the credit the taxpayer received under the Code to an amount equal to 25% of the expenditures incurred after December 31, 1999 for a certified historic structure. This bill also allows a historic rehabilitation tax credit for a taxpayer who did not receive a credit under the United States Internal Revenue Code of 25% of expenditures if the taxpayer expended from $50,000 to $250,000 on a certified historic structure. This bill makes the credit fully refundable and authorizes the State Historic Preservation Officer to establish a schedule of fees for the historic rehabilitation tax credit program, the proceeds of which will go to administering the program.

Committee Amendment "A" (H-595)

This amendment changes future historic rehabilitation tax credits a taxpayer may take if the taxpayer received a credit under the United States Internal Revenue Code from an amount equal to the credit the taxpayer received under the Code to an amount equal to 25% of the expenditures incurred. This amendment also allows a historic rehabilitation tax credit for a taxpayer who did not receive a credit under the United States Internal Revenue Code of 25% of expenditures if the taxpayer expended from $50,000 to $250,000 on a certified historic structure. This amendment makes the credit refundable and authorizes the State Historic Preservation Officer to establish a schedule of fees for certifying the historic structures and certifying rehabilitations in the State, the proceeds of which will go to administering the program. The amendment sunsets the credit in 2013. The Maine Historic Preservation Commission shall submit an analysis of the use of the credit to the joint standing committee of the Legislature having jurisdiction over taxation matters by January 15, 2013.

This bill was removed from the Special Appropriations Table, recommitted and carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

See also LDs 816 and 1356.

LD 263 **An Act To Reduce the Property Tax Burden** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAND	ONTP	

This bill increases the taxes imposed on lodging and prepared meals from 7% to 9%. The bill returns 10% of the sales tax collected on lodging and prepared meals to the municipalities in which those taxes were levied; revenue received by a municipality must be used to provide property tax relief to the residents of that municipality.

This bill also requires transfers to the municipalities to be done before transfers to the Tourism Marketing Promotion Fund, which currently receives 5% of the 7% tax imposed on lodging and meals.

LD 276 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Legislature To Freeze the Valuation of Maine Primary Residence Land** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J		

This resolution is a Governor's bill that proposes a constitutional amendment to require the Legislature to provide for freezing the valuation of primary residence land. The resolution proposes payment of a penalty for certain transfers of the primary residence land equal to the difference in taxes for the five years preceding the transfer.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 288 **An Act To Increase the State Share of the Homestead Exemption to 70%** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD	ONTP	

This bill increases the state reimbursement to municipalities under the Maine resident homestead property tax exemption program from 50% to 70% of taxes lost because of the exemption.

LD 298 **An Act To Assist Higher Education Debt Reduction** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	

This bill provides an income tax deduction for student loan interest that has not already been deducted from federal adjusted gross income.

See also LDs 53, 368, 948, 1815 and 1856.

LD 302 **An Act To Create an Alternative Fuel Vehicle Income Tax Credit and an Alternative Fuel Vehicle Rebate** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	ONTP	

This bill provides an income tax credit for persons who purchase an alternative fuel vehicle or convert a motor vehicle to use an alternative fuel that makes reductions in carbon monoxide emissions and other pollutants as determined by the Department of Environmental Protection. It also provides a similar rebate to governmental entities and nonprofit entities that would qualify for a credit if they were subject to the income tax. See also LD 2.

LD 313 **An Act To Extend the Property Tax Exemption for Veterans to Persons Living in Cooperative Housing** **PUBLIC 418**

Sponsor(s)	Committee Report	Amendments Adopted
CAIN TURNER	OTP-AM	H-522

This bill extends veterans' property tax exemptions to persons living in cooperative housing communities by granting an exemption to the cooperative housing corporation and requiring the benefit to be apportioned to qualifying veterans and their survivors according to the benefit that each individual would be entitled to if the individual were the owner of property.

Committee Amendment "A" (H-522)

This amendment adds a mandate preamble and an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2007, chapter 418 extends veterans' property tax exemptions to persons living in cooperative housing communities by granting an exemption to the cooperative housing corporation and requiring the benefit to be apportioned to qualifying veterans and their survivors according to the benefit that each individual would be entitled to if the individual were the owner of property.

LD 325 **An Act To Clarify the Tax-exempt Status of Ornamental Horticulture** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
FINCH	OTP-AM	H-406

This bill makes changes to the sales and use tax law with respect to commercial agriculture.

Committee Amendment "A" (H-406)

This amendment adds an appropriations and allocations section.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 337 **An Act To Exempt Certain Shipping Fees from the Sales Tax** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

This bill exempts from the sales tax the cost of transportation of goods, regardless of to whom they are shipped, as long as the transportation charges are separately stated and the shipping is done by common carrier, contract carrier or the United States mail.

LD 349 **An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BROWNE	OTP-AM ONTP	H-548

This bill provides an income tax credit for a small wind power generator intended to provide electricity to a household or small business.

Committee Amendment "A" (H-548)

This amendment provides that the credit for a small wind power generator may be claimed in only one taxable year and that the credit may not be claimed if a credit is also claimed for the generator as a community wind power generator in any tax year. The amendment also provides for the repeal of the credit at the end of 2010.

This bill was removed from the Special Appropriations Table, recommitted and carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 355 **Resolve, To Establish a Committee To Examine Issues Relating to the Administration and Distribution of Municipal Revenue Sharing** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BROWNE	ONTP	

This resolve establishes a municipal revenue sharing committee composed of municipal officials to examine various issues relating to municipal revenue sharing and report to the Joint Standing Committee on Appropriations and Financial Affairs no later than December 15, 2007.

See also LDs 1357 and 1358.

LD 358 **An Act To Create the Maine Fishery Infrastructure Tax Credit Program** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	OTP-AM	H-581

This bill provides an income tax credit for investment in eligible public fishery infrastructure projects in the State. Eligible projects must be certified by the Department of Inland Fisheries and Wildlife, which is required to adopt rules for determination of eligibility. Tax certificates may be issued for up to $5,000,000 per project. Credits must be taken in increments of 25% over 4 years and may not exceed 50% of the total tax imposed on the investor for the applicable year. Unused credits may be carried forward for up to 15 years.

Committee Amendment "A" (H-581)

This amendment adds an application date to the bill.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 368 **An Act To Encourage Employers To Defray the Cost of College for the Children of Their Employees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HARLOW	ONTP	

This bill provides an income tax deduction for contributions made by employers to a Coverdell education savings account of a child of an employee.

See also LDs 53, 298, 948, 1815 and 1856.

LD 394 **An Act To Provide a Tax Benefit to Businesses That Invest in Quality Child Care** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CONOVER	ONTP	

This bill provides an income tax deduction for a business that is located in a Pine Tree Development Zone or within 25 miles of such a zone of up to $5,000 for 10% of the cost of construction or renovation to a facility for the provision of child care services eligible for a quality differential rate as determined by the Department of Health and Human Services and 25% of the cost of direct support provided to such a facility for child care for employees of the business. A new facility would need to demonstrate eligibility for the differential rate within 12 months of opening.

LD 395 **An Act To Use National Standards To Determine Maine's Relative Tax Burden for Purposes of Budget Caps** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOLMAN	ONTP	

This bill changes the States's tax burden goal for 2015 to be at or below the median for all states and requires that the calculation of the State's state and local tax burden relative to other states for purposes of state and local spending limitations be based solely on data from the United States Census Bureau without adjustments by the State Tax Assessor for the State's unique expenditure tax relief programs. The bill also requires the Governor to include in the biennial budget document an assessment of where the State stands in meeting the tax burden goal. See also LD 1581.

LD 402 **An Act To Clarify the Application of the Real Estate Transfer Tax with Regard to Partial Sales of Corporations That Own Real Estate** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	

This bill provides that for purposes of the real estate transfer tax involving the transfer of a controlling interest in an entity, the value of the real estate subject to the tax is based only on the percentage of the entity that was transferred during the 12-month period preceding the transaction.

LD 422 **An Act To Increase the State Income Tax Exemption for Retired Employees in the Maine State Retirement System and Other Pension Systems to the Same Level as That of Retirees under the Social Security System** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MAZUREK	ONTP	

Current law provides a deduction from the state income tax for the first $6,000 of income from certain public and private pensions.

This bill increases the maximum income tax deduction for pension income from $6,000 to the maximum allowable social security benefit reduced by any social security benefits and railroad retirement benefits actually received by the taxpayer. The deduction is required to be adjusted annually to reflect the annual cost-of-living adjustment in social security benefits.

LD 459 **An Act To Reduce the Excise Tax on New Vehicles** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	ONTP	

This bill reduces the maker's list price by $3,000 for the first year for the purpose of calculating motor vehicle excise tax.

LD 460 **An Act To Amend the Municipal Excise Tax Reimbursement Fund Law** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FISHER	ONTP	

This bill amends the reimbursement procedure for municipalities with respect to excise tax on trucks more than 6 years old and registered for more than 26,000 pounds. Reimbursement is limited to the first 6 registration years.

The bill continues the current excise tax calculation method for trucks for the first 6 tax years, but for the 7th and subsequent tax years the excise tax is based on the vehicle's list price.

LD 527 **An Act To Expand Property Tax Benefits for Retired Citizens** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON W	ONTP	

This bill creates the retired senior resident homestead property tax exemption to provide a property tax exemption for retired persons of 50% of the just value of that person's homestead. A person is eligible if that person:

1. Is a permanent resident of this State and has had that status for the previous 5 years;

2. Is at least 65 years of age;

3. Is employed fewer than 20 hours per week; and

4. Has a Maine adjusted gross income of less than $50,000.

The State is required to reimburse the municipality 100% of the taxes lost due to the exemption.
A person must apply for the exemption annually, either by applying to the municipality and providing a copy of the person's income tax form or other suitable verification of income or by using the individual income tax form to obtain a refundable credit.

LD 528 **An Act To Make BETR Better** **PUBLIC 372**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N PERRY J	OTP-AM	H-453

This bill provides eligibility under the business equipment tax exemption for used property previously subject to property tax in the State as long as the primary purpose of the acquisition of the property was not to obtain eligibility for the exemption. The bill also makes it a Class E crime to claim an exemption when the primary purpose for the acquisition was to obtain eligibility.

Committee Amendment "A" (H-453)

This amendment clarifies that used qualified business property may qualify for the Business Equipment Tax Reimbursement program if it was first placed in service in the State, or constituted construction in progress commenced in the State, after April 1, 1995 and does not qualify for business equipment tax exemption.

Enacted Law Summary

Public Law 2007, chapter 372 clarifies that used qualified business property may qualify for the Business Equipment Tax Reimbursement program if it was first placed in service in the State, or constituted construction in progress commenced in the State, after April 1, 1995 and does not qualify for business equipment tax exemption.

LD 529 **An Act To Encourage Newly Retired Veterans To Reside in Maine** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	OTP-AM A OTP-AM B ONTP C	H-560

This bill exempts from the state income tax all military pension and survivors' benefits for military personnel retiring on or after January 1, 2007 received by a Maine resident as a result of service in the active or reserve components of the Army, Navy, Air Force, Marines or Coast Guard.

Committee Amendment "A" (H-559)

This amendment is the majority report of the committee. It strikes and replaces the appropriations and allocations section.

Committee Amendment "B" (H-560)

This amendment is the minority report of the committee. It limits the income tax exemption for newly retired veterans to $15,000.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 530 **An Act To Encourage Open Space through Current Use Taxation of Open Space Land Set Aside for Long-term Protection from Development** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
HILL		

This bill permits an 85% reduction in property taxes for open space land set aside for long-term protection in a municipality where the voters have determined that there is a critical need for open space land. The withdrawal penalty for open space land set aside for long-term protection is the same as for withdrawal of farmland from classification which is the minimum constitutional penalty.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 531 **An Act To Improve the Method of Taxing Natural Gas for Highway Use** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to change the method of taxing compressed natural gas used in vehicles so that the BTU value is more accurately reflected and accounted for in determining the tax.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 543 **Resolve, To Establish the Maine Tree Growth Tax Law Review Committee** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO		

This resolve establishes the Maine Tree Growth Tax Law Review Committee to examine and make recommendations regarding a number of administrative issues related to the Maine Tree Growth Tax Law. The committee is required to submit a report of its findings and recommendations to the Joint Standing Committee on Taxation no later than December 15, 2007.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 544 **An Act To Provide Maine Land Conservation Tax Incentives** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON	OTP-AM MAJ ONTP MIN	H-528

This bill provides a transferable income tax credit for voluntary contributions of land for conservation and for conservation easements that qualify as charitable donations under the federal income tax. The credit is equal to 25% of the value of the donation up to $500,000 for corporate donors and $250,000 for other donors.

Committee Amendment "A" (H-528)

This amendment decreases the total amount of the credit from 25% to 15% of the value of the donation, provides that the credit is refundable up to 20% per year instead of being transferable and requires the Commissioner of Conservation to adopt major substantive rules to ensure maximum state benefit from the credit and to ensure that smaller landowners are the primary users of the credit. The amendment also provides that the credit begins with the 2009 tax year and expires after 5 years.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 558 **An Act To Create Fairness in the Motor Vehicle Excise Tax by Implementing the Recommendations of the Secretary of State's Task Force on Registration Fees** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PENDLETON	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement the recommendations of the Secretary of State's task force to study the motor vehicle excise tax and motor vehicle registration fees. The recommendations include:

1. Flattening the current excise tax rate imposed on motor vehicles to provide for a lower initial rate from the current 24 mills and a more gradual decrease in the rate;

2. Phasing in gradually a decrease in the top excise tax rate from 24 mills to 18 mills, the national average;

3. Enhancing the vehicle registration form to make it clear that the motor vehicle excise tax is municipal revenue to be used by the municipality at its discretion;

4. Requiring municipalities to include in their town reports an explanation of the implementation and

distribution of the motor vehicle excise tax; and

5. Developing an educational program, working in conjunction with the Maine Municipal Association, to allow municipal agents who collect motor vehicle excise taxes to provide consistent and correct information to citizens regarding the use of motor vehicle excise tax revenue by the municipality.

LD 559 **An Act Regarding the Valuation of Land within Buffer Areas Established under the Natural Resources Protection Laws** **PUBLIC 389**

Sponsor(s)	Committee Report	Amendments Adopted
JOY	OTP-AM	H-505

This bill provides that land and buffer areas designated by the Department of Inland Fisheries and Wildlife as significant wildlife habitat under the natural resources protection laws may be classified as open space land and taxed at their current use value for property tax purposes. If a current use value is not available, the land may receive a reduction in just value for property tax purposes of at least 50%.

Committee Amendment "A" (H-505)

This amendment eliminates provisions for open space valuation and clarifies that designation of land as significant wildlife habitat is one of the relevant factors that must be considered by local tax assessors when determining the just value of land.

Enacted Law Summary

Public Law 2007, chapter 389 clarifies that designation of land as significant wildlife habitat under the natural resources protection laws is one of the relevant factors that must be considered by local tax assessors when determining the just value of land.

LD 562 **An Act To Adopt a Flat Corporate Income Tax** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P	ONTP	

This bill repeals the 4-tiered corporate income tax rate and replaces it with a flat rate of 8.5%, which is intended to produce the same amount of revenue.

LD 566 **An Act To Increase the Property Tax Exemption for Certain Veterans and Surviving Spouses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	ONTP	

This bill increases the property tax exemption from $5,000 to $15,000 provided to the estates of veterans who served in specified federally recognized war periods.

See also LD 172.

LD 567 **An Act To Expand Tax Incentives for Conservation Easements** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NASS R	ONTP	

This bill establishes an income tax deduction for contributions of conservation easements that qualify for a federal charitable deduction. This deduction continues under state law even if the federal deduction expires, as currently scheduled, at the end of 2007.

LD 569 **An Act To Reduce Maine's Income Tax Rates by 50 Percent** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH D	ONTP MAJ OTP-AM MIN	

This bill reduces the individual and corporate income tax rates by 50% beginning in the 2007 tax year.

LD 570 **An Act To Authorize a Local Option Sales Tax To Reduce Property Taxes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

This bill allows municipalities to impose a 1% local option sales tax by local referendum as long as at least 90% of the revenue collected is used to reduce the property tax.

LD 582 **An Act To Create Fairness in Maine's Property Taxes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	ONTP	

This bill requires municipalities to conduct a full revaluation of taxable property for property tax purposes every 9 years with real property updates every 3 years.

LD 600 **An Act To Improve Revenue Sharing** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to repeal state-municipal revenue sharing. The total savings to the State would be used to fund an increase in the homestead property tax exemption to reduce property taxes on homestead residential property.

LD 610 **An Act To Reform the Taxation of Malt Liquor and Wine** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS P		

This bill taxes beer, wine and sparkling wine at the uniform rate of 12¢ per ounce of pure alcohol that each contains. The tax is broken down as 10¢ for the excise tax to the General Fund and 2¢ as the premium tax for the prevention fund. It is estimated that these changes will double revenue to the General Fund and increase slightly the prevention fund from the alcohol premium tax.

This bill was indefinitely postponed without reference to Committee.

LD 623 **An Act To Change the Standard State Tax Deduction for Married People Filing Jointly to $10,000** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD MCCORMICK	ONTP	

This bill conforms the standard deduction under the state income tax to the federal standard deduction beginning with the 2007 tax year.

LD 624 **An Act To Increase the Maine Resident Homestead Property Tax Exemption Amount to $25,000** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SIROIS NUTTING J	ONTP	

This bill increases the Maine resident homestead property tax exemption from $13,000 to $25,000.

LD 639 **An Act To Clarify the Application of the Real Estate Transfer Tax in Regards to Section 1031 Exchanges** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY DOW	ONTP	

This bill clarifies that the real estate transfer tax applies to the transfer of real property to a qualified intermediary pursuant to Section 1031 of the Internal Revenue Code and does not apply to the transfer of real property from a qualified intermediary.

LD 640 **An Act To Assess Farm Buildings at Current Use Value** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOLMAN NUTTING J	ONTP	

This bill allows buildings used for farming or agricultural activities that are located on farmland to be assessed at their current use value.

LD 641 **An Act To Amend the Nonresident Income Tax Filing Requirements** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY NASS R	OTP-AM MAJ ONTP MIN	H-602

This bill amends the minimum taxability threshold for nonresidents by increasing from 10 to 45 the number of days a nonresident must be performing personal services in Maine before the compensation is considered Maine-source income. This bill also establishes a number of personal services that, when performed in Maine, do not count towards the 45-day threshold.

Committee Amendment "A" (H-602)

This amendment provides new minimum taxability thresholds for nonresidents. The new thresholds permit greater income-earning activity by nonresidents in the State before Maine income tax liability is triggered. The amendment also excludes from the determination of taxability in the State up to 24 days of personal services related to certain training, management functions, equipment upgrade and new investment. The amendment also adds an appropriations and allocations section.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 665 **An Act Regarding the Calculation of Tree Growth Reimbursements to Municipalities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLETT	ONTP	

This bill changes the formula for calculation of state reimbursement to municipalities for lost revenue under the Maine Tree Growth Tax Law by deleting the adjustment for additional general purpose aid for local schools resulting from the reduced state valuation due to tree growth valuations.

LD 668 **An Act To Reallocate Revenues from the Real Estate Transfer Tax** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NASS R	ONTP	

This bill requires that, of the portion of real estate transfer tax revenue transferred to the General Fund, the Treasurer of State transfer the first $2,000,000 to the Land for Maine's Future Fund.

LD 690 **An Act Regarding the Sales Tax** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the sales tax laws in the following ways:

1. All statutory exemptions from the sales tax would be repealed;

2. The general sales tax rate would be lowered from 5% to 3%;

3. Each business or person collecting sales tax would be entitled to retain 1/2 cent of the 3 cents per dollar imposed;

4. A mechanism would be established to increase or decrease the sales tax rate based on projected revenue shortfalls or surpluses; and

5. All revenue generated by this bill above current sales tax revenue would be used to decrease property tax rates through such methods as increasing education funding and raising the homestead property tax exemption amount.

LD 693 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Authorize the Legislature To Allow Municipalities To Exempt from Property Tax a Portion of the Value of Homesteads** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH	ONTP	

This resolution proposes to amend the Constitution of Maine to allow the Legislature to allow a municipality to establish a local homestead property tax exemption program by exempting a portion of the just value of an owner's principal residence from taxation.

LD 716 **Resolve, Regarding Legislative Review of Chapter 324: ConnectME Tax Reimbursements, a Major Substantive Rule of Maine Revenue Services** **RESOLVE 26 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI	OTP	

This resolve provides for legislative review of Chapter 324: ConnectME Tax Reimbursements, a major substantive rule of Maine Revenue Services regarding reimbursement of sales tax on machinery and equipment used to develop advanced communications technology infrastructure.

Enacted Law Summary

Resolve 2007, chapter 26 provides legislative authorization for adoption of a major substantive rule, of the Department of Administrative and Financial Services, Bureau of Revenue Services, Chapter 324: ConnectME Tax Reimbursements, regarding reimbursement of sales tax on machinery and equipment used to develop advanced communications technology infrastructure.

Resolve 2007, chapter 26 is an emergency measure that took effect May 16, 2007.

LD 735 **An Act To Provide an Income Tax Exemption for Active Duty Military Pay and Disability Military Pay** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
VAUGHAN SULLIVAN	ONTP	

This bill exempts from income tax income received by an individual for active duty in the Armed Forces of the United States or as compensation for a disability as a veteran of the Armed Forces of the United States.

LD 736 **An Act To Require Notification before Withdrawal of Land from Classification under the Maine Tree Growth Tax Law for Failure To File Certain Statements** **PUBLIC 425**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON MARTIN	OTP-AM	H-577

This bill requires the State Tax Assessor or municipal assessor to provide notice to a landowner who fails to timely file the sworn statement and allow the landowner 6 months to file the sworn statement to avoid having the parcel withdrawn from valuation under the tree growth tax law.

Committee Amendment "A" (H-577)

This amendment replaces the bill and provides that before withdrawing land from classification under the Maine Tree Growth Tax Law the local tax assessor must have provided notice to the owner of the deadline for filing required statements and allowed the landowner 60 days to respond to the notice. The amendment also adds a mandate preamble.

Enacted Law Summary

Public Law 2007, chapter 425 provides that before withdrawing land from classification under the Maine Tree Growth Tax Law the local tax assessor must provide notice to the owner of the deadline for filing required statements and allow the landowner 60 days to respond to the notice.

LD 737 **An Act To Promote Forest Management Planning and Certification** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON MARTIN	OTP-AM	H-585

This bill increases the tax credit for forest management planning from a maximum of $200 every 10 years to a maximum of $400 every 10 years. This bill also includes the cost of obtaining independent 3rd-party certification and recertification of the forest land from a licensed professional forester as an expense that may be applied towards the credit.

Committee Amendment "A" (H-585)

This amendment clarifies the expansion in the bill of the credit to the cost of 3rd-party certification and recertification and provides that the total amount of credits claimed by an individual in any 10-year period may not exceed $400.

This bill was removed from the Special Appropriations Table, recommitted and carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 738 **An Act To Assist the Community Affected by the Closure of the Cutler Naval Base** **P & S 21 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY EDMONDS	OTP-AM	H-558

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to relax restrictions on the creation of new state tax increment financing districts to allow a municipality that has lost a military base to establish a tax increment financing district.

Committee Amendment "A" (H-558)

This amendment replaces the bill and authorizes the Commissioner of Economic and Community Development to approve as tax increment financing project costs for the former naval base in Cutler certain costs related to school, public safety and recreation improvements to make the area more attractive for residential and commercial development.

Enacted Law Summary

Private and Special Law 2007, chapter 21 authorizes the Commissioner of Economic and Community Development to approve as tax increment financing project costs for the former naval base in Cutler certain costs related to school, public safety and recreation improvements to make the area more attractive for residential and commercial development.

Private and Special Law 2007, chapter 21 is an emergency measure that took effect June 20, 2007.

LD 739 **Resolve, Directing the Department of Economic and Community Development To Review and Report on Whether a State Tax Increment Financing Structure Should Be Established To Support Economic Development in Washington County** **RESOLVE 123**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A RAYE	OTP-AM	H-523

This resolve requires the Department of Administrative and Financial Services, Bureau of Revenue Services to conduct a study to develop a tax increment financing proposal that will support the Washington County Development Authority's economic development programs and to report its findings, along with proposed legislation, to the Legislature and the Joint Standing Committee on Taxation by February 1, 2008.

Committee Amendment "A" (H-523)

This amendment replaces the study in the resolve with a review analyzing a state tax increment financing mechanism for Washington County and changes the department conducting the review to the Department of Economic and Community Development.

Enacted Law Summary

Resolve 2007, chapter 123 requires the Department of Economic and Community Development to conduct a review analyzing the potential for a state tax increment financing mechanism for Washington County.

LD 760 **An Act To Reduce the Excise Tax on Certain Commercial Vehicles** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	ONTP	

This bill provides a 50% decrease in the excise tax imposed on commercial vehicles that are driven on public ways less than 50% of the annual total miles driven.

LD 761 **An Act To Enable Municipalities To Establish Municipal Land Banks Funded by Local Option Real Estate Transfer Taxes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR	ONTP	

This bill authorizes municipalities to impose a municipal real estate transfer tax to fund a land bank program. Approval for both the tax and the land bank must be obtained by referendum. This bill places restrictions on the tax rate and uses of the tax.

LD 762 **An Act To Enhance a Community's Capacity To Support Affordable Housing** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	ONTP	

This bill allows a municipality to impose a local option real estate transfer tax of 1% on the transfer of single family residential property sold for more than $500,000. Revenue from the tax must be distributed by the municipality levying the tax to local nonprofit housing organizations for the purpose of building, buying or developing affordable rental and owner-occupied housing in the municipality for individuals or families whose total adjusted gross income is less than 120% of the median income for the United States Department of Labor district in which the eligible property was sold. If the municipality does not have a local nonprofit housing organization, the municipality must send the revenue to the Maine State Housing Authority.

LD 780 **Resolve, Directing the Commissioner of Economic and Community Development To Convene a Working Group To Advance the Redevelopment of Mill Buildings** **RESOLVE 103**

Sponsor(s)	Committee Report	Amendments Adopted
BEAUDETTE	OTP-AM	H-499

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact a series of incentives designed to encourage mill building and mill complex redevelopment. Some of the incentives may include sales and use tax exemptions for business occupants and the ability to bundle enterprises within a mill building or complex to qualify for other tax benefits.

Committee Amendment "A" (H-499)

This amendment replaces the concept draft and requires the Commissioner of Economic and Community Development to establish a working group to evaluate options to encourage the redevelopment of mill buildings. The working group must submit its findings by February 1, 2008.

Enacted Law Summary

Resolve 2007, chapter 103 requires the Commissioner of Economic and Community Development to establish a working group to evaluate options to encourage the redevelopment of mill buildings. The working group must submit its findings by February 1, 2008.

LD 786 **An Act To Establish the Maine Land Bank and Community Preservation Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to create a land bank program to provide tax relief to property owners in the State who pledge to retain their residential property or maintain the use of their commercial property for at least 5 years. The program requires an amendment to the Constitution of Maine, Title IX, Section 8 concerning the taxation of real estate according to its just value. The program is similar to the Maine Tree Growth Tax Law, and the program's elements include:

1. An owner of real property in the State regardless of residency is eligible for participation in the program;

2. The property for which the relief is given is separated into 3 classes: primary residence, secondary residence and commercial property;

3. Tax relief for a property that is a primary residence is determined based upon criteria such as how long the property has been owned by the owner or the owner's immediate family, the size of the property and whether the owner is self-employed and works from the property;

4. Tax relief for a property that is a secondary residence is determined based upon criteria such as how long the

property has been owned by the owner or the owner's immediate family, the size of the property, whether the property has seasonal or year-round use and utilities and its valuation;

5. Tax relief for a commercial property is determined based upon criteria such as how long the property has been owned by the owner or owner's immediate family, how long the business has been operated in the same manner, the size of the property and the nature of the ownership such as sole proprietorship, closely held corporation, foreign corporation or franchise;

6. Tax relief is provided based upon an owner's pledge to retain ownership of a primary or secondary residence or not to allow a change of use of a commercial property for at least 5 years, which may be renewed in 5-year intervals;

7. Tax relief is determined by basing the property's value on a look-back period of 5 years preceding the property's admission into the program and beginning the valuation at 100% using the state-certified ratio for that year and adjusting the value based upon the criteria for that class of property; and

8. The penalty for withdrawing from the program before the end of the 5-year period is 10% of the capital gains incurred by the transfer of the residential property or change of use of the commercial property.

LD 787 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY	ONTP	

This constitutional resolution amends the Constitution of Maine to provide the Legislature the authority to allow a municipality to reduce property taxes on real property if the owner agrees to retain ownership of the property within the owner's immediate family for a period of not less than 5 years.

LD 788 **An Act To Dedicate 20 Percent of the Sales Tax on Motor Vehicles to the Highway Fund** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS		

This bill dedicates 20% of the revenue collected from the sales tax imposed on motor vehicles to the General Highway Fund. The current sales tax on motor vehicles is 5%. This bill maintains that rate but dedicates 20% of the revenue from the sales tax imposed on motor vehicles, which is equivalent to 1% of the taxable sales that are subject to the 5% tax.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 789 **Resolve, Directing the Bureau of Revenue Services To Convene a Study Group on the Motor Vehicle Excise Tax** **RESOLVE 107**

Sponsor(s)	Committee Report	Amendments Adopted
SIROIS	OTP-AM	H-524

This bill decreases the excise tax imposed on motor vehicles for the first year from 24 mills to 20 mills and for the 2nd year from 17 1/2 mills to 16 1/2 mills.

Committee Amendment "A" (H-524)

This amendment replaces the bill with a resolve and directs the Department of Administrative and Financial Services, Bureau of Revenue Services to convene a study group on the motor vehicle excise tax and report to the Joint Standing Committee on Taxation by January 15, 2008.

Enacted Law Summary

Resolve 2007, chapter 107 directs the Department of Administrative and Financial Services, Bureau of Revenue Services to convene a study group on the motor vehicle excise tax and report to the Joint Standing Committee on Taxation by January 15, 2008.

LD 802 **An Act To Ensure the Income Tax for Pensions Is Applied Fairly by Eliminating Reductions of Social Security and Railroad Benefits** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

This bill eliminates the reduction for social security and railroad benefits in the calculation of the income tax deduction for pension income.

This bill also eliminates references to "military retirement plan" because benefits received under such a plan are no longer an exception to the allowed reduction.

LD 811 **An Act To Exempt Dietary Supplements from the Sales Tax** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BOLAND	ONTP	

This bill exempts dietary supplements, as defined, from sales tax. The definition for dietary supplements is the same as in the federal Dietary Supplement Health and Education Act of 1994.

LD 816 **An Act To Improve the Historic Preservation Tax Credit** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	OTP-AM	S-115

Current law provides a refundable tax credit of up to $500,000 per year to a national historic landmark developer, which is defined as a person that owns 2 or more structures located in the Kennebec Arsenal District National Historic Landmark.

This bill provides a refundable tax credit of up to $1,500,000 per year to a local historic landmark developer, which is defined as a person who owns or has entered into a contract to purchase 2 or more buildings that are listed on the

National Register of Historic Places and that are located in a tax increment financing district, in a Pine Tree Development Zone and in Waterville.

Committee Amendment "A" (S-115)

This amendment provides that the credit provided by the bill is available to qualified taxpayers eligible for a federal historic rehabilitation credit with regard to the Lockwood Mill Historic District in Waterville, Maine and eliminates other requirements specified in the bill. The amendment also clarifies the process for applying the credit and deletes the application date, which is unnecessary.

This bill was placed on the Special Appropriations Table and died on adjournment.

See also LDs 262 and 1356. Similar provisions were included in the biennial budget bill, Public Laws 2007, Chapter 240, Part NNNN.

LD 828 **An Act To Change the Process for Applying for Reimbursement of Fuel Taxes** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
CURTIS	OTP-AM	H-525

This bill provides that a person who is entitled to a refund of fuel taxes may apply for reimbursement of these taxes by filing a refund application on a schedule to be filed with that person's income tax return. The bill eliminates the 1¢ per gallon reduction in the amount of fuel taxes reimbursed and reimburses a person for the total of the eligible taxes. It also eliminates provisions regarding interest on unpaid claims and the time for filing that are no longer applicable to a refund application filed on a schedule with a person's income tax return.

Committee Amendment "A" (H-525)

This amendment extends the period for application for motor fuel tax refunds from 12 months to 15 months from the date of purchase, extends from 30 days to 90 days the time period for the State to make motor fuel refund payments without being required to pay interest and repeals provisions for state retention of a portion of the tax.

LD 828 was removed from the Special Highway Table and indefinitely postponed.

LD 829 **An Act To Create a Back-to-school Sales Tax-free Weekend Each Year** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCLEOD	ONTP	

This bill establishes an annual sales tax-free weekend during the 3rd full weekend of August.

LD 849 **An Act To Amend the Laws Governing Eligibility for the Maine Residents Property Tax Program** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY	OTP-AM MAJ ONTP MIN	

This bill amends the Maine Residents Property Tax Program, also known as the Circuitbreaker Program, by including homesteads occupied by claimants that are qualified personal residence trusts or personal residence trusts. A qualified personal residence trust, or "QPERT," is a trust the governing instrument of which prohibits the trust from holding, for the original duration of the term interest, any asset other than one residence to be used or held for use as a personal residence of the term holder and qualified proceeds. A residence is held for use as a personal residence of the term holder as long as the residence is not occupied by any other person, other than the spouse or a dependent of the term holder, and is available at all times for use by the term holder as a personal residence.

LD 850 **An Act To Reduce Taxes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WATSON EDMONDS	ONTP	

This bill provides a framework for comprehensive income and sales tax reform.

Part A reduces the top rate of the individual income tax from 8.5% to 8.25% for all filing statuses.

Part B increases the earned income credit from 5% of the federal credit to 25% and makes it refundable.

Part C makes the standard deduction under the income tax the same as at the federal level, starting in 2007.

Part D makes the personal exemption under the income tax the same as at the federal level, starting in 2007.

Part E restores conformity with federal law with regard to the deduction of business expenses under Section 179 of the United States Internal Revenue Code.

Part F repeals sales tax exemptions for packaging materials, sales by schools and school-sponsored organizations, ships' stores, railroad track materials and snacks and repeals special treatment of vending machine sales. Part F extends the sales tax to certain long-term rentals, consumer interstate telephone calls, amusement and recreational services, personal property services, personal services, real property services, lawn and landscaping services and taxi and limousine services. Part F also extends the service provider tax to telephone directory advertising, rental and leases of all tangible personal property and motor vehicle parking.

Part G increases the sales tax on short-term auto rentals from 10% to 15%. It increases the sales tax on lodging and prepared food and liquor at licensed establishments from 7% to 8% and provides that the additional revenue from the increase in the tax on meals and lodging is transferred to the Maine Quality Places Fund, which is established to promote conservation of quality places, outdoor recreation and high-quality tourism. Part G also provides that 0.5% of the revenue from the sales tax is transferred to the Outdoor Fund, which is established to support activities of the Department of Conservation and the Department of Inland Fisheries and Wildlife. The

transfer to the Outdoor Fund equals approximately the amount of sales tax revenue attributable to recreational and sporting equipment, including guns.

Part H establishes an excise tax on soft drinks equal to $4 per gallon of syrup and 42¢ per gallon of bottled soft drinks.

Part I changes the rate structure for the real estate transfer tax to provide that a transferor and a transferee of property must each pay a transfer tax starting at $1 per $1,000 of value of the property for property valued at less than $100,000, increasing to $7 per $1,000 of value for real estate with a value of $1,000,000 or more. The revenue from the portion of the tax received to the State and attributable to transfers by deed tax is credited 65% to the General Fund and 35% to the Housing Opportunities for Maine Fund.

Part J increases the low-income tax credit from $2,000 to $4,000.

Part K increase the maximum benefit under the Maine Residents Property Tax Program from $2,000 to $3000.

Part L requires the State to reimburse municipalities for 100% of taxes lost by reason of the homestead property tax exemption.

Part M provides that a lien for unpaid property taxes may not be foreclosed against the homestead of a person who is at least 65 years of age and has lived in the homestead for at least 10 years until the property is transferred by deed or upon death. Liens would continue in effect and would accrue interest until the lien is satisfied.

LD 872 **An Act To Exempt Military Pensions and Survivors' Benefit Payments from State Income Tax** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
LANSLEY	OTP-AM A OTP-AM B ONTP C	H-555

This bill exempts from the state income tax all military pension and survivors' benefits for military personnel received as a result of service in the active or reserve components of the Army, Navy, Air Force, Marines or Coast Guard.

Committee Amendment "A" (H-555)

This amendment amends the appropriations and allocations section for administrative costs.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 877 **An Act Regarding the Homestead Exemption as It Applies to Certain Housing Cooperatives** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TARDY	ONTP	

This bill treats the State's 50% reimbursement to municipalities for taxes lost by reason of the homestead exemption as property tax for purposes of tax increment financing district credit enhancement reimbursements.

LD 879 **An Act To Authorize a Local Option Homestead Exemption (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

This bill allows a municipality to adopt a local option homestead property tax exemption program that provides an exemption of up to 20% of the just value of the homestead. Eligibility criteria for the local option homestead property tax exemption must be the same as for the state homestead property tax exemption program. The benefit available under the local homestead exemption is in addition to the benefit available under the state homestead exemption.

LD 881 **An Act To Create a Tax Break for Families That Make Less Than $25,000 Annually** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	ONTP	

This bill increases the income tax rate schedule bracket amounts, beginning with tax year 2007, by $6,050. The effect of this bill is to increase the amount of taxable income that is taxed at rates below the top rate of 8.5%.

LD 885 **An Act To Implement the Recommendations of the Commission To Study the Costs of Providing Certain Services in the Unorganized Territories** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted

This bill implements the recommendations of the Commission to Study the Cost of Providing Certain Services in the Unorganized Territories established by Resolve 2005, chapter 125.

Part A provides authority for county commissioners to impose service fees for certain types of services provided in the unorganized territory. Service fees must be based on the actual cost of providing the service, imposed only on persons actually receiving the service and imposed on all similarly situated persons receiving the service. Revenues must be used to reduce property taxes.

Part B changes the method of assessing areas under the jurisdiction of the Maine Land Use Regulation Commission for the cost of providing services. The unorganized territory will be assessed a fee equal to .014% of state valuation. Towns and plantations under the jurisdiction of the Maine Land Use Regulation Commission will be assessed a fee equal to .025% of state valuation, reflecting a higher amount of commission activities in those areas. The commission is required to report during the First Regular Session of the 124th Legislature regarding financial matters.

Part C provides that the Commissioner of Education may not provide or reimburse parents for providing transportation for students over roads that have not been accepted by the county as public roads or that do not meet Department of Transportation standards. Reimbursement to parents for transportation of a student will not be permitted beginning in fiscal year 2008-09.

Part D requires the State Controller to establish an Unorganized Territory Education and Services Fund that is in accordance with the standards of a governmental accounting standards board as they apply to financial statements.

Part E increases the fee paid to agents collecting motor vehicle and watercraft excise taxes in the unorganized territory from $4 to $6.

Part F makes technical changes to update language and statutory references and repeals an obsolete provision in the laws relating to the funding of services in the unorganized territory.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 893 **An Act To Exempt from Excise Tax Maine Military Personnel Who Are Serving Their Tours of Duty in Maine** **PUBLIC 404**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD MCCORMICK	OTP-AM	H-580

This bill provides a motor vehicle excise tax exemption for all members of the United States Armed Forces, regardless of their state of residency, who are permanently stationed at a military or naval post, station or base in Maine. The exemption does not apply to members of the National Guard or the Reserves of the United States Armed Forces.

Committee Amendment "A" (H-580)

This amendment clarifies that the motor vehicle excise tax exemption applies to motor vehicles owned by an eligible active duty service member and adds an effective date.

Enacted Law Summary

Public Law 2007, chapter 404 provides a motor vehicle excise tax exemption for vehicles owned by members of the United States Armed Forces, regardless of their state of residency, who are permanently stationed at a military or naval post, station or base in Maine. The exemption does not apply to members of the National Guard or the Reserves of the United States Armed Forces.

LD 900 **An Act To Reduce the Capital Gains Tax** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER		

This bill removes a portion of net positive long-term capital gains from income for the purposes of calculating income tax liability. This bill also increases the cigarette tax by $1.00 per pack, increases the tobacco products tax on smokeless tobacco from 78% to 117% of the wholesale sales price and increases the tax on other tobacco products from 20% to 30% of the wholesale sales price.

This bill was indefinitely postponed without reference to Committee.

LD 919 **An Act To Clarify the Sales Tax and Service Provider Tax Exemptions for Nonprofit Ambulance Services** **PUBLIC 419**

Sponsor(s)	Committee Report	Amendments Adopted
MILLETT RAYE	OTP-AM	S-366 ROTUNDO

This bill expands an existing sales and use tax exemption for incorporated nonprofit fire departments and ambulance services to include air ambulance services that are limited liability companies, all of whose members are nonprofit organizations. The bill also adds a similar exemption to the service provider tax law. The exemption provisions apply retroactively to sales that occurred and leases that were entered into prior to the effective date of the legislation.

Senate Amendment "A" (S-366)

This amendment strikes the retroactivity section from the bill.

Enacted Law Summary

Public Law 2007, chapter 419 expands an existing sales and use tax exemption for incorporated nonprofit fire departments and ambulance services to include air ambulance services that are limited liability companies, all of whose members are nonprofit organizations. Chapter 419 also adds a similar exemption to the service provider tax law.

LD 920 **An Act To Repeal the Maine Use Tax** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA SNOWE-MELLO	OTP-AM MAJ ONTP MIN	

This bill repeals the use tax.

LD 936 **An Act To Protect the Housing Opportunities for Maine Fund** **PUBLIC 427**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT M	OTP MAJ ONTP MIN	

This bill prohibits the Governor or the Legislature from diverting revenues payable to the Housing Opportunities for Maine Fund and requires legislation proposing to lower the percentage of revenues to the HOME Fund from the Real Estate Transfer Tax be submitted to the joint standing committee of the Legislature with jurisdiction over affordable housing matters.

Enacted Law Summary

Public Law 2007, chapter 427 prohibits the Governor or the Legislature from diverting revenues payable to the Housing Opportunities for Maine Fund and requires that proposals to lower the percentage of revenues to the HOME Fund from the Real Estate Transfer Tax be submitted to the joint standing committee of the Legislature

with jurisdiction over affordable housing matters.

LD 937 **An Act To Exempt Qualifying Snowmobile Trail Grooming Equipment from State Sales Tax** **PUBLIC 429**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	OTP-AM	H-283
		S-353 ROTUNDO

This bill exempts from sales and use tax snowmobiles and snowmobile trail grooming equipment purchased by an entity that is eligible for partial reimbursement of that purchase from a capital equipment grants program administered by the Department of Conservation, Bureau of Parks and Lands.

Committee Amendment "A" (H-283)

This amendment removes the provision referencing a capital equipment grants program administered by the Department of Conservation, Bureau of Parks and Lands and limits the sales and use tax exemption to equipment used by nonprofit snowmobile clubs directly and exclusively for the grooming of snowmobile trails.

Senate Amendment "A" (S-353)

This amendment requires that at the end of each fiscal year the State Controller shall transfer from the Snowmobile Trail Fund to the unappropriated surplus of the General Fund an amount equal to the tax exemption for certain trail grooming equipment.

Enacted Law Summary

Public Law 2007, chapter 429 provides a sales and use tax exemption to equipment used by nonprofit snowmobile clubs directly and exclusively for the grooming of snowmobile trails and requires that at the end of each fiscal year the State Controller shall transfer from the Snowmobile Trail Fund to the unappropriated surplus of the General Fund an amount equal to the tax exemption for certain trail grooming equipment.

LD 945 **An Act To Require the State's Share of Local Aid to Education To Be Used for Property Tax Relief** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TURNER	ONTP	

This bill proposes that, beginning with fiscal year 2007-08, 90% of the growth in the State's share of local aid to education must be used to reduce the municipal property tax. The bill also provides that spending limits for local school administrative units may only be exceeded by a voter referendum called by petition of at least 10% of the number of voters at the last election for Governor.

LD 948 **An Act To Provide Relief to Maine Residents from Postsecondary Tuition Costs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	ONTP	

This bill establishes a program to provide an income tax credit to reimburse Maine residents for student loan payments when they earn a degree in the State and then live, work and pay taxes in the State thereafter. Any

Maine resident who earns a degree from any accredited Maine college, including community colleges, private colleges and all university campuses, may take advantage of the credit. Alternatively, an employer may make student loan payments for an employee and claim the credit. The State Board of Education is required to adopt a contract for eligible students.

See also LDs 53, 298, 368, 1815 and 1856.

LD 952 **An Act To Reduce the Income Tax** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	OTP-AM ONTP	S-281

This bill specifies how the Tax Relief Fund for Maine Residents is to be used to provide tax relief. It requires the State Tax Assessor to annually adjust the income tax rates and nontaxable income amount using funds in the Tax Relief Fund for Maine Residents. The bill specifies that 50% of the revenue is to be used to decrease individual income tax rates and 50% is to be used to increase the earned income tax credit. The new rates and credit would be applicable for the immediately succeeding tax year only. If insufficient funds exist to decrease the tax rates by at least one quarter of a percentage point each and increase the earned income tax credit by 5 percentage points, then the assessor is prohibited from making any adjustment for that year.

Committee Amendment "A" (S-281)

This amendment replaces the bill and requires the transfer to the Tax Relief Fund for Maine Residents, beginning in fiscal year 2009-10, of 15% of the growth in income tax revenues over the previous year. The joint standing committee of the Legislature having jurisdiction over taxation matters is authorized to submit legislation to provide income tax relief using money available in the fund.

This bill was removed from the Special Appropriations Table, recommitted and carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 954 **An Act To Reduce the Sales Tax on Business Energy** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP MAJ OTP-AM MIN	

This bill reduces to 2.5% the rate of sales tax imposed on electricity and fuel sold to a business.

LD 961 **An Act To Authorize an Alternative Calculation of the Property Growth Factor for Industrial Municipalities** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
THERIAULT		

This bill provides an alternative method for municipalities with significant amounts of personal property in their tax base to calculate their property growth factor for the purposes of determining their property tax levy limit

under the system in Public Law 2005, chapter 2, also known as "LD 1." Specifically, this bill allows municipalities with personal property growth exceeding 5% to calculate the property growth factor either on the basis of the previous year's data or the average of the 2 previous years' data in order to address the potential year-to-year volatility in property growth.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 962 **An Act To Reform and Lower Maine Taxes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CROCKETT	ONTP	

This bill implements tax reform in the following areas.

PART A allows persons eligible for benefits under the Maine Residents Property Tax Program, also known as the Circuitbreaker Program, to file for a refundable credit using the individual income tax form.

PART B increases the threshold a municipality must meet in order to qualify for so-called "revenue sharing 2" funds from 10 mills to 15 mills over a 5-year period.

PART C decreases the top rate income tax from 8.5% to 7.5%, conforms the personal exemption to the federal personal exemption and increases the earned income tax credit from 5% to 20% over a 5-year period and makes it refundable.

PART D expands the ability of a municipality to impose service charges on certain tax-exempt properties located in that municipality in the following ways.

PART E expands the definition of "taxable service" for purposes of the imposition of sales tax to include amusement, recreational and personal services and consumer purchases of transportation services and professional, club or fraternal memberships. It eliminates certain sales tax exemptions and increases the so-called "lodging tax" from 7% to 10% and the tax on prepared meals from 7% to 8%.

LD 1001 **An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	OTP-AM ONTP	S-321

This bill extends the business equipment property tax exemption to eligible property located at a retail sales facility with interior customer selling space that is smaller than 20,000 square feet.

Committee Amendment "A" (S-321)

This amendment adds an effective date of July 1, 2009 to the bill.

This bill was removed from the Special Appropriations Table, recommitted and carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1002 **An Act To Improve Access to and Awareness of the Circuitbreaker Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact measures to increase access to and awareness of the Maine Residents Property Tax Program, also known as the Circuitbreaker Program.

LD 1003 **An Act To Amend the Tax Credit for Biofuel Production** **PUBLIC 426**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	OTP-AM	S-182

This bill extends from 5 to 10 the number of taxable years a person may be entitled to the tax credit of 5¢ per gallon on income derived from the production of biofuel.

Committee Amendment "A" (S-182)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 426 extends from 5 to 10 the number of taxable years a person may be entitled to the tax credit of 5¢ per gallon on income derived from the production of biofuel.

LD 1005 **An Act To Amend the Tax Laws Concerning Certain Motor Vehicle Dealership Transactions** **PUBLIC 410**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	OTP-AM	S-233

This bill amends the laws regarding the taxability of certain motor vehicle dealership transactions by:

1. Excluding from the definition of "retail sale" the sale of motor vehicles required by a franchise agreement to be used by service customers of the new car dealer;

2. Exempting from the sales and use tax the use of a loaner vehicle by a service customer of a new car dealer pursuant to a manufacturer's or dealer's warranty. Loaner vehicles that are provided to a service customer but not pursuant to a warranty are taxed at the same rate as a short-term automobile rental, 10% ; and

3. Specifying that dealers can sell vehicles under certain circumstances on a tax-exempt basis as long as the vehicle is removed from the State immediately and for more than one year.

Committee Amendment "A" (S-233)

This amendment:

1. Revises the sales tax methodology on extended service contracts on automobiles; rather than through the current formula, which subjects parts and a percentage of the deductible on all such contracts to sales tax at the time service is provided, the tax will be assessed at the time of the sale.

2. Removes the change made by the bill that removed the distinction between domestic and foreign limited liability companies in the definition of "nonresident" for purposes of the exemption; and

3. Adds a retroactive application section exempting amounts charged or collected on loaner vehicles after November 1, 2002 unless the tax was paid and the person paying did not appeal that payment.

Enacted Law Summary

Public Law 2007, chapter 410 amends the laws regarding the taxability of certain motor vehicle dealership transactions by:

1. Excluding from the definition of "retail sale" the sale of motor vehicles required by a franchise agreement to be used by service customers of the new car dealer;

2. Exempting from the sales and use tax the use of a loaner vehicle by a service customer of a new car dealer pursuant to a manufacturer's or dealer's warranty. Loaner vehicles that are provided to a service customer but not pursuant to a warranty are taxed at the same rate as a short-term automobile rental, 10% ;

3. Exempting from sales and use tax the sale of vehicles under certain circumstances to a qualifying resident business if the vehicle is removed from the State immediately and for more than one year; and

4. Revises the sales tax methodology on extended service contracts on automobiles; rather than through the current formula, which subjects parts and a percentage of the deductible on all such contracts to sales tax at the time service is provided, the tax will be assessed at the time of the sale.

Provisions exempting amounts charged or collected on loaner vehicles apply retroactively to November 1, 2002 unless the tax was paid and the person paying did not appeal that payment.

LD 1006 **An Act To Ensure Fairness for Maine Businesses** **PUBLIC 328**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	OTP-AM MAJ ONTP MIN	S-260

This bill requires a person selling supplies, services, materials and equipment to the State to register with the State Tax Assessor as a seller and collect and remit sales tax as a condition of doing business with the State. The State is prohibited from doing business with an entity that fails to comply with this requirement.

Committee Amendment "A" (S-260)

This amendment limits the scope of the bill to purchases of $100,000 or more. It authorizes the State Purchasing Agent to withhold payments for noncompliance with the requirement to register with the Department of Administrative and Financial Services, Bureau of Revenue Services and collect, report and remit taxes. It also provides for the disclosure by the Department of Administrative and Financial Services, Bureau of Revenue Services to the State Purchasing Agent of the person's sales tax standing.

Enacted Law Summary

Public Law 2007, chapter 328 prohibits the State from purchasing $100,000 or more in personal property from a seller who is not registered as a retailer under the sales tax and who does not collect and remit sales tax. The State Purchasing Agent is authorized to withhold payments for noncompliance with the requirement to register with the Department of Administrative and Financial Services, Bureau of Revenue Services and collect, report and remit taxes. This law also provides for the disclosure by the Department of Administrative and Financial Services, Bureau of Revenue Services to the State Purchasing Agent of a person's sales tax standing.

LD 1010 **An Act To Ensure That Military Services Members Receive Deferment of Their Property Tax Obligations** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	ONTP	

This bill provides that a municipality may not impose any interest, penalties or enforcement action against military service members who owe property tax except to the extent permitted under the federal Servicemembers Civil Relief Act of 2003, which prohibits a state or local government from taking property of a service member for nonpayment of property taxes and provides for a maximum of 6% interest on unpaid tax obligations.

LD 1052 **An Act To Extend Eligibility for the Trade-in Credit to All Trailers** **PUBLIC 375**

Sponsor(s)	Committee Report	Amendments Adopted
BROWNE SAVAGE C	OTP-AM	H-497

This bill extends the eligibility for the sales tax trade-in credit to all trailers.

Committee Amendment "A" (H-497)

This amendment defines "trailer" and also subjects the casual sale of all trailers to the sales and use tax. The amendment extends the eligibility for the trade-in credit to all trailers, as in the bill.

Enacted Law Summary

Public Law 2007, 375 extends eligibility for the sales tax trade-in credit to all trailers and subjects the casual sale of all trailers to the sales and use tax.

LD 1062 **An Act To Provide Tax-exempt Status to Service Dog Trainers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS	ONTP	

This bill provides a sales tax exemption for purchases made by a nonprofit organization that trains service dogs used to assist persons with disabilities.

LD 1067 **An Act To Require the Payment of Property Taxes before a Refund May Be Issued under the Circuitbreaker Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	ONTP	

This bill changes the definition of "property taxes accrued" for purposes of calculating the benefit under the Circuitbreaker Program to mean taxes levied on the homestead and paid by the claimant. The bill also requires a person seeking reimbursement under the Circuitbreaker Program to provide proof of payment of the property taxes claimed with the application for reimbursement.

LD 1069 **An Act To Provide a Property Tax Exemption for Nonprofit Technology Centers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FINCH MARRACHE	ONTP	

This bill provides for a property tax exemption for nonprofit technology centers that are established pursuant to the Maine Revised Statutes, Title 5, section 15321.

LD 1093 **An Act To Exempt Dyed Fuel from the Sales Tax** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI	OTP-AM	H-454

This bill adds fuels used in farm tractors to the current sales tax exemption for products used in commercial agricultural crop production.

Committee Amendment "A" (H-454)

This amendment replaces the proposed sales tax exemption for fuels used in farm tractors with a sales tax exemption for dyed fuel.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 1094 **An Act To Exempt from the Sales Tax Water Used in Agricultural Production** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI		

This bill adds water to the current sales tax exemption for products used in commercial agricultural crop production.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1095 **An Act To Enhance the Maine Residents Property Tax Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FARRINGTON STRIMLING	ONTP	

This bill amends the Maine Residents Property Tax Program, also known as the "Circuitbreaker Program," by allowing an individual to apply for a benefit using the individual income tax form. The filing period for benefits under the Circuitbreaker Program is changed from August 1st to the following May 1st to January 1st to the following June 1st, beginning with benefit years beginning after 2006.

LD 1096 **An Act To Make Circuitbreaker Program Benefits Proportional If a Resident Moves** **PUBLIC 325**

Sponsor(s)	Committee Report	Amendments Adopted
PRESCOTT COURTNEY	OTP-AM	H-373

This bill allows a person who owns or rents a homestead for at least 6 months of the prior calendar year to obtain a portion of benefits under the Circuitbreaker Program based on the number of months the person occupied the homestead. This bill maintains the current requirement that the person be a resident of Maine for the entire prior year.

This bill also allows a person who owns and occupies more than one homestead during the year to be reimbursed for taxes owed for the time during which the person occupied each homestead. This reimbursement is determined by dividing by 12 months the property tax owed on each homestead during the year for which the claim is filed and multiplying that number by the number of months the property was occupied by the person as a homestead during that year.

Committee Amendment "A" (H-373)

This amendment deletes the provision of the bill that permitted an individual to qualify for circuitbreaker benefits if the resident occupied the homestead for at least 6 months. It also specifies the manner in which the circuitbreaker benefit is calculated for residents who move from one homestead to another during the year in which relief is requested.

Enacted Law Summary

Public Law 2007, chapter 325 allows a person who owns and occupies more than one homestead during the year to be reimbursed for taxes owed for the time during which the person occupied each homestead. This reimbursement is determined by dividing by 12 months the property tax owed on each homestead during the year for which the claim is filed and multiplying that number by the number of months the property was occupied by the person as a homestead during that year.

LD 1100 Resolve, Directing the Bureau of Revenue Services To Provide Guidance Regarding the Valuation of Certain Affordable Housing Property **RESOLVE 89**

Sponsor(s)	Committee Report	Amendments Adopted
SCHNEIDER	OTP-AM	S-289

This bill provides that low-income housing facilities that qualify for the low-income housing tax credit under the United States Internal Revenue Code of 1986, Section 42 are exempt from taxation in this State to the extent of the just value attributable in any way to or based in any way on the value exempted under the low-income housing tax credit.

Committee Amendment "A" (S-289)

This amendment replaces the bill with a resolve directing the Department of Administrative and Financial Services, Bureau of Revenue Services to prepare guidance for local assessors regarding appropriate methods of valuing property eligible for federal affordable housing credits.

Enacted Law Summary

Resolve 2007, chapter 89 directs the Department of Administrative and Financial Services, Bureau of Revenue Services to prepare guidance for local assessors regarding appropriate methods of valuing property eligible for federal affordable housing credits.

LD 1105 An Act To Strengthen Maine's Craft Brewers **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS PERRY J	OTP-AM	S-290

This bill provides tax incentives to Maine malt liquor brewers based on the amount of malt liquor produced in Maine and exported for sale outside of Maine. Specifically, this bill:

1. Provides a tax credit against the excise taxes imposed on alcohol manufactured and sold in Maine by a brewer equal to 17.5¢ per gallon of malt liquor manufactured and exported by that brewer. This tax credit is limited to 50% of the amount of excise taxes due from a brewer. The percentage of malt liquor that is eligible for the credit is 90% of the amount produced and exported and is reduced by 10% each year. If a brewer increases its production and export of malt liquor by 10% in a year, an additional credit is allowed for the excess; and

2. Expands the employment tax increment financing program to provide an enhanced reimbursement for qualified brewers who add qualified employees.

The bill also provides that the excise tax credit and enhanced employment tax increment financing reimbursement are repealed March 1, 2011 unless the Commissioner of Economic and Community Development certifies that the number of new employees of qualified brewers for which reimbursement was made in 2010 has increased at least 10% over total 2007 employment.

Committee Amendment "A" (S-290)

This amendment deletes provisions of the bill creating an export tax credit and adds provisions establishing the

Maine Craft Brewers Marketing Promotion Fund to provide grants to qualified brewers who agree to include the Department of Economic and Community Development's approved marketing insignia on all their marketed products.

This amendment also makes an ongoing general fund appropriation of $100,000 to fund the Maine Craft Brewers Marketing Promotion Fund.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 1109 **Resolve, To Establish a Study Commission To Reform Taxes and Spending in Maine** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BOWMAN		

This resolve establishes a study commission to review the Brookings Institution report, "Charting Maine's Future: An Action Plan for Promoting Sustainable Prosperity and Quality Places." The commission is to report back with suggested legislation for a yes or no vote, without amendments, on tax and spending reform for the State, with a focus on efficiency.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1112 **An Act To Exempt from Maine Taxes Wine Shipped to Other States** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	ONTP	

This bill exempts from excise tax taxes imposed on wine the sale of wine shipped by a manufacturer, bottler or rectifier licensed in Maine to an individual, retailer or distributor located in another state as long as the entity shipping the wine is authorized to ship wine into the receiving state.

LD 1131 **An Act To Establish a Sales Tax Rebate for Certain Vehicles** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLUMMER DIAMOND	ONTP	

This bill allows a sales tax trade-in credit to apply to the sale of the old motor vehicle within 6 months after the purchase of the new motor vehicle.

LD 1144 An Act To Provide Information to Property Tax Payers **PUBLIC 432**

Sponsor(s)	Committee Report	Amendments Adopted
SAMSON	OTP-AM MAJ	H-570
SNOWE-MELLO	ONTP MIN	S-387 PERRY J

This bill requires the State Tax Assessor to determine a standardized form for property tax bills issued by municipalities and provide this form to municipalities. The form must include the following information:

1. The amount or percentage by which the taxpayer's tax has been reduced by the distribution of state-municipal revenue sharing, state reimbursement for the Maine resident homestead property tax exemption and state aid for education;

2. The assessed value of a homestead, before and after the calculation of a Maine resident homestead property tax exemption, and the amount of the exemption applied to the homestead;

3. The percentage of property taxes distributed to education and local, county and state government;

4. The outstanding bonded indebtedness of the issuing municipality; and

5. The date interest begins to accrue.

Committee Amendment "A" (H-570)

This amendment removes provisions from the bill requiring certain property tax bills to be in a form determined by the State Tax Assessor and repeals a requirement in current law that requires property tax bills to contain a separate statement regarding the amount and impact of the homestead exemption. This amendment adds a mandate preamble and an appropriations and allocations section.

Senate Amendment "A" (S-387)

This amendment removes the General Fund appropriation.

Enacted Law Summary

Public Law 2007, chapter 432 changes the information that municipalities that issue property tax bills must provide with those bills in the following ways.

1. The percentage of property taxes distributed to education and local, county and state government must be stated;

2.. The outstanding bonded indebtedness of the issuing municipality must be stated; and

3. The current requirement that the property tax bill contain a calculation of assessed value before and after application of the homestead exemption is repealed.

LD 1145 **An Act To Impose a Real Estate Transfer Tax Based on the Value of the Property** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KOFFMAN	ONTP	

This bill changes the rate of the real estate transfer tax imposed on the buyer and seller of real property and the manner of imposition. The buyer of property is charged a flat tax of $2 per $1,000 of value of the property being purchased. The seller of the property is charged a tax rate dependent on the value of the property being sold, starting at $2 per $1,000 of value of the property for property valued at less than $300,000, increased for every $100,000 in property value by $1 per $1,000 of the value of the property being sold. A maximum tax rate of 1% of the value of the property being sold is reached for property valued at $1,000,000 or more.

Ten percent of the revenue from the tax is credited to the county where the tax was collected, 45% to the Maine State Housing Authority and 45% to the so-called circuit breaker reserve to fund the Maine Residents Property Tax Program.

LD 1155 **An Act To Include Fuel Economy when Calculating the Excise Tax on Motor Vehicles** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BABBIDGE NASS R		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the method of determining the rate of the excise tax imposed on motor vehicles to take into consideration the fuel economy of the vehicle. The manufacturer's suggested retail price, or "MSRP," would still be used to determine a portion of the tax but the remaining portion of the tax would be assessed according to a sliding scale based upon the median average miles per gallon of the vehicle, using the range posted for city and highway mileage, which, like the price, would be taken from the manufacturer's sticker. The new system would begin on January 1, 2008 and would be phased in over a 6-year period.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1167 **An Act To Permit a Local Option Sales Tax in Towns Adjacent to a National Park** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON		

This bill allows a town located close to a national park, such as Bar Harbor, to impose a 2% local option sales and use tax. Revenue from the tax, after the deduction of administrative costs, must be used to reduce the property tax rate. If, despite the use of all the revenue generated by the local option sales and use tax, the property tax rate, after adjustment for inflation, cannot be decreased below a level that is less than 1% higher than the previous year's property tax rate, then this bill requires a 2/3 vote of the governing body of the town to pass the budget containing the higher tax rate.

This bill was indefinitely postponed without reference to committee.

LD 1169 An Act Relating to Uncollectible Cigarette and Tobacco Taxes **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	S-183

This bill provides a mechanism for distributors of tobacco products and cigarettes who pay the cigarette tax up front to receive a credit for the tax paid by them on products for which the distributor is not paid and the distributor has been unable to reclaim.

Committee Amendment "A" (S-183)

This amendment clarifies that the methods used to charge off uncollectible debt conform to generally accepted accounting principles. It also establishes the distributor's discounted rate as the basis for the credit.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 1181 An Act To Reclassify Certain Tobacco Products **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM BARTLETT	ONTP	

This bill clarifies the laws with respect to cigarettes and cigars, for tax and other purposes. The bill reclassifies certain tobacco products such as little cigars, which are, in content, design, size and shape, substantially similar to traditional cigarettes. The bill also directs the State Tax Assessor to adopt rules to carry out the provision of the Maine Revised Statutes, Title 36, section 4382-A, which is enacted in the bill.

LD 1182 An Act To Enable the Creation of Tax Increment Financing Districts for Arts Districts **PUBLIC 413**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	OTP-AM	H-534

This bill amends the tax increment financing laws to permit their application to the development of municipal arts districts.

Committee Amendment "A" (H-534)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 413 amends the tax increment financing laws to permit their application to the development of municipal arts districts.

LD 1189 An Act To Expand the Maine Residents Property Tax Program **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

Under the Maine Residents Property Tax Program, also known as the Circuitbreaker Program, a person whose housing costs were subsidized by government programs that limit housing costs to a percentage of household income is ineligible to participate under the Circuitbreaker Program. This bill repeals that ineligibility, effective for application periods beginning on or after April 1, 2007.

LD 1192 An Act To Adjust Revenue Sharing Proportions for Education **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to change the formula for the distribution of state-municipal revenue sharing. Currently, revenue is transferred from the Local Government Fund to each municipality in proportion to the product of the population of the municipality multiplied by the property tax burden of the municipality. This bill proposes to distribute state-municipal revenue sharing funds to a municipality in proportion to that municipality's tax effort that exceeds the State average full-value rate for education.

LD 1193 An Act Regarding the Taxation of Income Derived from Out-of-state Trusts **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE C	ONTP	

This bill enacts a credit similar to that provided under the Maine Revised Statutes, Title 36, section 5217-A for income tax paid to another taxing jurisdiction for trust beneficiaries. The bill limits the credit to trust income distributed to a beneficiary when the trust was not entitled to an equivalent credit on the income distributed. The bill provides for a retroactive application to tax years beginning on or after January 1, 2002, but does not affect any agreement or settlement that has been reached prior to July 1, 2007 regarding payment of Maine taxes imposed on the distribution of income to a trust that was taxed in another jurisdiction.

LD 1211 An Act To Decrease the Property Tax Rate **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement various measures to reduce property tax rates by 5 mills.

LD 1214 **An Act To Improve the Competitiveness of Maine's Boat Building Industry** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON		

Current law provides an exemption from the sales tax to a nonresident who purchases a watercraft or materials for the repair or alteration of a watercraft only if the watercraft is transported outside of the State immediately after the sale. If the watercraft is present in the State, other than for temporary storage, for more than 30 days during the 12 months following the sale, then the purchaser is subject to use tax.

This bill removes the time restrictions, thus providing a sales and use tax exemption to watercraft or materials sold to a nonresident of Maine, regardless of the amount of time the watercraft remains in the State.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1225 **An Act To Make Technical Changes to the Repeal of the Personal Property Tax on Business Equipment** **PUBLIC 435**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	OTP-AM	S-327

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to make minor technical changes to the property tax exemption for eligible business equipment.

Committee Amendment "A" (S-327)

This amendment provides an automatic extension for reports under the business equipment tax exemption.

Enacted Law Summary

Public Law 2007, chapter 435 provides an automatic one-month extension for reports under the business equipment tax exemption.

LD 1235 **An Act Regarding Recreational Vehicle Excise Taxes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	ONTP	

This bill amends the excise tax rate schedule on camper trailers and lengthens the rate schedule from 6 to 10 years.

LD 1242 **An Act To Increase Relief Provided under the Homestead Property Tax Exemption (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

This bill establishes an additional 1% general sales tax. The revenue generated by the additional tax is used to increase the state reimbursement to municipalities to more than 50% of the tax revenue lost by those municipalities due to the Maine homestead property tax exemption program.

LD 1243 **An Act To Allow Local Administration of the Maine Residents Property Tax Program (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROTUNDO	ONTP	

This bill allows a municipality to apply to the Department of Administrative and Financial Services, Bureau of Revenue Services for authority to locally administer the Maine Residents Property Tax Program, also known as the Circuitbreaker Program. Following application, the municipality would be allowed to directly reimburse a claimant through an offset against the claimant's tax bill.

LD 1255 **Resolve, To Return to J & L Discatio Corporation Money Paid by It to Maine Revenue Services** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	ONTP	

This resolve authorizes the State to refund to J & L Discatio Corporation an overpayment of corporate taxes in 1998.

LD 1266 **An Act To Support County Government** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	ONTP MAJ OTP-AM MIN	

This bill establishes a process for a county to adopt a limited special sales and use tax to generate county revenue to finance projects to improve civic centers, promote tourism, improve the delivery of municipal or county services and to provide property tax relief. It also changes the distribution of the real estate transfer tax proceeds to the county from 10% to 25% of revenue.

Committee Amendment "A" (H-557)

This amendment changes the distribution of real estate transfer tax revenue to more effectively accomplish the intent of the bill. It also adds an appropriations and allocations section.

LD 1276 **An Act To Promote Funding for Wildlife** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DUCHESNE	ONTP	

This bill requires the income tax check off for the Maine Endangered and Nongame Wildlife Fund to be located on the first page of the individual income tax form.

LD 1298 **An Act To Amend the Definition of "Working Waterfront Land" To Include Land Used for Marine Trades** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MIRAMANT		

This bill amends the definition of "working waterfront land" under the law authorizing current use tax valuation to include land providing access to or supporting the conduct of commercial marine activities.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1299 **An Act To Amend the Farm and Open Space Tax Law (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JOY	ONTP	

This bill creates a category of land in the farm and open space tax laws called "public recreational land," which is open space land that receives additional reduction in taxes under the laws for keeping the land open to unlimited public recreational activities. This bill also allows public recreational land also to be forest land under the Maine Tree Growth Tax Law, in which case the land is assessed as either open land or forest land, whichever is lower, with an additional 10% reduction in taxes for being in both programs.

LD 1300 **An Act To Return a Portion of Sales, Lodging and Meals Taxes to Municipalities** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
CHASE	OTP-AM	H-576

This bill requires the Treasurer of State to disburse to a municipality an amount equal to 10% of the difference between the sales tax on prepared food and lodging collected in that municipality in a fiscal year and the amount collected in that municipality in fiscal year 2006. If the amount of sales taxes collected in a fiscal year in a municipality is below that collected in 2006, then the municipality receives no revenue under this bill. The amount received under this bill may not reduce any other state aid or revenue sharing received by that municipality, and the municipality must use the amount received under this bill to reduce property taxes by the same amount.

Committee Amendment "A" (H-576)

This amendment replaces the bill and requires payments beginning in fiscal year 2009-10 to municipalities of an amount equal to 10% of the difference between the sales and use tax attributable to the municipality in a fiscal year and the comparable amounts for fiscal year 2008-09, referred to as the "local sales tax increment." If the amount of sales and use tax collected in a fiscal year in a municipality is below that collected in fiscal year 2008-09, then the municipality receives no payment. Under this amendment the amount received may not reduce any other state aid or revenue sharing received by that municipality, and the municipality must use the amount received to reduce property taxes by the same amount. The Unorganized Territory Education and Services Fund receives the same payment as municipalities and is subject to the same requirement to use the revenue to reduce property taxes.

LD 1307 An Act To Reduce Duplication of Paperwork for Fuel Distributors — PUBLIC 407

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP-AM	S-320

This bill exempts a retail dealer of gasoline who also holds a distributor certificate from the reporting provisions of the gasoline tax laws if the retail dealer elects to be treated as a retail dealer instead of a distributor, in which case the retail dealer is required to pay the gasoline tax upon payment of the gasoline purchased by the retail dealer.

Committee Amendment "A" (S-320)

This amendment replaces the bill and permits motor vehicle fuel distributors that distribute only to retail dealers or directly into the fuel tanks of motor vehicles to register with the State Tax Assessor and file tax forms in a less burdensome manner.

Enacted Law Summary

Public Law 2007, chapter 407 permits motor vehicle fuel distributors that distribute only to retail dealers or directly into the fuel tanks of motor vehicles to register with the State Tax Assessor and file tax forms in a less burdensome manner.

LD 1338 An Act Concerning the Taxation of Property Owned by Certain Nonprofit Organizations — ACCEPTED ONTP REPORT

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	ONTP MAJ OTP-AM MIN	

Current law exempts from property tax real estate and property owned by a fraternal organization that is used solely by the organization for the purposes for which it is organized. This bill exempts real estate and property that the organization rents to others as long as the income derived from the rental is used exclusively for the organization's charitable purposes.

LD 1342 An Act To Enhance Energy Security by Requiring Greater Fuel Efficiency **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK	ONTP	

This bill exempts rental cars of which of 50% of their mileage is driven in Maine that have a fuel efficiency of at least 50% higher than the federal average fuel economy standards set by the Federal Government from the registration fee and excise tax for motor vehicles and charges an additional registration fee and excise tax for rental cars that are not exempt in an amount that equals the amount of exemptions given.

LD 1356 An Act To Provide a Tax Credit for Revitalization of Historic Mill Facilities **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to create a refundable income tax credit to a taxpayer who owns and revitalizes a former mill facility that is a national historic landmark or is determined to be a historic landmark by the State Historic Preservation Officer.

See also LDs 262 and 816.

LD 1357 Resolve, Directing the Treasurer of State To Convene a Study Commission To Develop Recommendations To Improve the Administration of the State-Municipal Revenue Sharing **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

This resolve directs the Treasurer of State to convene a study group that is charged with reviewing the distribution of state-municipal revenue sharing, and directs the Treasurer of State to submit its report to the Joint Standing Committee on Appropriations and Financial Affairs.

See also LDs 355 and 1358.

LD 1358 Resolve, To Study the Distribution of Revenue Sharing **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

This resolve requires the Treasurer of State to convene a commission to study the current system of state-municipal revenue sharing and develop recommendations to improve the administration and distribution

of state-municipal revenue sharing.

See also LDs 355 and 1357.

LD 1375 An Act To Equalize the Taxation of Noncigarette Tobacco Products **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

This bill requires all tobacco products other than cigarettes to be taxed at the rate of $1 per ounce.

LD 1376 An Act To Preserve Farmland and Timberland **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	ONTP	

This bill removes the value of eligible farmland and timberland from the calculation of the Maine estate tax.

LD 1377 An Act To Exempt Fuel Used by Commercial Groundfishing Boats from Sales Tax **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
RAND	OTP-AM	H-498 S-284 STRIMLING

This bill exempts diesel fuel used for the purpose of operating or propelling a commercial groundfishing boat from the sales tax. "Commercial groundfishing boat" is defined as a boat that is licensed to harvest, and used for harvesting, northeast multispecies fish.

Committee Amendment "A" (H-498)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-284)

This amendment makes technical corrections.

See also Public Law 2007, chapter 240, Part WWWW, sections 1 and 2, which contain similar provisions.

This bill was placed on the Special Appropriations table and died on adjournment.

LD 1378 **Resolve, To Provide Information to Maine Citizens Regarding Maine's Tax Laws** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
RAND	OTP-AM	H-571

This resolve requires the State Tax Assessor to compile and mail to all households in Maine information regarding income, sales, meals and lodging, corporate and property taxes as those taxes are imposed in Maine and other states.

Committee Amendment "A" (H-571)

This amendment replaces the resolve with language that requires the State Tax Assessor to make available to citizens certain information regarding the State's tax structure and recent legislative changes to the tax structure.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 1379 **An Act To Create an Income Tax Stabilization Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TARDY	ONTP	

This bill proposes a mechanism to achieve periodic reductions in income tax rates by using revenue in excess of an income tax revenue target for fiscal year 2007-08 of $1,400,000,000. A comparison of the actual fiscal year revenue excess to the target amount provides the measure by which tax rates are to be adjusted downward for the tax year. This process repeats itself annually until the cumulative 20% reduction is reached.

LD 1380 **An Act To Provide Income Tax Relief to Working and Middle-class Families** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CONOVER	ONTP	

This bill increases the taxable income thresholds for heads of household and joint filers by approximately 20%.

LD 1400 **An Act To Amend the Laws Governing the Taxation of Partnerships** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	OTP-AM ONTP	S-288

This bill provides that in the case of a professional service partnership, the aggregate amount of income that may be considered as derived from or connected with sources in this State and allocated to all qualified nonresident partners may not exceed the total income of the partnership, as reduced by the aggregate amount of income allocated to those partners who are residents of this State or nonqualified nonresident partners. This treatment is retroactive to January 1, 2001.

Committee Amendment "A" (S-288)

This amendment limits the scope of the bill to partnership income related to the practice of law or accountancy. It provides additional clarification regarding the calculation of income by specifying the method for determining reasonable compensation. It also adds an appropriations and allocations section. This treatment applies to tax years beginning on or after January 1, 2007.

This bill was removed from the Special Appropriations Table, recommitted and carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1412 **RESOLUTION, To Amend the Constitution of Maine To Protect Senior Property Owners** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDGECOMB	ONTP	

This resolution proposes to amend the Constitution of Maine to authorize the Legislature to require municipalities to cap property taxes on property owned and occupied as a person's primary residence if that person is at least 65 years of age. The tax would be stabilized at the amount assessed on the property on the later of the property tax year in which the person attained 65 years of age or the year the person purchased the property. Upon transfer of the property to someone other than a family member of the owner, the property would assume the just value at the time of transfer. A municipality could choose not to participate by informing the State Tax Assessor of its choice.

LD 1413 **An Act To Set Fees for Services for Tax-exempt Property in Municipalities** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BLANCHETTE		

This bill allows a municipality to assess fees for certain services provided to a tax-exempt institution, other than houses of religious worship, that have assets with a taxable value of more than $10,000,000 if not for the property tax exemption.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1414 **An Act To Support Farms and Limit Sprawl** **PUBLIC 301**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI	OTP-AM	H-407

This bill allows a municipality to enter into arrangements under which the municipality obligates itself to make farm support payments equal to property taxes to the owner of qualified farmland and the owner of that farmland grants to the municipality a limited 30-year easement protecting the farmland from development. The bill directs the Department of Agriculture, Food and Rural Resources to adopt major substantive rules governing such arrangements.

Committee Amendment "A" (H-407)

This amendment provides that farm support payments may be an amount up to 100% of property taxes assessed by a municipality but no more than the fair market value of the easement provided to the municipality under the farm support arrangement. The amendment also provides that a qualified easement that is part of a farm support arrangement may be for any term not less than 20 years. The amendment also makes a technical change.

Enacted Law Summary

Public Law 2007, chapter 301 allows a municipality to enter into arrangements under which the municipality obligates itself to make farm support payments to an owner of qualified farmland who grants to the municipality an easement for at least 20 years protecting the farmland from development. Support payments may equal up to 100% of property taxes but no more than the fair market value of the easement. The Department of Agriculture, Food and Rural Resources is directed to adopt major substantive rules governing such arrangements.

LD 1432 **An Act To Create a Voluntary Checkoff for the Income Tax Form for Forest Disease Prevention and Control** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CARTER SHERMAN	ONTP	

This bill establishes the Tree Disease Prevention and Control Fund to assist the Director of the Bureau of Forestry in the Department of Conservation in monitoring the health of the forests, including maintaining a statewide surveillance system to detect and monitor insects, diseases and abiotic agents, including air pollution and acid deposition potentially injurious to the forest resources of the State, providing information and technical advice and assistance to individuals and other state and federal agencies on the identification and control of forest insects and diseases and conducting applied research related to the management of insects, diseases and abiotic agents potentially injurious to the forest resources of the State. The fund is supported by contributions through a voluntary checkoff on the income tax return form and through direct donations.

LD 1433 **An Act Providing Senior Citizens with an Optional Deferred Payment Plan for the Payment of Property Taxes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HARLOW SNOWE-MELLO	ONTP	

This bill allows a municipality to establish a municipal property tax deferment program. The program would allow a resident who is at least 65 years of age and whose annual income is not more than 300% of the poverty level to pay property taxes on that person's homestead at the rate that was in effect on that person's 65th birthday, the date the person purchased the homestead or April 1, 2007, whichever is later. The assessment remains at that level until the residence is sold or transferred, the person elects to stop participating or the person is no longer eligible to participate in the program. At that time, all property taxes assessed on the property but deferred because of participation in the program must be paid to the municipality. Deferred taxes that are not paid within the required time accrue interest.

In order to offset the temporary loss of revenue caused by persons participating in the program, the municipality may, upon approval of its voters, impose an additional assessment of up to 2% of the taxes deferred upon property in the municipality. The revenue from the additional assessment must be kept in a dedicated escrow account and used solely for the administrative costs of the program.

LD 1434 **An Act To Lower Maine Income Tax Rates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROBINSON	ONTP	

This bill decreases the top 2 income tax rates over a 4-year period, beginning with tax year 2007. The initial decrease is from 8.5% and 7% to 8% and 6.5%, respectively, and then a further 1% and 0.5% decrease in each rate, respectively, for the 2008, 2009 and 2010 tax years until both rates are 5%.

LD 1443 **Resolve, To Study the Funding Formula of Cumberland County To More Equitably Apportion the Taxes Paid to County Government** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW		

LD 1443 is a concept draft pursuant to Joint Rule 208.

It proposes to establish a study commission to conduct an impact study in Cumberland County on a new funding formula based on assessment and population factors to more equitably apportion taxes paid to county government. This resolve was indefinitely postponed without reference to Committee.

LD 1444 **An Act To Index the Veterans' Property Tax Exemptions to the Cost of Living** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS SHERMAN	ONTP	

This bill provides for annual inflation adjustments in veterans' property tax exemptions and for additional increases if federal funds can be identified to permit reimbursement to municipalities. The bill also requires the State Tax Assessor to explore federal and other sources of funding for veterans' exemptions and requires the Governor to seek assistance from the Maine Congressional Delegation in obtaining federal funds for that purpose.

LD 1457 **An Act To Preserve Home Ownership in the State by Reducing the Property Tax Burden** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS EDMONDS	ONTP	

This bill amends the Maine Residents Property Tax Program, also known as the Circuitbreaker Program, by:

1. Decreasing the threshold percentage at which 100% of the benefit is payable from 8% to 6%; and

2. Increasing the maximum benefit to $3,000.

LD 1458 **An Act To Reduce the Income Tax Burden on Maine Residents** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS EDMONDS	ONTP	

This bill reduces the income tax burden on Maine residents by:

1. Reducing the top individual income tax rate from 8.5% to 7.8%; and

2. Increasing the low-income tax credit from $2,000 to $4,000 for individuals, married individuals filing separately and heads of households and to $8,000 for married persons and surviving spouses filing joint returns.

This bill offsets the loss of income tax revenue by increasing the rate of the sales tax imposed on prepared food from 7% to 9% and on short-term lodging from 7% to 10%.

LD 1459 **An Act Concerning Spending Caps** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLOOD	ONTP	

This bill provides that the spending caps set in Public Law 2005, chapter 2 may be exceeded only by a 2/3 vote. Current law provides that these caps may be exceeded by a majority vote.

LD 1460 **An Act To Allow Maine Residents To More Fully Depreciate Their Motor Vehicles** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J	ONTP	

This bill amends the excise tax rate schedule on motor vehicles. It lengthens the rate schedule from 6 to 8 years.

LD 1461 **An Act To Allow a Tax Credit for Tuition Paid to Private Schools** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	ONTP	

This bill provides for an income tax credit of up to $2,000 for tuition paid to a private school for a taxpayer or a dependent of the taxpayer.

LD 1478 **An Act To Reduce County Tax on Certain Municipalities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BERRY	ONTP	

This bill requires the county commissioners to reduce the amount of county tax apportioned to any municipality that supplies its own law enforcement by an amount equal to 33% of the budget for the municipality's law enforcement.

LD 1479 **An Act To Clarify Responsibility for the Collection of Rental Taxes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GILES	ONTP	

This bill specifies that only the owner of a hotel, rooming house or tourist camp or trailer camp in this State that is operated in the regular course of business or on a casual basis and at which rents are collected or received and the owner of living quarters that are rented for at least 15 days annually are required to register as a seller with the State Tax Assessor and collect and remit sales tax on those rents and not the manager of such properties as required under current law. This bill also specifies that only the owner of such rental property is responsible for the collection and remittance of the sales tax imposed on that rental property, retroactive to July 1, 2005, the effective date of the public law that required the tax to be imposed on casual rentals.

LD 1481 **An Act To Provide Tax Relief to Middle-income Residents through the Maine Residents Property Tax Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEBSTER	ONTP	

This bill amends the Maine Residents Property Tax Program, also referred to as "the Circuitbreaker Program," by increasing the maximum benefit to $4,000 from $2,000.

LD 1482 **An Act To Assist Recipients of Tax-exempt Income** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FARRINGTON BARTLETT	ONTP	

This bill allows a person who purchased a winning lottery ticket prior to January 1, 1987 and paid income taxes on those winnings to claim a refund of those taxes paid or a credit towards taxes due. A claim for a refund or credit must be filed prior to January 1, 2009.

LD 1483 An Act To Exempt a Portion of Rental Income from Taxation **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD	ONTP	

This bill exempts from income tax up to $2,000 in income from the rental of secondary property. This exemption does not apply to a person who rents out more than one property during the calendar year.

LD 1484 An Act To Fund Community Health Centers **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY A	ONTP MAJ OTP-AM MIN	

This bill establishes the Tobacco Tax Fund for Community Health by dedicating 1% of the cigarette tax to help community health centers in this State.

LD 1485 An Act Relating to Automotive Core Parts **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

This bill provides that core vehicle parts are taxed under the sales and use tax laws based on the difference between the sale price of the purchased property and the trade-in allowance of the property taken in trade, except for transactions between dealers involving exchange of the property from inventory. Core vehicle parts are those components that when replaced are returned to the manufacturer to be rebuilt to original specifications and then used again.

LD 1486 An Act To Clarify the Property Tax Exemption for Family Burial Grounds **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

This bill exempts family burying grounds of 1/4 of an acre or less from property taxation.

LD 1494 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reform Property Taxes by Limiting Increases **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	ONTP	

This resolution proposes to amend the Constitution of Maine to establish the base property value for real property as the just value of the property as of April 1, 2008. Increases in the value of real property are limited to the just value of any improvements or degradations to the property and the lower of the rate of inflation and the actual increase in value of the real property, unless there is a change of ownership. If there is a change of ownership, the value of the property may be changed to the higher of the actual purchase price and the just value of the property on the April 1st preceding the change in ownership.

LD 1504 An Act To Make Minor Substantive Changes to the Tax Laws **PUBLIC 437**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI	OTP-AM	H-550
		S-307 PERRY J

This bill makes the following changes to the laws governing taxation.

It amends the definition of "annual growth ceiling," which is used for purposes of state-municipal revenue sharing to determine the amount, if any, that must be transferred to the Disproportionate Tax Burden Fund, to correct the omission of this change when various taxable services were removed from the sales tax and placed in a newly created service provider tax.

It authorizes the State Tax Assessor to seek an injunction against a person who refuses to register, to file returns or to pay taxes under the service provider tax law as provided in the Maine Revised Statutes, Title 36, chapter 358.

It enacts penalties for failure to file an information return under the income tax law by partnerships and S corporations, if the partnership or S corporation has received a formal demand that the return be filed, and for filing substantially excessive refund claims under the fuel tax laws.

It expands the circumstances under which a person may be required to file a tax return electronically and make tax payments by electronic funds transfer, using a phased-in approach.

It expands and clarifies the eligibility of paraplegic veterans of certain war periods for a property tax exemption, making the eligibility periods of this exemption the same as those of the general veterans exemption.

It amends the definition of "eligible business equipment" by adding a reference to existing limitations.

It clarifies that a taxpayer who fails to timely file a report identifying the property that is claimed to be exempt may not obtain an exemption for that tax year for that property under the business equipment tax exemption laws, Title 36, chapter 105, subchapter 4-C.

It clarifies that bulk sales of inventory being held for sale or lease in the ordinary course of business are not casual sales.

It amends the definition of "retail sale" to clarify that sales of tangible personal property to a person who is not engaged in the business of selling that kind of property are not exempt sales for resale, even if the property is in fact subsequently resold through a 3rd-party retailer.

It provides authority for the State Tax Assessor to issue an assessment against an exempt organization that has authorized inappropriate use of its exemption.

It eliminates a requirement that an insurance company must elect a basis for reporting and paying the insurance premium tax, and increases the threshold for quarterly filing of insurance premium tax returns from $500 per year to $1,000 per year.

It clarifies the definition of "telecommunications equipment" to include any wiring capable of transmitting or receiving telecommunications signals, regardless of the actual use of the wiring, consistent with past and present administrative practice. Current technology uses optical fiber, data wire and coaxial cable, all of which are capable of providing either one-way or 2-way transmission service. The ultimate use of the wiring is often unknown, uncertain or subject to change.

It eliminates the requirement that a declaration of value under the real estate transfer tax laws must be filed in duplicate, and authorizes the State Tax Assessor to establish by rule guidelines for waiving the requirement that the declaration of value must indicate the taxpayer identification numbers of the grantor and grantee. It also repeals an obsolete provision relating to deeds executed before the effective date of the tax.

It adds a specific requirement that estates must include in Maine adjusted gross income administrative expenses that were claimed as a deduction for Maine estate tax purposes.

It changes certain requirements relating to payee statements furnished with respect to income that is subject to Maine income tax withholding to make them consistent with federal law.

It amends the forest management planning income tax credit to require that forest land be located in this State in order to be eligible for the credit.

It establishes a penalty similar to that imposed by federal law for failure to furnish accurate and timely statements to payees with respect to income that is subject to Maine income tax withholding.

It makes specific the statutory references to eligible business equipment for which no claim may be made under the business equipment reimbursement program.

Committee Amendment "A" (H-550)

This amendment expands the authority of the State Tax Assessor, with the approval of the Commissioner of Administrative and Financial Services, to adopt a rule requiring the filing of returns or other documents and the payment of tax obligations, by electronic data submission. The phrase "or by telephone" is deleted as that term is included within the meaning of the phrase "electronic data submission."

This amendment provides additional clarification regarding the timeliness of requests for exemption under the business equipment tax exemption laws.

This amendment also provides additional clarification regarding the sales tax treatment of the sale of assets of a business in connection with the sale or liquidation of the business.

Senate Amendment "A" (S-307)

This amendment clarifies the provisions of the bill regarding the sales tax treatment of the sale of assets of a business and corrects a date.

Enacted Law Summary

Public Law 2007, chapter 437 was presented by the Department of Administrative and Financial Services, Bureau of Revenue Services and makes the following minor substantive changes to the laws governing taxation.

It amends the definition of "annual growth ceiling," which is used for purposes of state-municipal revenue sharing to determine the amount, if any, that must be transferred to the Disproportionate Tax Burden Fund, to correct the omission of this change when various taxable services were removed from the sales tax and placed in a newly created service provider tax.

It authorizes the State Tax Assessor to seek an injunction against a person who refuses to register, to file returns or to pay taxes under the service provider tax law as provided in the Maine Revised Statutes, Title 36, chapter 358.

It enacts penalties for failure to file an information return under the income tax law by partnerships and S corporations, if the partnership or S corporation has received a formal demand that the return be filed, and for filing substantially excessive refund claims under the fuel tax laws.

It expands the circumstances under which a person may be required to file a tax return electronically and make tax payments by electronic funds transfer, using a phased-in approach.

It expands and clarifies the eligibility of paraplegic veterans of certain war periods for a property tax exemption, making the eligibility periods of this exemption the same as those of the general veterans'; exemption.

It amends the definition of "eligible business equipment" by adding a reference to existing limitations.

It clarifies that a taxpayer who fails to timely file a report identifying the property that is claimed to be exempt may not obtain an exemption for that tax year for that property under the business equipment tax exemption laws, Title 36, chapter 105, subchapter 4-C.

It clarifies that bulk sales of inventory being held for sale or lease in the ordinary course of business are not casual sales.

It amends the definition of "retail sale" to clarify that sales of tangible personal property to a person who is not engaged in the business of selling that kind of property are not exempt sales for resale, even if the property is in fact subsequently resold through a 3rd-party retailer.

It provides authority for the State Tax Assessor to issue an assessment against an exempt organization that has authorized inappropriate use of its exemption.

It eliminates a requirement that an insurance company must elect a basis for reporting and paying the insurance premium tax, and increases the threshold for quarterly filing of insurance premium tax returns from $500 per year to $1,000 per year.

It clarifies the definition of "telecommunications equipment" to include any wiring capable of transmitting or receiving telecommunications signals, regardless of the actual use of the wiring, consistent with past and present administrative practice. Current technology uses optical fiber, data wire and coaxial cable, all of which are capable of providing either one-way or 2-way transmission service. The ultimate use of the wiring is often unknown, uncertain or subject to change.

It eliminates the requirement that a declaration of value under the real estate transfer tax laws must be filed in duplicate, and authorizes the State Tax Assessor to establish by rule guidelines for waiving the requirement that the declaration of value must indicate the taxpayer identification numbers of the grantor and grantee. It also repeals an obsolete provision relating to deeds executed before the effective date of the tax.

It adds a specific requirement that estates must include in Maine adjusted gross income administrative expenses that were claimed as a deduction for Maine estate tax purposes.

It changes certain requirements relating to payee statements furnished with respect to income that is subject to Maine income tax withholding to make them consistent with federal law.

It amends the forest management planning income tax credit to require that forest land be located in this State in order to be eligible for the credit.

It establishes a penalty similar to that imposed by federal law for failure to furnish accurate and timely statements to payees with respect to income that is subject to Maine income tax withholding.

It makes specific the statutory references to eligible business equipment for which no claim may be made under the business equipment reimbursement program.

LD 1510 **An Act To Provide an Income Tax Deduction for Health Insurance Premiums** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	ONTP	

This bill provides a deduction from income for premiums paid for health insurance.

LD 1518 **An Act To Establish a Renewable Energy Tax Credit** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

This bill provides a tax credit for a business engaged in the qualified business activity of manufacturing renewable energy products or biofuel or engaged in research and development in renewable energy equal to the income taxes otherwise due for 5 years and then 50% of the income taxes due for the next 5 years from when the business commences the qualified activity, similar to the credit given for Pine Tree Development Zone businesses.

LD 1529 **An Act To Create a Scholarship Grant Organization Tax Credit** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	ONTP	

This bill establishes an income tax credit for individuals who donate to school tuition organizations that provide grants or scholarships to private school students in kindergarten to grade 12 and to private preschools for children with disabilities.

The maximum amount of the credit is $1,200 per year per child enrolled in a private school. School tuition

organizations that receive such contributions are subject to reporting requirements. The credit is not available to a person who designates any part of the contribution for the direct benefit of a dependent of the person.

LD 1554 An Act To Assist Snowmobile Clubs with Local Property Taxes **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to permit a municipality to compensate a snowmobile club subject to property tax for the public benefits provided by the club to the municipality.

LD 1555 An Act To Remove the Tax-exempt Status on Land Purchased by Nonprofit Groups for Conservation **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CLARK	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to repeal the property tax exemption for certain land if the land is purchased by a nonprofit organization for conservation or preservation purposes and the owner restricts public access to the land for recreational purposes such as hiking, camping, hunting, trapping, fishing or snowmobiling. The bill would apply to land purchased in blocks of 100 or more acres either as a single parcel or in an aggregate of contiguous acres. The bill also proposes to remove such land from eligibility for current use valuation under the Maine Tree Growth Tax Law unless the land is maintained for commercial production.

LD 1556 An Act To Recouple Maine Estate Tax with Federal Estate Tax **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT		

This bill amends the Maine estate tax to conform to the federal estate tax, beginning January 1, 2007.

This bill was carried over to any special or regular session of the 123rd Legislature by join order, H.P. 1369.

LD 1557 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Cap the Property Tax on the Primary Residence of a Person 65 Years of Age or Older **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WHEELER	ONTP	

This resolution proposes to amend the Constitution of Maine to authorize the Legislature to require municipalities to cap property taxes on property owned and occupied as a person's primary residence if that

person is at least 65 years of age. The tax would be stabilized at the amount assessed on the property on the later of the date by which the person attained 65 years of age or purchased the property. Upon transfer of the property to someone other than a family member of the owner, the property would assume the just value at the time of transfer.

LD 1558 **An Act To Improve the Process for Adjustment for Sudden and Severe Disruption of Valuation** **PUBLIC 322**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	OTP-AM	H-360

This bill changes the procedures for providing relief to municipalities that have experienced a sudden and severe loss of taxable valuation attributable to a single property taxpayer. The procedures in current law have become outdated because of recent changes to the school funding formula and are not flexible enough to deal with the variety of situations presented. The bill replaces the current procedures for adjustment of state valuation by permitting municipalities to apply to the State Tax Assessor for a determination at any time and requiring the State Tax Assessor to determine not only the amount of the adjustment but also the appropriate time period to which the adjustment should apply. The bill affects distributions for general purpose aid for local schools and state-municipal revenue sharing. The bill provides that funds needed to relieve affected municipalities will be paid from the Maine Budget Stabilization Fund rather than risking reductions in distributions to other municipalities.

Committee Amendment "A" (H-360)

This amendment adds a requirement that the State Tax Assessor provide an annual report to the joint standing committee of the Legislature having jurisdiction over taxation matters containing information regarding requests for adjustment to equalized valuation.

Enacted Law Summary

Public Law 2007, chapter 322 changes the procedures for providing relief to municipalities that have experienced a sudden and severe loss of taxable valuation attributable to a single property taxpayer. Chapter 322 replaces the current outdated procedures for adjustment of state valuation by permitting municipalities to apply to the State Tax Assessor for a determination at any time and requiring the State Tax Assessor to determine not only the amount of the adjustment but also the appropriate time period to which the adjustment should apply. Distributions for general purpose aid for local schools and state-municipal revenue sharing are affected, and adjustments are made using funds from the Maine Budget Stabilization Fund rather than risking reductions in distributions to other municipalities. The State Tax Assessor is required to report annually on requests for adjustments using the authorized procedure.

LD 1559 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Freeze Property Tax Bills for Certain Residents 65 Years of Age or Older** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	ONTP	

This resolution proposes to amend the Constitution of Maine to authorize the Legislature to prohibit municipalities from increasing the taxes imposed on property owned by a person who is at least 65 years of age who has occupied that property for at least 10 years as that person's primary residence.

LD 1560 An Act To Rebalance Maine's Tax Code **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS	ONTP	

This bill makes major changes to Maine's tax structure beginning January 1, 2008.

Part A increases the low-income tax credit under the income tax by increasing the threshold of taxable income below which no taxes are due from $2,000 to $4,000 for single individuals and married persons filing separately, $6,000 for persons filing as heads of households and $8,000 for persons filing married joint returns.

Part B conforms the standard deduction under the income tax to the federal standard deduction beginning with the 2008 tax year, thereby eliminating the marriage penalty.

Part C conforms the personal exemption under the income tax to the same amount as the federal personal exemption.

Part D lowers the top income tax rate from 8.5% to 8.25% for the 2008 tax year.

Part E increases state reimbursement for the homestead exemption to 100% of municipal property taxes lost as a result of the exemption beginning in 2008.

Part F increases the maximum benefit under the Maine Residents Property Tax program from $2,000 to $3,000 and increases to $5,000 the maximum amount of property tax that may be used to calculate benefits.

Part G expands the tax base under the sales tax by repealing sales tax exemptions for packaging materials, ships' stores, railroad track materials and certain short-term rentals and by extending the sales tax to amusements, personal services, personal property services, home care services, real property services, lawn and landscaping services, taxi, limousine and same day courier services, telephone directory advertising and safe deposit box rental. This Part also reinstitutes the sales tax on snack foods and extends the service provider tax to basic cable and satellite television and radio service and to consumer interstate telephone calls.

Part H increases the sales tax on meals and lodging, liquor serviced at licensed establishments and prepared food from 7% to 8% and increases the sales tax on short-term rentals of automobiles from 10% to 15%.

Part I increases the excise tax on malt liquor from 25¢ per gallon to 60¢ per gallon, on wine from 30¢ per gallon to $1 per gallon and on hard cider from 25¢ per gallon to $1 per gallon.

Part J establishes a tax on the distribution, manufacture and wholesale of soft drinks and soft drink products.

Part K changes the rate structure for the real estate transfer tax to provide that a transferor of the property must pay a transfer tax starting at $1 per $1,000 of value of the property for property valued at less than $100,000, increasing to $7 per $1,000 of value for real estate with a value exceeding $1,000,000. The revenue from the portion of the tax received to the State and attributable to transfers by deed tax is credited 65% to the General Fund and 35% to the Housing Opportunities for Maine Fund.

LD 1571 An Act To Clarify the Tax Credit for Pollution-reducing Boilers **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

This bill amends the income tax credit for pollution-reducing boilers to specify that corn pellets or kernels are included as organic material that may be burned to produce energy and qualify for the credit. This bill also repeals the law providing a sunset date of December 31, 2009 for the expiration of the credit.

LD 1578 An Act To Encourage Municipal Cooperation **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

This bill exempts from the property tax municipal property located in another municipality and the property of a regional council formed by 2 or more municipalities.

LD 1579 An Act To Increase Fairness in Municipal Spending Caps **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

This bill amends the municipal spending cap laws to exempt bond payments made by municipalities for state or federally mandated public improvement projects.

LD 1580 An Act To Allow Tree Growth Land Transfer to Family Members **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GOULD	ONTP	

This bill allows a 5-acre or smaller plot of land to be withdrawn from taxation under the Maine Tree Growth Tax Law and transferred once to a family member without penalty for withdrawal.

LD 1581 An Act To Promote Economic Recovery in Maine **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLETT	ONTP	

This bill changes the State's tax burden goal for 2015 to be at or below the median for all states and requires that the calculation of the State's state and local tax burden relative to other states be based solely on Maine's state and local tax collections without adjustments by the State Tax Assessor for the State's unique expenditure

tax relief programs. The bill also requires the Governor to include in the biennial budget document a detailed financial plan that calculates a target percentage and the legislative changes required to achieve Maine's state and local tax burden goal.

This bill also adjusts the spending limits enacted by Public Law 2005, chapter 2 to require the State's state and local tax burden to be at or below the median of all states, rather than within the middle 1/3 of states, before the growth limitation factor for the state, municipal, county and school district spending limits are changed. See also LD 395.

LD 1582 An Act Reduce Maine's Tax Burden over a 10-year Period **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY		

This bill puts in place a 10-year plan to reduce Maine's tax burden by establishing a statewide tax burden reduction factor that would gradually lower taxes over time. The bill also defines procedures necessary to override the tax burden reduction limits imposed in the 10-year plan. The changes proposed by this bill are subject to approval by the voters at a referendum vote in November 2007.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1584 An Act To Authorize Arbitration of Property Tax Valuation Disputes **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH D		

This bill allows a property owner appealing a property assessment to submit the decision of a local board of assessment review to binding arbitration and specifies the procedure for selecting a neutral arbitrator and participating in binding arbitration. A decision to submit to binding arbitration stays a municipality's appeal to the Superior Court.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order H.P. 1369.

LD 1588 An Act To Enact the 2007 Tax Reform and Tax Relief Act **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact the 2007 Tax Reform and Tax Relief Act to bring together 3 major categories of tax reform and tax relief into a comprehensive package that would be sent to referendum for voter ratification. The major components are:

1. Ten-Year Tax Burden Reduction Plan. The first part of the bill draws on aspects of the so-called "Taxpayer Bill of Rights," and the so-called "LD 1," and establishes a statewide tax burden reduction factor, applied

uniformly to all levels of government. The tax burden reduction limitations would restrict government spending to a rate of growth below the growth rate of personal income in Maine, thereby lowering Maine's tax burden over a 10-year period.

2. Financial Incentives for Administrative Efficiency and Tax Burden Reduction. The 2nd part of the bill creates financial incentives for administering schools and municipalities through service-delivery areas of a sufficient size to obtain cost efficiencies. It puts into law a very strong incentive-based approach to consolidated service delivery, rather than imposing a statewide mandate on municipal decision-making. The remaining 5% of the State's General Purpose Aid, or "GPA," school funding obligation that is scheduled to be added to the GPA funding formula by FY2009 would be distributed to school districts, based on a set of "efficiency points" awarded to districts that achieve school consolidation and tax burden reduction targets. A similar set-aside would be created with new state funding to municipalities, awarded through an "efficiency point" system, and allocated among municipalities that achieve service-sharing efficiencies and tax burden reduction targets at the municipal level.

3. Income Tax Reduction to 4% of Income. Through a rebalancing of income and sales taxes, the elimination of many exemptions and deductions from both the income and sales tax systems and an increase in various sales and excise tax rates, the 3rd part of the bill would reduce the income tax rates to a flat 4% of income. An earned income tax credit for low-income and middle-income workers would assure that a major income group would not pay more in taxes than they pay under current law.

4. Homestead Property Taxes Capped at 5% of Income. The 4th part of the bill proposes to integrate the Maine Residents Property Tax Program, also known as the Circuitbreaker Program, and the Maine resident homestead property tax exemption program into an expanded and redefined Homestead Tax Credit Program. The amount of the tax credit would be determined based on a formula that equates to an income-based tax cap of 5% of income. As a simplification of the current Circuitbreaker Program, the new benefit formula would be based on "adjusted gross income," rather than the more complicated definition of income currently applied for Circuitbreaker Program benefits and would be distributed to municipalities as a pre-payment toward the tax assessment on homestead property so that the net tax bill imposed on homeowners is reduced accordingly.

LD 1597 **An Act Regarding the Service Provider Tax** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MOORE G	ONTP	

This bill removes the installation, maintenance and repair of telecommunications equipment from the service provider tax.

LD 1601 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Longtime Resident Tax Cap Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CHASE	ONTP	

This resolution proposes to amend the Constitution of Maine to authorize the Legislature to create a program for real property owned and occupied as a person's primary residence for at least 10 years. Property would receive a fixed assessment equal to the tax assessment in effect at the time the property was enrolled in the program. If the property was transferred, penalties would apply.

LD 1602 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Homestead Property Taxes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	ONTP	

This constitutional resolution proposes 3 changes to the Constitution of Maine and provides that each change must be presented as a separate and independent questions to the voters.

Part A of this resolution proposes to amend the Constitution of Maine to allow the Legislature to authorize a local option homestead property tax exemption.

Part B of this resolution proposes to amend the Constitution of Maine to allow the Legislature to authorize a local option property tax refund or tax forgiveness program based on a resident's ability to pay.

Part C of this resolution proposes to amend the Constitution of Maine to allow the Legislature to permit or require municipalities to adopt a tax rate on secondary residential property that is higher than the rate on other property, provided that the rate on the secondary residential property does not exceed the statewide average rate applied to other taxable property.

LD 1610 **An Act To Preserve Manufacturing in Maine** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SIMPSON	ONTP	

This bill extends the property tax exemption for eligible business equipment to qualified property used in manufacturing that was first subject to property tax in Maine before the start of the Business Equipment Tax Reimbursement program.

LD 1613 **An Act To Reduce Property Taxes through a Municipal Tax Deferral Program** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GILES	ONTP	

This bill creates a municipal homestead property tax deferral program to defer indefinitely property taxes levied on the assessed value of a homestead above a base amount. Taxes that would be assessed on the property above this base value are deferred until the sale or transfer of the property to someone other than a family member or trust. When the property is sold or transferred or is no longer the homestead of the owner or, in the case of a trailer or houseboat, moved out of the State, the amount of the deferred property taxes for the last 3 years or since the last transfer or sale, whichever period is shorter, must be paid.

The program allows a spouse or other family member, such as a parent, sibling, child or grandchild, to continue the deferral as long as the spouse or other family member uses the property as a homestead. During the period of property tax deferral, the municipality holds a lien on the property against the deferred amount of property taxes.

LD 1631 An Act To Cut Taxes for Working-income Mainers **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	ONTP	

Part A exempts certain motor vehicles from the excise tax in the 6th and succeeding model years based on the manufacturer's estimated highway mileage.

Part B increases the lodging tax by 3% to 10%, the tax on liquor sold by the glass by 7% to 14% and the tax on certain automobile rentals by 5% to 15%.

Part C increases the low-income tax credit under the income tax by increasing the threshold of taxable income below which no taxes are due from $2,000 to $4,000 for single individuals and married persons filing separately, $6,000 for persons filing as heads of households and $8,000 for persons filing married joint returns.

Part D conforms the standard deduction under the income tax to the federal standard deduction beginning with the 2007 tax year, thereby eliminating the marriage penalty.

Part E conforms the personal exemption under the income tax to the same amount as the federal personal exemption.

Part F lowers the top income tax rate from 8.5% to 8.25% for the 2007 tax year.

Part G increases the maximum benefit under the Maine Residents Property Tax Program from $2,000 to $3,000 and increases to $6,000 the maximum amount of property tax that may be used to calculate benefits.

Part H expands the tax base under the sales tax by repealing sales tax exemptions for packaging materials, ships' stores, certain vending machine sales, railroad track materials and certain short-term rentals and by extending the sales tax to amusements, personal services, personal property services, real property services, lawn and landscaping services, taxi, limousine and same-day courier services, telephone directory advertising and safe deposit box rental. This Part also reinstitutes the sales tax on snack foods and extends the service provider tax to basic cable and satellite television and radio service.

Part I increases the excise tax on malt liquor produced by small manufacturers from 25¢ per gallon to 60¢ per gallon, the excise tax on malt liquor produced by other manufacturers from 25¢ to 85¢ per gallon, on wine from 30¢ per gallon to $1 per gallon and on hard cider from 25¢ per gallon to $1 per gallon.

Part J establishes a tax on the distribution, manufacture and wholesale of soft drinks and soft drink products.

Part K changes the rate structure for the real estate transfer tax to provide that a transferor of the property must pay a transfer tax starting at $1 per $1,000 of value of the property for property valued at less than $100,000, increasing to $7 per $1,000 of value for real estate with a value exceeding $1,000,000. The revenue from the portion of the tax received by the State and attributable to transfers by deed tax is credited 65% to the General Fund and 35% to the Housing Opportunities for Maine Fund.

Part L provides General Fund appropriations to reimburse municipalities for the revenue loss associated with the change in motor vehicle excise taxes.

LD 1632 An Act To Impose Reasonable Limits on the Growth of State Government **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	ONTP MAJ OTP-AM MIN	

This bill is the so-called "Taxpayer Bill of Rights" or "TABOR" that was sent to referendum in November 2006, except that the restrictions imposed by TABOR on county, municipal or school governmental units have been removed in this bill. The bill proposes to restrain the growth in State Government by imposing expenditure limitations on State Government and by requiring a procedure of voter approval of tax and fee increases.

Under this bill, growth in annual expenditures of the General Fund, the Highway Fund, quasi-governmental organizations and Other Special Revenue Funds are limited according to increases in population and inflation. Growth in budgets of state-level education institutions is limited according to increases in inflation and student enrollment. For the General Fund and Highway Fund budgets, revenues exceeding the expenditure limitation must be distributed by directing 20% of that excess to a budget stabilization fund and 80% of that excess to a tax relief fund. The budget stabilization funds may be used only in years when revenues are not sufficient to fund the level of expenditure permitted by the growth limits. The tax relief funds must be used to provide tax relief through refunds proportional to individual income tax personal exemptions claimed in the previous tax year or a decrease in motor fuels taxes. For quasi-governmental agencies and state agencies that manage Other Special Revenue Funds, the managers of those funds must report excess surpluses to the Legislature with a plan for refund of those revenues.

Under this bill, an increase in revenue would be possible only by a 2/3 vote of each House of the Legislature and the approval of the voters of the State, if applicable.

Committee Amendment "A" (H-613)

This amendment incorporates a fiscal note.

LD 1633 An Act To Provide a Sales Tax Exemption for College Textbooks **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CANAVAN	ONTP	

This bill provides a sales tax exemption for textbooks sold at colleges and universities.

LD 1645 An Act To Clarify That Certain Separately Itemized Charges Are Subject to the Sales Tax on the Rental of Motor Vehicles **PUBLIC 444**

Sponsor(s)	Committee Report	Amendments Adopted
MOORE G	ONTP MAJ OTP-AM MIN	H-510 H-606 PIOTTI

This bill clarifies that separately itemized charges to recover title fees, registration fees, local excise tax and agent fees are subject to the sales tax on the rental of motor vehicles.

Committee Amendment "A" (H-510)

This amendment clarifies that the value of a motor vehicle rental for a period of less than one year is the total rental

charged to the lessee and includes maintenance and service contract fees, drop-off or pick-up fees, airport surcharges and mileage fees.

House Amendment "A" (H-606)

This amendment requires car rental companies to provide the total cost of the car rental, including all fees, to the lessee at the time an estimated quote is provided.

Enacted Law Summary

Public Law 2007, chapter 444 clarifies that separately itemized charges to recover title fees, maintenance and service fees, drop-off and pick-up fees, airport surcharges and mileage fees, registration fees, local excise tax and agent fees are subject to the sales tax on the rental of motor vehicles for a period of less than one year. Car rental companies are required to provide the total cost of the car rental, including all fees, to the lessee at the time an estimated quote is provided.

LD 1646 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief to the Elderly and Disabled** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MAZUREK	ONTP	

This resolution proposes to amend the Constitution of Maine to authorize the Legislature to require municipalities to limit tax increases on property owned and occupied for at least 5 years as a person's primary residence if that person is at least 60 years of age or that person is disabled and receiving federal assistance due to the disability. The amount of the tax increase would be limited to the rate of inflation. Upon transfer of the property to someone other than a family member of the owner, the property would assume the just value at the time of transfer.

LD 1647 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Taxes for Affordable Housing** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	

This resolution proposes to amend the Constitution of Maine to provide for a 50% reduction in the valuation of affordable housing for purposes of property taxation. Affordable housing is defined as residential housing financed by a state or federal agency that assists low-income individuals in obtaining housing and that contains at least 6 rental units or residential housing that has at least 20% of its units set aside for households with income at or below 80% of the median income for the county in which the residential housing is located.

LD 1648 **An Act To Exempt Housing Owned by Nonprofit Organizations for People with Disabilities from the Municipal Service Fee Laws** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
WAGNER	ONTP MAJ OTP-AM MIN	

This bill clarifies that property that is owned by a nonprofit organization that provides residential rental housing to persons with physical or mental disabilities is exempt from municipal property tax. This bill also exempts such

property from the ability of municipalities to levy charges on certain tax exempt property for the provision of services such as fire and police protection and water and sewer service.

Committee Amendment "A" (H-171)

This amendment narrows the scope of the bill by deleting the provision affecting converted residential housing and clarifying the provision providing an exception to municipal service charge authority for residential property owned by a nonprofit organization and used to provide housing and services to persons with certain disabilities.

LD 1649 An Act To Establish a Local Option Real Estate Transfer Tax for Homestead Tax Relief **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	ONTP	

This bill does the following:

Part A allows a municipality, by referendum, to establish a local option real estate transfer tax of up to 2% on the transfer of single family homes. The revenue must be used to fund:

1 A local option circuitbreaker program;

2. A local option homestead property tax exemption program; or

3. The portion of the state homestead property tax exemption program that is not funded by the State; currently 50% of the property tax revenues lost as a result of the State homestead property tax exemption are not funded by the State.

Part B allows a municipality to adopt a local option homestead property tax exemption program.

LD 1652 An Act To Support County Corrections and Public Education **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	ONTP	

Part A affects the imposition of sales tax by expanding the definition of "taxable service" for purposes of the imposition of sales tax to include amusement, recreational and personal services and consumer purchases of transportation services and professional, club or fraternal memberships and repeals certain sales tax exemptions.

Part B dedicates the revenue generated by Part A to reduce property taxes by providing funding for education, county corrections and regional capital improvement.

LD 1664 **An Act To Exempt Vegetable Seeds from the Sales Tax** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
MAREAN	OTP-AM	H-308

This bill exempts from sales tax all vegetable seeds and fertilizer used noncommercially to produce an agricultural crop intended for human consumption.

Committee Amendment "A" (H-308)

This amendment eliminates from the bill the proposed sales tax exemption for fertilizer used in the noncommercial production of food crops.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 1665 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in the Property Tax Liability of Elderly Maine Residents** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CUMMINGS	ONTP	

This resolution proposes to amend the Constitution of Maine to authorize the Legislature to require municipalities to limit tax increases on property up to 2 acres in size owned and occupied as a person's primary residence if that person is at least 59 1/2 years of age. The amount of the tax increase would be limited to the rate of inflation. Upon transfer of the property to someone other than the spouse of the owner or a change in use, the property taxes not paid for the 5 years prior to the transfer or change in use due to this tax increase limitation would be required to be paid to the municipality and the property would assume the just value in effect at the time of transfer or change in use.

LD 1670 **An Act To Promote Tax Fairness** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	ONTP	

This bill amends Maine tax law in the following ways.

Part A amends the Maine Residents Property Tax Program, also known as the Circuitbreaker Program, by allowing an individual to apply for a benefit using the individual income tax form.

Part B also amends the Circuitbreaker Program to increase the maximum refund under the program from $2,000 to $3,000.

Part C amends the Circuitbreaker Program, by allowing certain homeowners who rent their homesteads for a maximum of 30 days in the aggregate during the year to qualify for benefits under the program and prorating

benefits to reflect the rental period.

Part D increases the amount of the exemption under the Maine resident homestead property tax exemption program from $13,000 to $20,000 and increases the State reimbursement to 72.5% of the municipal property taxes lost as a result of the exemption, beginning in 2008.

Part E decreases the top income tax rate, beginning with tax year 2008, from 8.5% to 7.9%.

Part F increases the earned income credit from 5% of the federal credit to 25% and makes it refundable.

Part G increases the general sales tax rate from 5% to 6%, effective January 1, 2008.

Part H sends the proposals in this bill out to referendum to be voted on in November 2007.

LD 1671 An Act To Limit Homestead Property Taxes to 5% of Income **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	ONTP	

This bill proposes a homestead tax credit program that would limit property taxes to no more than 5% of income for property taxes on a home. The homestead tax credit is distributed to municipalities as a prepayment toward the tax assessment on homestead property so that the net tax bill imposed on homeowners is reduced accordingly. The homestead tax credit program replaces the Maine Residents Property Tax Program, the Maine Resident Homestead Property Tax Exemption and the state-municipal revenue sharing program and redirects funds previously allocated to those programs to support the cost of the homestead credits.

Administration of the program is simplified and made concurrent with the income tax filing period. For homeowners, credits are calculated based on the previous year's income and property taxes accrued. Credit payments are made to the municipality where the home is located as a credit against the current year's property taxes. Renters are also eligible for a credit in an amount comparable to the benefit available under current law, which would be paid as a refundable income tax credit. Benefits in current law for low-income elderly persons are preserved.

To prevent the homestead tax credit from translating into increased spending at the municipal level, the bill would redefine and make it harder to override the spending limits on municipal, county and school government units. It would incorporate tax burden reduction factors into the spending limits imposed on government at all levels, and it would change the override process for exceeding county, municipal and school growth limits to require either a 2/3 vote of the local body proposing the increase or approval by the voters at referendum.

The changes proposed by this bill are subject to approval by the voters at a referendum vote in November of 2007.

LD 1707 Resolve, Directing the Bureau of Revenue Services To Convene a Study Group on Excise Tax Enforcement **RESOLVE 113**

Sponsor(s)	Committee Report	Amendments Adopted
WHEELER	OTP-AM	H-526

This bill requires municipalities to enforce the excise tax laws against residents of the municipalities that register their motor vehicles, aircraft or watercraft outside of the State to avoid the State's excise tax laws.

Committee Amendment "A" (H-526)

This amendment replaces the bill and directs the Department of Administrative and Financial Services, Bureau of Revenue Services to convene a study group to identify strategies to decrease evasion of motor vehicle and watercraft excise taxes and report to the Joint Standing Committee on Taxation by January 15, 2008.

Enacted Law Summary

Resolve 2007, chapter 113 directs the Department of Administrative and Financial Services, Bureau of Revenue Services to convene a study group to identify strategies to decrease evasion of motor vehicle and watercraft excise taxes and report to the Joint Standing Committee on Taxation by January 15, 2008.

LD 1708 **An Act To Exempt Persons 65 Years of Age or Older Whose Income Is Below the Poverty Line from Paying Property Taxes on Their Homes** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BEAUDOIN	ONTP	

This bill provides an exemption from residential property taxes for the home of a person who is 65 years of age or older and whose income is below poverty thresholds.

LD 1710 **An Act To Promote Fairness in Municipal Foreclosure Procedures** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

This bill requires a municipality that forecloses on a property tax lien to provide notice of the availability of excess funds, after subtracting the tax lien, interest, fees for recording the lien, costs of mailing notice, court costs and any other expenses incurred in disposing of the real estate, to the former owner within 30 days of sale of the real estate or 180 days of the foreclosure, whichever is sooner. The municipality is required to keep the excess funds in a segregated escrow account. If the former owner fails to claim the excess funds within 90 days of the notice, the municipality is allowed to retain the excess funds. If the former owner or the former owner's representative notifies the municipality within 90 days of the notice, the municipality must negotiate with the former owner over the return of the excess funds. If the owner is dissatisfied with the municipality's offer, the former owner may seek binding arbitration for resolution of the matter.

LD 1711 **An Act To Reduce the Capital Gains Tax** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MILLS J	ONTP	

This bill removes a portion of net positive long-term capital gains for the purposes of calculating taxable income. This bill also increases the cigarette tax by $1.00 per pack, increases the tobacco products tax on smokeless tobacco from 78% to 117% of the wholesale sales price and increases the tax on other tobacco products from 20% to 30% of the wholesale sales price.

LD 1712 **An Act To Amend the Amount of the Child Care Tax Credit** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CONOVER	ONTP	

This bill increases the income tax credit for child care expenses to 100% of the credit allowed under federal law and proposes to remove the $500 cap on the amount of the refund.

LD 1725 **An Act To Modernize the Alcohol Tax by Imposing It on a Per Drink Basis** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW		

This bill adjusts alcohol premium taxes on beer, wine, sparkling wine, fortified wine, hard cider and low-alcohol spirits products by establishing a uniform tax intended to equal 10¢ per drink. To accomplish this, the bill raises the premium tax on beer, hard cider and wine and reduces the premium tax on low-alcohol spirits products. This bill will significantly increase revenues for the prevention fund. Taxes on distilled spirits are unaffected by the bill.

The bill increases the premium tax on beer and hard cider from 10¢ per gallon to 82¢ per gallon. The premium tax on table wines increases from 30¢ per gallon to $2.26 per gallon. The premium tax on fortified wines and sparkling wines increases from 24¢ to $1.56 per gallon.

The bill indexes both the excise tax and the premium tax to inflation beginning in 2008. This provision will result in modest increases to both the General Fund and the prevention fund.

This bill also directs that increased premium tax revenues be used for substance abuse treatment and prevention programs, after-school programs and property tax relief, the latter by offsetting the cost of local law and liquor enforcement programs.

The bill establishes an effective date of January 1, 2008.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1731 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Tax Nonprimary Residences at a Higher Rate** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

This resolution amends the Constitution of Maine to allow a municipality to impose a greater assessment of property taxes on real property that has an assessed value of more than $500,000 and that is not occupied as the primary residence by the owner of that property. The threshold amount of $500,000 would be adjusted annually to reflect the cost of living, as published in a federal publication.

LD 1732 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Surtax on Property with a Value over $400,000** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD	ONTP	

This resolution proposes to amend the Constitution of Maine to authorize the Legislature to allow municipalities to impose a property tax surcharge on real residential property with a valuation of more than $400,000. The surcharge would be imposed only on that portion of the value of the property that exceeds $400,000. The owner of the property would be entitled to a credit in the amount of the surcharge against Maine income taxes due.

LD 1739 **An Act Concerning Technical Changes to the Tax Laws** **PUBLIC 438**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI	OTP-AM	H-591

This bill is submitted on behalf of the Bureau of Revenue Services and makes the following technical changes to the laws governing taxation.

1. It repeals a provision that authorizes the State Tax Assessor to subtract from revenues credit card fees associated with income tax returns filed by telephone. Maine's income tax Telefile system has been discontinued.

2. It replaces the imprecise term "report" with the defined term "return" throughout the tax laws.

3. It authorizes a 120-day extension of the time allowed for filing a return after the taxpayer has received a formal demand for filing. The Department of Administrative and Financial Services, Bureau of Revenue Services has been administratively granting such extensions.

4. It provides clear statutory authority for the State Tax Assessor to disclose the fact that a person has or has not been issued a certificate of exemption under the sales tax law or the service provider tax law. The bureau has administratively interpreted existing law to authorize these disclosures.

5. It replaces an obsolete reference to the Bureau of Property Taxation, which was merged into the Bureau of Taxation, now the Bureau of Revenue Services, a number of years ago.

6. It clarifies that all owners of property proposed for tree growth classification must consent to the application in writing.

7. It repeals an obsolete provision that related to valuation of tree growth property for taxable years prior to April 1, 1983.

8. It repeals obsolete language relating to the computation of tree growth reimbursements and authorizes the State Tax Assessor to adopt rules governing the assessment of tree growth land and the computation of reimbursements.

9. It repeals obsolete provisions relating to the administration of changes to the Maine Tree Growth Tax Law that were enacted in 1981 and corrects an erroneous reference.

10. It replaces obsolete terminology, corrects cross-references and clarifies the definition of "nonprofit."

11. It clarifies certain deadlines relating to the certification of pollution control facilities for property tax exemption.

12. It clarifies the deadline for filing an application for a homestead property tax exemption and repeals an obsolete provision that governed program applications for the 1998 tax year.

13. It makes technical changes to the business equipment tax exemption law enacted in 2006.

14. It clarifies that all owners of property proposed for farm and open space classification must consent to the application in writing and repeals obsolete language.

15. It clarifies the deadlines for notifying the landowner of the status of an application for classification of land under the farm and open space law and for reporting income from farmland under the farm and open space law, corrects a cross-reference and reallocates a paragraph into the subsection to which the paragraph's subject matter relates.

16. It repeals an obsolete statute that provided for transfers to the Unorganized Territory Education and Services Fund in fiscal years 1985 to 1990.

17. It replaces the word "primary" with "elementary" in the definition of "school" to match the term that is defined and used in other Maine statutes pertaining to schools.

18. It repeals a superfluous provision relating to determinations of residency under the sales and use tax law.

19. It eliminates redundant language.

20. It clarifies exemptions for certain sales of residential fuel and electricity.

21. It repeals an obsolete provision relating to the administration of changes that were enacted in 1989 in the sales tax exemption for continuous residence in a hotel, rooming house, tourist camp or trailer camp.

22. It simplifies and clarifies existing law providing that certain sales tax exemptions for vehicles purchased by nonresidents are not limited to natural persons.

23. It clarifies existing law providing that certain sales tax exemptions for items purchased by nonresidents are limited to natural persons.

24. It clarifies the sales and use tax exemption for water and air pollution control facilities by including chemicals and supplies for certified facilities within the scope of the exemption. The bureau currently treats these items as exempt based on a 1994 court decision.

25. It clarifies the exemption for sales of residential water.

26. It clarifies an existing sales tax exemption for property used in production.

27. It relocates an existing sales and use tax exemption for certain sales of electricity or water to the section that provides for exemptions.

28. It repeals a statute that imposes criminal penalties for violation of unspecified laws.

29. It repeals the solid waste reduction investment tax credit in the insurance premium tax law. The credit is no longer available.

30. It corrects the name of the state agency that licenses private nonmedical institutions to reflect legislation effective July 1, 2004 that combined and reorganized the former Department of Human Services and the former Department of Behavioral and Developmental Services.

31. It clarifies that certain separately stated transportation charges are excluded from the sale price under the service provider tax law on the same basis as under the sales and use tax law.

32. It adds a specific exemption for purchases of fabrication services to print advertising or promotional materials for the purpose of subsequently transporting those materials outside the State for use by the purchaser thereafter solely outside the State. This is the administrative position taken by the bureau.

33. It clarifies that the basis of reporting for purposes of the gasoline tax is actual measured gallonage, without any adjustment for temperature or barometric pressure variations.

34. It adds a definition of "retail dealer" to the gasoline tax law in order to clarify the type of transaction that qualifies for a retail shrinkage refund under the Maine Revised Statutes, Title 36, section 2906, subsection 4.

35. It clarifies that when gasoline is placed in a retail tank it is deemed to have been sold for purposes of the gasoline tax law. This is longstanding administrative policy of the bureau.

36. It clarifies that gasoline tax refunds to a retail dealer based on shrinkage or loss by evaporation are based on purchases of gasoline delivered to the dealer's tanks and actually sold from those tanks, rather than on the total gross purchases made during the year.

37. It eliminates a reference to a "monthly" refund claim for fuel used in commercial uses since there is no requirement that the claims be filed monthly.

38. It repeals the requirement that original invoices must be submitted with refund claims for gasoline tax paid on fuel used in locally encouraged vehicles. This requirement has not been enforced for several years. It also eliminates the requirement that refund claims must be filed quarterly. By administrative policy they may be filed for any open period.

39. It adds a specific provision to clarify that gasoline tax refunds for fuel used in aircraft are reduced by the amount of Maine use tax due on the fuel. This is consistent with longstanding administrative practice of the bureau.

40. It eliminates an obsolete cross-reference to the affidavit prescribed for registered sellers in Title 36, section 3205. Title 36, section 3205 no longer contains any reference to an affidavit.

41. It repeals statutes that formerly governed taxation of fuel consumed by interstate buses. This tax is now reported under the International Fuel Tax Agreement.

42. It clarifies that distillates delivered to a consumer or a retail outlet, whether or not "on consignment," are deemed to have been sold for purposes of the special fuel tax. This is longstanding administrative policy of the bureau.

43. It clarifies that propane shrinkage allowances must be calculated on an annual basis. This is current administrative policy of the bureau.

44. It limits the exemption for sales of special fuel to the State and its political subdivisions to bulk sales. Because of the way the tax is imposed it is not practical to make exempt sales at the pump. Governmental entities may apply for a refund of the tax paid on those sales.

45. It removes obsolete and redundant language relating to refund applications by special fuel users.

46. It eliminates the requirement that original invoices must be submitted with refund claims for special fuel tax paid by political subdivisions. This requirement has not been enforced for several years. It also repeals an obsolete provision that governed refunds of tax paid before April of 1986.

47. It clarifies the administration of the special fuel tax.

48. It eliminates the requirement that original invoices must be submitted with refund claims for special fuel tax paid on fuel used in locally encouraged vehicles. This requirement has not been enforced for several years. It also eliminates the requirement that refund claims must be filed quarterly. By administrative policy they may be filed for any open period.

49. It eliminates the requirement that original invoices must be submitted with refund claims for special fuel tax paid on fuel used off-highway. This requirement has not been enforced for several years. It also eliminates a reference to a "monthly" refund claim since there is no requirement that the claims be filed monthly.

50. It repeals the definition of "dealer" from the cigarette tax law. There is no longer any distinction between dealers and distributors.

51. It clarifies the cigarette tax law by replacing references to "license holder" with the defined term "distributor."

52. It repeals superfluous criminal provisions and clarifies an ambiguous statute prohibiting sale and reuse of cigarette stamps.

53. It repeals obsolete provisions setting discount rates for cigarette stamps that are no longer in effect.

54. It prohibits the return of partial rolls of cigarette stamps for credit unless the person is ceasing business as a distributor. This is longstanding bureau policy. It also repeals unnecessary language regarding the payment of refunds.

55. It deletes the obsolete term "dealer" from the cigarette tax law and clarifies certain record-keeping requirements.

56. It clarifies that the personal use exception applies to importation of tobacco products other than cigars and that any quantity of untaxed tobacco products imported into the State is subject to tax.

57. It repeals the law requiring certain fiduciaries to notify the State Tax Assessor of their appointment. This

requirement has not been enforced for many years.

58. It clarifies that a taxpayer's estimated tax liability includes all taxes due under the income tax law except withholding tax.

59. It clarifies that a person who fails to withhold tax as required is not relieved from liability for penalties for failure to file returns and pay withholding tax. This is the bureau's longstanding position.

60. It consolidates 2 closely related provisions relating to overpayments of withholding tax by employers and pass-through entities into a single subsection and eliminates a superfluous authorization for rulemaking that has never been implemented.

61. It clarifies the determination of the period during which a claimant under the Circuitbreaker Program must have been domiciled in Maine.

62. It clarifies the definition of "elderly household" for purposes of the Circuitbreaker Program. The new language is consistent with the way the statute has been administratively interpreted by the bureau.

63. It restructures for clarity the definition of "income" in the Circuitbreaker Program law, but does not change the way in which income is determined for purposes of the program.

64. It makes technical changes to the business equipment tax reimbursement law. It also corrects a conflict created by Public Law 2005, chapters 618 and 623, which affected the same provision of law, by incorporating changes made by both laws.

65. It eliminates the requirement for an annual revenue enhancement and amnesty report to the Legislature by the bureau.

The bill also corrects several grammatical errors and replaces archaic, redundant and gender-specific language.

Committee Amendment "A" (H-591)

This amendment removes from the bill provisions regarding the taxation of certain fabrication services related to advertising or promotional materials.

Enacted Law Summary

Public Law 2007, chapter 438, submitted on behalf of the Bureau of Revenue Services, makes the following technical changes to the laws governing taxation.

1. It repeals a provision that authorizes the State Tax Assessor to subtract from revenues credit card fees associated with income tax returns filed by telephone. Maine's income tax Telefile system has been discontinued.

2. It replaces the imprecise term "report" with the defined term "return" throughout the tax laws.

3. It authorizes a 120-day extension of the time allowed for filing a return after the taxpayer has received a formal demand for filing. The Department of Administrative and Financial Services, Bureau of Revenue Services has been administratively granting such extensions.

4. It provides clear statutory authority for the State Tax Assessor to disclose the fact that a person has or has not been issued a certificate of exemption under the sales tax law or the service provider tax law. The bureau has

administratively interpreted existing law to authorize these disclosures.

5. It replaces an obsolete reference to the Bureau of Property Taxation, which was merged into the Bureau of Taxation, now the Bureau of Revenue Services, a number of years ago.

6. It clarifies that all owners of property proposed for tree growth classification must consent to the application in writing.

7. It repeals an obsolete provision that related to valuation of tree growth property for taxable years prior to April 1, 1983.

8. It repeals obsolete language relating to the computation of tree growth reimbursements and authorizes the State Tax Assessor to adopt rules governing the assessment of tree growth land and the computation of reimbursements.

9. It repeals obsolete provisions relating to the administration of changes to the Maine Tree Growth Tax Law that were enacted in 1981 and corrects an erroneous reference.

10. It replaces obsolete terminology, corrects cross-references and clarifies the definition of "nonprofit."

11. It clarifies certain deadlines relating to the certification of pollution control facilities for property tax exemption.

12. It clarifies the deadline for filing an application for a homestead property tax exemption and repeals an obsolete provision that governed program applications for the 1998 tax year.

13. It makes technical changes to the business equipment tax exemption law enacted in 2006.

14. It clarifies that all owners of property proposed for farm and open space classification must consent to the application in writing and repeals obsolete language.

15. It clarifies the deadlines for notifying the landowner of the status of an application for classification of land under the farm and open space law and for reporting income from farmland under the farm and open space law, corrects a cross-reference and reallocates a paragraph into the subsection to which the paragraph's subject matter relates.

16. It repeals an obsolete statute that provided for transfers to the Unorganized Territory Education and Services Fund in fiscal years 1985 to 1990.

17. It replaces the word "primary" with "elementary" in the definition of "school" to match the term that is defined and used in other Maine statutes pertaining to schools.

18. It repeals a superfluous provision relating to determinations of residency under the sales and use tax law.

19. It eliminates redundant language.

20. It clarifies exemptions for certain sales of residential fuel and electricity.

21. It repeals an obsolete provision relating to the administration of changes that were enacted in 1989 in the sales tax exemption for continuous residence in a hotel, rooming house, tourist camp or trailer camp.

22. It simplifies and clarifies existing law providing that certain sales tax exemptions for vehicles purchased by nonresidents are not limited to natural persons.

23. It clarifies existing law providing that certain sales tax exemptions for items purchased by nonresidents are limited to natural persons.

24. It clarifies the sales and use tax exemption for water and air pollution control facilities by including chemicals and supplies for certified facilities within the scope of the exemption. The bureau currently treats these items as exempt based on a 1994 court decision.

25. It clarifies the exemption for sales of residential water.

26. It clarifies an existing sales tax exemption for property used in production.

27. It relocates an existing sales and use tax exemption for certain sales of electricity or water to the section that provides for exemptions.

28. It repeals a statute that imposes criminal penalties for violation of unspecified laws.

29. It repeals the solid waste reduction investment tax credit in the insurance premium tax law. The credit is no longer available.

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60. It clarifies the determination of the period during which a claimant under the Circuitbreaker Program must have been domiciled in Maine.

61. It clarifies the definition of "elderly household" for purposes of the Circuitbreaker Program. The new language is consistent with the way the statute has been administratively interpreted by the bureau.

62. It restructures for clarity the definition of "income" in the Circuitbreaker Program law, but does not change the way in which income is determined for purposes of the program.

63. It makes technical changes to the business equipment tax reimbursement law. It also corrects a conflict created by Public Law 2005, chapters 618 and 623, which affected the same provision of law, by incorporating changes made by both laws.

64. It eliminates the requirement for an annual revenue enhancement and amnesty report to the Legislature by the bureau.

65. It corrects several grammatical errors and replaces archaic, redundant and gender-specific language.

LD 1756 An Act To Make Real Estate Taxation Stable, Equitable and Predictable **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the property tax laws in the following ways:

1. Cap yearly increases in municipal spending to a percentage based upon the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics;

2. Limit tax-exempt property to 10% of the area of a municipality;

3. Assess equally the square footage of all land in a municipality in the same land use zone, with exceptions for land with a higher social value, such as waterfront, farmland, forest land, open space, interstate access roads and railroad land, which would receive no or a reduced tax rate or the owners of that land would receive a tax credit;

4. Assess equally the square footage of all buildings in the same land use zone in a municipality and with access to the same utilities, for example, public water and sewer;

5. If there is a budget shortfall for a fiscal year, allow a municipality to assess a budget gap adjustment that would cover the shortfall as a percentage of the combined property values in sections 3 and 4 to be applied equally among all property owners in the municipality;

6. Implement a homestead exemption program for certain property owners in disadvantaged circumstances, such as property owners who are low-income or 65 years of age or older or who have a physical disability; and

7. Enhance municipal revenues based upon the fair market value of the property by a special assessment of a percentage of the capital gains incurred when a property changes ownership or is otherwise transferred; an increase in value when a change in property status occurs, such as the property's zoning, use, impact or connection to a utility; or an increase in value resulting from tax increment financing or infrastructure improvements.

LD 1770 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Exempt 65-year-old Residents from Property Tax Increases** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD	ONTP	

This resolution proposes to amend the Constitution of Maine to authorize the Legislature to require municipalities to cap property taxes on property owned and occupied as a person's primary residence if that person is at least 65 years of age and the property has an assessed value of no more than 150% of the median assessed value of housing in Maine. The rate of tax would be stabilized at the rate in effect on the later of the date by which the person attained 65 years of age or purchased the property. Upon transfer of the property to someone other than a family member of the owner, the property would assume the just value at the time of transfer. The State would be required to reimburse a municipality for any revenue lost due to the cap on property taxes.

LD 1772 **An Act To Require Nonresidents To Pay Sales Tax on Snowmobiles and ATVs** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MAREAN		

This bill repeals the exemption from the sales tax for sales of ATVs and snowmobiles to nonresidents.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1784 An Act To Authorize Municipal Property Tax Deferral Programs **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM	ONTP	

This bill authorizes municipalities to establish property tax deferral programs for homesteads. The municipality would be able to restrict eligibility to persons who are 62 or older.

LD 1788 An Act To Equalize Tax Filing Status **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY		

This bill requires domestic partners registered with the Department of Health and Human Services to file their income tax returns under the same requirements as for married persons.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1815 An Act To Create Jobs by Expanding Educational Opportunity for Maine Residents **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS MARTIN	ONTP	

This bill provides a tax credit to reimburse educational loan payments for a Maine resident who earns an associate degree or a bachelor's degree in Maine and lives, works and pays taxes in Maine after earning that degree. Under an agreement with the State, a Maine resident who obtains an associate degree or a bachelor's degree from an accredited Maine junior college, college or university may take advantage of the credit. A person who qualifies may claim the credit for payments made during each year the person lives and works in Maine. In addition, the qualified person's employer, or, if the qualified person is an independent contractor, the entity contracting with that qualified person, may make the loan payments and claim the credit. The credit is limited to what the person actually pays in loan payments or to the amount that would be necessary to pay for an education in the University of Maine System or Maine Community College System, whichever is less.

See also LDs 53, 298, 368, 948 and 1856.

LD 1816 **Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory** **RESOLVE 65**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI PERRY J	OTP-AM	H-307

This resolve authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory, which were acquired by the State because of nonpayment of property tax.

Committee Amendment "A" (H-307)

This amendment incorporates a fiscal note.

Enacted Law Summary

Resolve 2007, chapter 65 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory, which were acquired by the State because of nonpayment of property tax.

LD 1819 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Tax Increases** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	OTP-AM MAJ OTP-AM MIN	

This constitutional resolution proposes 3 changes to the Constitution of Maine and provides that each change must be presented as a separate and independent question to the voters.

Part A requires approval of 2/3 of each House of the Legislature to alter the tax rate for income taxes, motor vehicle excise tax mill rates or general sales tax rates except when inadequate funds have been appropriated for debt payment.

Part B authorizes municipalities to opt out of the unreimbursed portion of the homestead exemption by holding a municipal referendum and would allow them to reverse that decision by a subsequent referendum.

Part C requires a 2/3 vote of a municipal legislative body to increase the local property tax mill rate or implement a sales tax at the municipal level and further requires that if a local sales tax is authorized, it must provide property or excise tax relief.

This resolution is presented as part of a tax reform proposal. See also LD 1833.

Committee Amendment "A" (S-271)

This amendment is the majority report of the Joint Standing Committee on Taxation.

Like the constitutional resolution, this amendment proposes 3 changes to the Constitution of Maine and provides that each change must be presented as a separate and independent question to the voters. Under the amendment, which clarifies the language of the resolution:

1. Part A requires approval of 2/3 of each House of the Legislature to alter the statutory tax rates for income tax, motor vehicle excise tax or sales tax except when adequate funds have not been appropriated for debt payment;

2. Part B authorizes municipalities to opt out of the unreimbursed portion of the general homestead exemption by holding a municipal referendum subject to procedural conditions enacted by the Legislature and allows them to reverse that decision by a subsequent referendum; and

3. Part C authorizes municipalities to adopt a local sales tax subject to guidelines and procedures enacted by the Legislature. Revenues must be used to reduce property taxes.

Committee Amendment "B" (S-272)

This amendment is the minority report of the Joint Standing Committee on Taxation. It removes those parts of the constitutional resolution that required a 2/3 vote to alter certain taxes and that authorized a local sales tax. The amendment retains the authority of municipalities to opt out of the unreimbursed portion of the general homestead exemption by holding a municipal referendum subject to procedural conditions enacted by the Legislature and to reverse that decision by a subsequent referendum.

LD 1823 **An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
BERRY PERRY J	OTP-AM MAJ ONTP MIN	H-413 H-515 BERRY

This bill exempts from the sales and use tax meals, up to a maximum cost to the employer of $6 per day, provided to an employee of an eating establishment while that employee is working.

Committee Amendment "A" (H-413)

This amendment incorporates a fiscal note.

House Amendment "A" (H-515)

This amendment clarifies that the exemption applies to meals provided without charge to an employee during hours while the employee is paid for working, and reduces the maximum cost to the employer of the meal subject to the exemption from $6 to $2.

This bill was placed on the Special Appropriations Table and died on adjournment.

LD 1833 **An Act To Provide Property Tax and Income Tax Relief** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
HOTHAM		

This bill provides a framework for property tax relief and income tax relief discussions in the following ways.

Part A increases the homestead property tax exemption from $13,000 to $50,000.

Part B increases benefits by reducing the threshold for 100% reimbursement of property taxes from 8% of income to 6% of income. It also changes the maximum property taxes that may be considered in the formula from $3,000 to $2,400 for single-member households and from $4,000 to $3,400 for households with 2 or more members, having the effect of reducing the income eligibility threshold to $60,000 for single-member households and $85,000 for households with 2 or more members.

Part C increases the earned income tax credit from 5% of the federal credit to 25% and makes it refundable.

Part D provides that the personal exemption under the income tax will be the same as the federal personal exemption, increasing the amount from $2,850 to $3,400 for tax years beginning in 2007.

Part E increases the low-income tax credit threshold from $2,000 of taxable income to $10,000 of taxable income.

Part F reduces personal income tax rates and adjusts brackets.

Part G eliminates the income tax incorporation of the standard deduction or itemized deductions claimed on a federal income tax return.

Part H increases the excise tax on beer from 25¢ per gallon to 50¢ per gallon and on wine from 30¢ per gallon to 45¢ per gallon.

Part I changes the rate of tax on all taxable income for corporations to 8.93%.

Part J increases the sales tax on meals and lodging from 7% to 9%.

Part K repeals various sales tax exemptions and broadens the sales tax and service provider tax to cover certain services not currently taxed. It also reinstitutes the sales tax on nonstaple foods.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

See also LD 1819.

LD 1856 An Act To Allow a Tax Credit for College Loan Repayments **PUBLIC 469**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM MAJ ONTP MIN	H-414

This initiated bill provides a tax credit to reimburse educational loan payments for any Maine resident who earns an associate degree or a bachelor's degree in Maine, and lives, works and pays taxes in Maine after earning that degree. Under an agreement with the State, a Maine resident who earns an associate degree or a bachelor's degree from an accredited Maine junior college, college or university may take advantage of the credit. The person may claim the credit for payments made during each year that person lives and works in Maine. If the person lives and works in Maine, that person's employer may make the loan payments and claim the credit. The credit is limited to what the person actually pays in loan payments or to what would be necessary to pay for an education in the University of Maine System or Maine Community College System, whichever is less.

See also LDs 53, 298, 368, 948 and 1815.

Committee Amendment "A" (H-414)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 469 is an initiated bill that provides a tax credit to reimburse educational loan payments for any Maine resident who earns an associate degree or a bachelor's degree in Maine, and lives, works and pays taxes in Maine after earning that degree. Under an agreement with the State, a Maine resident who earns an associate degree or a bachelor's degree from an accredited Maine junior college, college or university may take advantage of the credit. The person may claim the credit for payments made during each year that person lives and works in Maine. If the person lives and works in Maine, that person's employer may make the loan payments and claim the credit. The credit is limited to what the person actually pays in loan payments or to what would be necessary to pay for an education in the University of Maine System or Maine Community College System, whichever is less.

LD 1875 **An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2007-08** **P & S 28 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-382
		S-386 MARTIN

This bill establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

Committee Amendment "A" (H-382)

This amendment incorporates a fiscal note.

Senate Amendment "A" (S-386)

This amendment adjusts the education portion of the municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality to reflect requirement enacted in LD 484, Public Law 2007, chapter 424.

Enacted Law Summary

Private and Special Law 2007, chapter 28 establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

Private and Special Law 2007, chapter 28 is an emergency measure that took effect June 27, 2007.

LD 1905 **An Act To Compute the Automobile Excise Tax Based on the Actual Purchase Price** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCDONOUGH	ONTP	

This bill requires that the excise tax for all motor vehicles and campers be based upon the purchase price of the vehicle. Either the original bill of sale or the state sales tax document may be used to verify the purchase price. The bill repeals the section of law dealing with the computation of excise taxes on commercial motor vehicles because all motor vehicles would be taxed in the same manner under this bill.

LD 1917 **An Act To Adjust the State Valuation of Boothbay Harbor** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD		

The Town of Boothbay Harbor by law must refund 60% of tax revenues derived from the Isle of Springs Corporation and the Bayville Village Corporation, both located within the town's geographic boundaries. This bill seeks to address the loss in state-municipal revenue sharing and state education funding that results from having the full value of the 2 village corporations included in the state valuation for the Town of Boothbay Harbor by recertifying the valuation to reflect only 40% of the valuation of the 2 village corporations.

This bill died as the result of nonconcurrence on Committee of Reference between the Senate and House of Representatives.

LD 1925 **An Act To Cut Taxes on Maine Residents by over $140,000,000** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted

This bill represents the work of the Joint Standing Committee on Taxation to reform Maine's tax structure and reduce the burden of taxes on Maine residents. This bill reduces taxes on Maine families by over $140,000,000. The bill contains the following provisions.

Part A makes fundamental changes to simplify and reduce the burden of the State's income tax and create an income tax that is intended to be more beneficial to investment and economic growth in the State. The current structure of 4 tax brackets, personal exemptions and deductions is replaced by a flat rate of 6% on all taxable income. The progressivity of the current income tax is maintained through a household credit that alleviates the impact of the 6% rate on low-income and middle-income households. The corporate income tax is also changed to a flat rate at 8.93%. Conformity with certain federal business expensing and depreciation treatment is provided. The complicated and confusing alternative minimum tax on individuals is repealed.

Part B provides property tax relief by increasing the homestead property tax deduction from $13,000 to $26,000.

Part C provides further property tax relief by making the Property Tax and Rent Refund Program, currently known as "the Maine Residents Property Tax Program" or "the circuitbreaker program," available to a larger number of residents and increasing benefits. It requires the State to make greater efforts to increase awareness of the program and produce greater participation.

Part D provides a process that permits persons 65 years of age or older to defer property taxes on their

homesteads. The State would reimburse municipalities for the deferred taxes and acquire a lien on the property to collect what is owed when the property is sold or otherwise transferred.

Part E broadens the sales tax base by including certain services and repealing certain exemptions. Part E also increases the sales tax on prepared food and lodging to 8% and the sales tax on rentals of automobiles of less than one year to 15%.

Part F changes the format for the real estate transfer tax and provides that permanent residences with a value of $1,000,000 or less would be taxed at 0.6% on the first $250,000 of value, 0.8% on the next $250,000 of value and 1% on the next $500,000 of value. Residential property valued at over $1,000,000 would be taxed at 1.5% and all other property would be taxed at 1%.

Part G doubles the excise tax on wine and malt liquor except for malt liquor produced by a manufacturer that produced less than 100,000 barrels in the previous calendar year.

Part H provides that, beginning in fiscal year 2009-10, 15% of growth in sales and income tax would be transferred to the Tax Relief Fund for Maine Residents to be used for tax relief.

Part I provides that, beginning in fiscal year 2009-10, 10% of sales tax revenue growth must be returned to the municipalities where the growth occurred.

Part J requires the Department of Administrative and Financial Services, Bureau of Revenue Services to make information available to citizens that explains the State's tax structure and the changes contained in this Act.

Part K provides that a lien for unpaid property taxes may not be foreclosed against the homestead of a person who is at least 65 years of age and has lived in the homestead for at least 10 years until the property is transferred by deed or upon death. Liens would continue in effect and would accrue interest until the lien is satisfied.

Part L makes appropriations and allocations necessary to implement the bill.

Joint Standing Committee on Taxation

SUBJECT INDEX

Administration of Tax Laws

Enacted

LD 1504	An Act To Make Minor Substantive Changes to the Tax Laws	PUBLIC 437
LD 1739	An Act Concerning Technical Changes to the Tax Laws	PUBLIC 438

Not Enacted

LD 1378	Resolve, To Provide Information to Maine Citizens Regarding Maine's Tax Laws	DIED ON ADJOURNMENT
LD 1925	An Act To Cut Taxes on Maine Residents by over $140,000,000	DIED BETWEEN HOUSES

Income Tax - General

Enacted

LD 1856	An Act To Allow a Tax Credit for College Loan Repayments	PUBLIC 469

Not Enacted

LD 53	An Act To Provide a Tax Credit for College Education Costs When the Person Creates Jobs following Graduation	ONTP
LD 54	An Act To Conform Maine Law with Federal Law Regarding Tax Credits for Adoptions	ONTP
LD 131	An Act To Provide Tax Relief to Working Families	ONTP
LD 157	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Lower the Income Tax	ONTP
LD 171	An Act To Establish a Voluntary Tax Account	ONTP
LD 206	An Act To Provide an Inflation Adjustment to the Income Tax Exemption for Private, Public and Military Pensions	ONTP
LD 236	An Act To Exempt from the Income Tax Military Pay of Maine Residents Who Are Members of the Armed Services Stationed outside of the State Earned while on Active Duty	DIED ON ADJOURNMENT

LD 260	An Act To Provide an Income Tax Deduction for Teachers To Account for the Purchase of Supplies	ONTP
LD 262	An Act To Amend the Credit for Rehabilitation of Historic Properties	CARRIED OVER
LD 298	An Act To Assist Higher Education Debt Reduction	ONTP
LD 302	An Act To Create an Alternative Fuel Vehicle Income Tax Credit and an Alternative Fuel Vehicle Rebate	ONTP
LD 349	An Act To Provide a Tax Credit for the Purchase of Small Wind Power Generators for Personal or Small Business Use	CARRIED OVER
LD 358	An Act To Create the Maine Fishery Infrastructure Tax Credit Program	DIED ON ADJOURNMENT
LD 368	An Act To Encourage Employers To Defray the Cost of College for the Children of Their Employees	ONTP
LD 394	An Act To Provide a Tax Benefit to Businesses That Invest in Quality Child Care	ONTP
LD 422	An Act To Increase the State Income Tax Exemption for Retired Employees in the Maine State Retirement System and Other Pension Systems to the Same Level as That of Retirees under the Social Security System	ONTP
LD 529	An Act To Encourage Newly Retired Veterans To Reside in Maine	DIED ON ADJOURNMENT
LD 544	An Act To Provide Maine Land Conservation Tax Incentives	DIED ON ADJOURNMENT
LD 562	An Act To Adopt a Flat Corporate Income Tax	ONTP
LD 567	An Act To Expand Tax Incentives for Conservation Easements	ONTP
LD 569	An Act To Reduce Maine's Income Tax Rates by 50 Percent	ACCEPTED ONTP REPORT
LD 623	An Act To Change the Standard State Tax Deduction for Married People Filing Jointly to $10,000	ONTP
LD 641	An Act To Amend the Nonresident Income Tax Filing Requirements	DIED ON ADJOURNMENT
LD 735	An Act To Provide an Income Tax Exemption for Active Duty Military Pay and Disability Military Pay	ONTP

LD 737	An Act To Promote Forest Management Planning and Certification	CARRIED OVER
LD 802	An Act To Ensure the Income Tax for Pensions Is Applied Fairly by Eliminating Reductions of Social Security and Railroad Benefits	ONTP
LD 816	An Act To Improve the Historic Preservation Tax Credit	DIED ON ADJOURNMENT
LD 872	An Act To Exempt Military Pensions and Survivors' Benefit Payments from State Income Tax	DIED ON ADJOURNMENT
LD 881	An Act To Create a Tax Break for Families That Make Less Than $25,000 Annually	ONTP
LD 900	An Act To Reduce the Capital Gains Tax	INDEF PP
LD 948	An Act To Provide Relief to Maine Residents from Postsecondary Tuition Costs	ONTP
LD 952	An Act To Reduce the Income Tax	CARRIED OVER
LD 1193	An Act Regarding the Taxation of Income Derived from Out-of-state Trusts	ONTP
LD 1255	Resolve, To Return to J & L Discatio Corporation Money Paid by It to Maine Revenue Services	ONTP
LD 1276	An Act To Promote Funding for Wildlife	ONTP
LD 1356	An Act To Provide a Tax Credit for Revitalization of Historic Mill Facilities	ONTP
LD 1379	An Act To Create an Income Tax Stabilization Program	ONTP
LD 1380	An Act To Provide Income Tax Relief to Working and Middle-class Families	ONTP
LD 1400	An Act To Amend the Laws Governing the Taxation of Partnerships	CARRIED OVER
LD 1432	An Act To Create a Voluntary Checkoff for the Income Tax Form for Forest Disease Prevention and Control	ONTP
LD 1434	An Act To Lower Maine Income Tax Rates	ONTP
LD 1461	An Act To Allow a Tax Credit for Tuition Paid to Private Schools	ONTP
LD 1482	An Act To Assist Recipients of Tax-exempt Income	ONTP

LD 1483	An Act To Exempt a Portion of Rental Income from Taxation	ONTP
LD 1510	An Act To Provide an Income Tax Deduction for Health Insurance Premiums	ONTP
LD 1518	An Act To Establish a Renewable Energy Tax Credit	ONTP
LD 1529	An Act To Create a Scholarship Grant Organization Tax Credit	ONTP
LD 1571	An Act To Clarify the Tax Credit for Pollution-reducing Boilers	ONTP
LD 1712	An Act To Amend the Amount of the Child Care Tax Credit	ONTP
LD 1788	An Act To Equalize Tax Filing Status	CARRIED OVER
LD 1815	An Act To Create Jobs by Expanding Educational Opportunity for Maine Residents	ONTP

Miscellaneous Taxes

Enacted

LD 227	An Act To Allow the Reimbursement of Motor Vehicle Excise Taxes in Certain Cases	PUBLIC 83
LD 716	Resolve, Regarding Legislative Review of Chapter 324: ConnectME Tax Reimbursements, a Major Substantive Rule of Maine Revenue Services	RESOLVE 26 EMERGENCY
LD 780	Resolve, Directing the Commissioner of Economic and Community Development To Convene a Working Group To Advance the Redevelopment of Mill Buildings	RESOLVE 103
LD 789	Resolve, Directing the Bureau of Revenue Services To Convene a Study Group on the Motor Vehicle Excise Tax	RESOLVE 107
LD 893	An Act To Exempt from Excise Tax Maine Military Personnel Who Are Serving Their Tours of Duty in Maine	PUBLIC 404
LD 1005	An Act To Amend the Tax Laws Concerning Certain Motor Vehicle Dealership Transactions	PUBLIC 410
LD 1307	An Act To Reduce Duplication of Paperwork for Fuel Distributors	PUBLIC 407
LD 1707	Resolve, Directing the Bureau of Revenue Services To Convene a Study Group on Excise Tax Enforcement	RESOLVE 113

Not Enacted

LD 26	An Act To Fund Transportation Projects	ONTP

LD 31	An Act To Fund Alcohol and Tobacco Addiction Treatment Programs (by request)	ONTP
LD 79	An Act To Repeal the Excise Tax on New Motor Vehicles (by request)	ONTP
LD 355	Resolve, To Establish a Committee To Examine Issues Relating to the Administration and Distribution of Municipal Revenue Sharing	ONTP
LD 402	An Act To Clarify the Application of the Real Estate Transfer Tax with Regard to Partial Sales of Corporations That Own Real Estate	ONTP
LD 459	An Act To Reduce the Excise Tax on New Vehicles	ONTP
LD 460	An Act To Amend the Municipal Excise Tax Reimbursement Fund Law	ONTP
LD 531	An Act To Improve the Method of Taxing Natural Gas for Highway Use	CARRIED OVER
LD 558	An Act To Create Fairness in the Motor Vehicle Excise Tax by Implementing the Recommendations of the Secretary of State's Task Force on Registration Fees	ONTP
LD 600	An Act To Improve Revenue Sharing	ONTP
LD 610	An Act To Reform the Taxation of Malt Liquor and Wine	INDEF PP
LD 760	An Act To Reduce the Excise Tax on Certain Commercial Vehicles	ONTP
LD 762	An Act To Enhance a Community's Capacity To Support Affordable Housing	ONTP
LD 788	An Act To Dedicate 20 Percent of the Sales Tax on Motor Vehicles to the Highway Fund	CARRIED OVER
LD 828	An Act To Change the Process for Applying for Reimbursement of Fuel Taxes	INDEF PP
LD 1105	An Act To Strengthen Maine's Craft Brewers	DIED ON ADJOURNMENT
LD 1112	An Act To Exempt from Maine Taxes Wine Shipped to Other States	ONTP
LD 1155	An Act To Include Fuel Economy when Calculating the Excise Tax on Motor Vehicles	CARRIED OVER
LD 1169	An Act Relating to Uncollectible Cigarette and Tobacco Taxes	DIED ON ADJOURNMENT

LD 1181	An Act To Reclassify Certain Tobacco Products	ONTP
LD 1192	An Act To Adjust Revenue Sharing Proportions for Education	ONTP
LD 1235	An Act Regarding Recreational Vehicle Excise Taxes	ONTP
LD 1342	An Act To Enhance Energy Security by Requiring Greater Fuel Efficiency	ONTP
LD 1357	Resolve, Directing the Treasurer of State To Convene a Study Commission To Develop Recommendations To Improve the Administration of the State-Municipal Revenue Sharing	ONTP
LD 1358	Resolve, To Study the Distribution of Revenue Sharing	ONTP
LD 1375	An Act To Equalize the Taxation of Noncigarette Tobacco Products	ONTP
LD 1376	An Act To Preserve Farmland and Timberland	ONTP
LD 1460	An Act To Allow Maine Residents To More Fully Depreciate Their Motor Vehicles	ONTP
LD 1484	An Act To Fund Community Health Centers	ACCEPTED ONTP REPORT
LD 1556	An Act To Recouple Maine Estate Tax with Federal Estate Tax	CARRIED OVER
LD 1579	An Act To Increase Fairness in Municipal Spending Caps	ONTP
LD 1597	An Act Regarding the Service Provider Tax	ONTP
LD 1711	An Act To Reduce the Capital Gains Tax	ONTP
LD 1725	An Act To Modernize the Alcohol Tax by Imposing It on a Per Drink Basis	CARRIED OVER
LD 1905	An Act To Compute the Automobile Excise Tax Based on the Actual Purchase Price	ONTP

Property Tax - Current Use

Enacted

LD 736	An Act To Require Notification before Withdrawal of Land from Classification under the Maine Tree Growth Tax Law for Failure To File Certain Statements	PUBLIC 425

Not Enacted

LD 237	An Act To Amend the Maine Tree Growth Tax Law	ONTP
LD 530	An Act To Encourage Open Space through Current Use Taxation of Open Space Land Set Aside for Long-term Protection from Development	CARRIED OVER
LD 543	Resolve, To Establish the Maine Tree Growth Tax Law Review Committee	CARRIED OVER
LD 640	An Act To Assess Farm Buildings at Current Use Value	ONTP
LD 665	An Act Regarding the Calculation of Tree Growth Reimbursements to Municipalities	ONTP
LD 1298	An Act To Amend the Definition of "Working Waterfront Land" To Include Land Used for Marine Trades	CARRIED OVER
LD 1299	An Act To Amend the Farm and Open Space Tax Law (by request)	ONTP
LD 1580	An Act To Allow Tree Growth Land Transfer to Family Members	ONTP

Property Tax - Exemptions

Enacted

LD 313	An Act To Extend the Property Tax Exemption for Veterans to Persons Living in Cooperative Housing	PUBLIC 418
LD 528	An Act To Make BETR Better	PUBLIC 372
LD 1225	An Act To Make Technical Changes to the Repeal of the Personal Property Tax on Business Equipment	PUBLIC 435

Not Enacted

LD 81	An Act To Update the Property Tax Exemption for Parsonages	ONTP
LD 172	An Act To Increase the Property Tax Exemption for Veterans	DIED ON ADJOURNMENT
LD 288	An Act To Increase the State Share of the Homestead Exemption to 70%	ONTP
LD 566	An Act To Increase the Property Tax Exemption for Certain Veterans and Surviving Spouses	ONTP
LD 624	An Act To Increase the Maine Resident Homestead Property Tax Exemption Amount to $25,000	ONTP
LD 877	An Act Regarding the Homestead Exemption as It Applies to Certain Housing Cooperatives	ONTP

LD 879	An Act To Authorize a Local Option Homestead Exemption (by request)	ONTP
LD 1001	An Act To Eliminate the Property Tax on Business Equipment Owned by Small Retailers	CARRIED OVER
LD 1069	An Act To Provide a Property Tax Exemption for Nonprofit Technology Centers	ONTP
LD 1242	An Act To Increase Relief Provided under the Homestead Property Tax Exemption (by request)	ONTP
LD 1338	An Act Concerning the Taxation of Property Owned by Certain Nonprofit Organizations	ACCEPTED ONTP REPORT
LD 1413	An Act To Set Fees for Services for Tax-exempt Property in Municipalities	CARRIED OVER
LD 1444	An Act To Index the Veterans' Property Tax Exemptions to the Cost of Living	ONTP
LD 1486	An Act To Clarify the Property Tax Exemption for Family Burial Grounds	ONTP
LD 1554	An Act To Assist Snowmobile Clubs with Local Property Taxes	ONTP
LD 1555	An Act To Remove the Tax-exempt Status on Land Purchased by Nonprofit Groups for Conservation	ONTP
LD 1578	An Act To Encourage Municipal Cooperation	ONTP
LD 1610	An Act To Preserve Manufacturing in Maine	ONTP
LD 1648	An Act To Exempt Housing Owned by Nonprofit Organizations for People with Disabilities from the Municipal Service Fee Laws	DIED BETWEEN HOUSES

Property Tax - General

Enacted

LD 1144	An Act To Provide Information to Property Tax Payers	PUBLIC 432
LD 1414	An Act To Support Farms and Limit Sprawl	PUBLIC 301
LD 1816	Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory	RESOLVE 65
LD 1875	An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2007-08	P & S 28 EMERGENCY

Not Enacted

LD 82	Resolve, To Create a Study Commission To Evaluate the County Tax Structure	ONTP
LD 885	An Act To Implement the Recommendations of the Commission To Study the Costs of Providing Certain Services in the Unorganized Territories	CARRIED OVER
LD 945	An Act To Require the State's Share of Local Aid to Education To Be Used for Property Tax Relief	ONTP
LD 1010	An Act To Ensure That Military Services Members Receive Deferment of Their Property Tax Obligations	ONTP
LD 1211	An Act To Decrease the Property Tax Rate	ONTP
LD 1433	An Act Providing Senior Citizens with an Optional Deferred Payment Plan for the Payment of Property Taxes	ONTP
LD 1443	Resolve, To Study the Funding Formula of Cumberland County To More Equitably Apportion the Taxes Paid to County Government	INDEF PP
LD 1478	An Act To Reduce County Tax on Certain Municipalities	ONTP
LD 1602	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Homestead Property Taxes	ONTP
LD 1665	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Rate of Change in the Property Tax Liability of Elderly Maine Residents	ONTP
LD 1710	An Act To Promote Fairness in Municipal Foreclosure Procedures	ONTP
LD 1732	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Surtax on Property with a Value over $400,000	ONTP
LD 1756	An Act To Make Real Estate Taxation Stable, Equitable and Predictable	ONTP

Property Tax - Valuation

Enacted

LD 559	An Act Regarding the Valuation of Land within Buffer Areas Established under the Natural Resources Protection Laws	PUBLIC 389
LD 1100	Resolve, Directing the Bureau of Revenue Services To Provide Guidance Regarding the Valuation of Certain Affordable Housing Property	RESOLVE 89
LD 1558	An Act To Improve the Process for Adjustment for Sudden and Severe Disruption of Valuation	PUBLIC 322

Not Enacted

LD 261	Resolve, To Review the Procedures by Which a Municipality Assesses Property	INDEF PP

LD 276	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Legislature To Freeze the Valuation of Maine Primary Residence Land	CARRIED OVER
LD 582	An Act To Create Fairness in Maine's Property Taxes	ONTP
LD 693	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Authorize the Legislature To Allow Municipalities To Exempt from Property Tax a Portion of the Value of Homesteads	ONTP
LD 786	An Act To Establish the Maine Land Bank and Community Preservation Program	ONTP
LD 787	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Assessment of Lands Used for Long-term Ownership	ONTP
LD 1494	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reform Property Taxes by Limiting Increases	ONTP
LD 1557	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Cap the Property Tax on the Primary Residence of a Person 65 Years of Age or Older	ONTP
LD 1559	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Freeze Property Tax Bills for Certain Residents 65 Years of Age or Older	ONTP
LD 1584	An Act To Authorize Arbitration of Property Tax Valuation Disputes	CARRIED OVER
LD 1601	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Longtime Resident Tax Cap Program	ONTP
LD 1646	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief to the Elderly and Disabled	ONTP
LD 1647	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce Taxes for Affordable Housing	ONTP
LD 1731	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Tax Nonprimary Residences at a Higher Rate	ONTP
LD 1917	An Act To Adjust the State Valuation of Boothbay Harbor	DIED BETWEEN HOUSES

Property Tax Relief Programs

Enacted

LD 1096	An Act To Make Circuitbreaker Program Benefits Proportional If a Resident Moves	PUBLIC 325

Not Enacted

LD 80	An Act To Make Changes to the Maine Residents Property Tax Program	ONTP

LD 179	An Act To Make Changes to the Maine Residents Property Tax Program	ONTP
LD 527	An Act To Expand Property Tax Benefits for Retired Citizens	ONTP
LD 849	An Act To Amend the Laws Governing Eligibility for the Maine Residents Property Tax Program	ACCEPTED ONTP REPORT
LD 1002	An Act To Improve Access to and Awareness of the Circuitbreaker Program	ONTP
LD 1067	An Act To Require the Payment of Property Taxes before a Refund May Be Issued under the Circuitbreaker Program	ONTP
LD 1095	An Act To Enhance the Maine Residents Property Tax Program	ONTP
LD 1189	An Act To Expand the Maine Residents Property Tax Program	ONTP
LD 1243	An Act To Allow Local Administration of the Maine Residents Property Tax Program (by request)	ONTP
LD 1412	RESOLUTION, To Amend the Constitution of Maine To Protect Senior Property Owners	ONTP
LD 1457	An Act To Preserve Home Ownership in the State by Reducing the Property Tax Burden	ONTP
LD 1481	An Act To Provide Tax Relief to Middle-income Residents through the Maine Residents Property Tax Program	ONTP
LD 1613	An Act To Reduce Property Taxes through a Municipal Tax Deferral Program	ONTP
LD 1631	An Act To Cut Taxes for Working-income Mainers	ONTP
LD 1671	An Act To Limit Homestead Property Taxes to 5% of Income	ONTP
LD 1708	An Act To Exempt Persons 65 Years of Age or Older Whose Income Is Below the Poverty Line from Paying Property Taxes on Their Homes	ONTP
LD 1770	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Exempt 65-year-old Residents from Property Tax Increases	ONTP
LD 1784	An Act To Authorize Municipal Property Tax Deferral Programs	ONTP

Real Estate Transfer Tax

Enacted

LD 936	An Act To Protect the Housing Opportunities for Maine Fund	PUBLIC 427

Not Enacted

LD 174	An Act To Increase the County Share of the Real Estate Transfer Tax	ONTP
LD 639	An Act To Clarify the Application of the Real Estate Transfer Tax in Regards to Section 1031 Exchanges	ONTP
LD 668	An Act To Reallocate Revenues from the Real Estate Transfer Tax	ONTP
LD 761	An Act To Enable Municipalities To Establish Municipal Land Banks Funded by Local Option Real Estate Transfer Taxes	ONTP
LD 1145	An Act To Impose a Real Estate Transfer Tax Based on the Value of the Property	ONTP
LD 1649	An Act To Establish a Local Option Real Estate Transfer Tax for Homestead Tax Relief	ONTP

Sales Tax

Enacted

LD 144	An Act To Support Maine's Free Clinics	PUBLIC 416
LD 919	An Act To Clarify the Sales Tax and Service Provider Tax Exemptions for Nonprofit Ambulance Services	PUBLIC 419
LD 937	An Act To Exempt Qualifying Snowmobile Trail Grooming Equipment from State Sales Tax	PUBLIC 429
LD 1003	An Act To Amend the Tax Credit for Biofuel Production	PUBLIC 426
LD 1006	An Act To Ensure Fairness for Maine Businesses	PUBLIC 328
LD 1052	An Act To Extend Eligibility for the Trade-in Credit to All Trailers	PUBLIC 375
LD 1645	An Act To Clarify That Certain Separately Itemized Charges Are Subject to the Sales Tax on the Rental of Motor Vehicles	PUBLIC 444

Not Enacted

LD 2	An Act To Provide a Partial Tax Exemption for the Purchase of a Hybrid or Clean Fuel Vehicle	DIED ON ADJOURNMENT
LD 83	An Act To Provide Equity for the Penobscot Nation in the Return of Tax Revenue	ONTP
LD 158	An Act To Allow a Local Option Sales Tax	ONTP
LD 207	An Act To Reduce the Meals and Lodging Tax	ONTP

LD 263	An Act To Reduce the Property Tax Burden	ONTP
LD 325	An Act To Clarify the Tax-exempt Status of Ornamental Horticulture	DIED ON ADJOURNMENT
LD 337	An Act To Exempt Certain Shipping Fees from the Sales Tax	ONTP
LD 570	An Act To Authorize a Local Option Sales Tax To Reduce Property Taxes	ONTP
LD 690	An Act Regarding the Sales Tax	ONTP
LD 811	An Act To Exempt Dietary Supplements from the Sales Tax	ONTP
LD 829	An Act To Create a Back-to-school Sales Tax-free Weekend Each Year	ONTP
LD 920	An Act To Repeal the Maine Use Tax	ACCEPTED ONTP REPORT
LD 954	An Act To Reduce the Sales Tax on Business Energy	ACCEPTED ONTP REPORT
LD 1062	An Act To Provide Tax-exempt Status to Service Dog Trainers	ONTP
LD 1093	An Act To Exempt Dyed Fuel from the Sales Tax	DIED ON ADJOURNMENT
LD 1094	An Act To Exempt from the Sales Tax Water Used in Agricultural Production	CARRIED OVER
LD 1131	An Act To Establish a Sales Tax Rebate for Certain Vehicles	ONTP
LD 1167	An Act To Permit a Local Option Sales Tax in Towns Adjacent to a National Park	INDEF PP
LD 1214	An Act To Improve the Competitiveness of Maine's Boat Building Industry	CARRIED OVER
LD 1266	An Act To Support County Government	DIED BETWEEN HOUSES
LD 1300	An Act To Return a Portion of Sales, Lodging and Meals Taxes to Municipalities	DIED BETWEEN HOUSES

LD 1377	An Act To Exempt Fuel Used by Commercial Groundfishing Boats from Sales Tax	DIED ON ADJOURNMENT
LD 1479	An Act To Clarify Responsibility for the Collection of Rental Taxes	ONTP
LD 1485	An Act Relating to Automotive Core Parts	ONTP
LD 1633	An Act To Provide a Sales Tax Exemption for College Textbooks	ONTP
LD 1664	An Act To Exempt Vegetable Seeds from the Sales Tax	DIED ON ADJOURNMENT
LD 1772	An Act To Require Nonresidents To Pay Sales Tax on Snowmobiles and ATVs	CARRIED OVER
LD 1823	An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax	DIED ON ADJOURNMENT

Tax Increment Financing

Enacted

LD 208	Resolve, Directing the Department of Economic and Community Development To Analyze and Evaluate the Effect of Tax Increment Financing for Retail Businesses on Economic Development	RESOLVE 127
LD 738	An Act To Assist the Community Affected by the Closure of the Cutler Naval Base	P & S 21 EMERGENCY
LD 739	Resolve, Directing the Department of Economic and Community Development To Review and Report on Whether a State Tax Increment Financing Structure Should Be Established To Support Economic Development in Washington County	RESOLVE 123
LD 1182	An Act To Enable the Creation of Tax Increment Financing Districts for Arts Districts	PUBLIC 413

Tax Reform - Restructuring

Not Enacted

LD 132	An Act To Reform the Maine Tax Code	ONTP
LD 850	An Act To Reduce Taxes	ONTP
LD 962	An Act To Reform and Lower Maine Taxes	ONTP

LD 1109	Resolve, To Establish a Study Commission To Reform Taxes and Spending in Maine	CARRIED OVER
LD 1458	An Act To Reduce the Income Tax Burden on Maine Residents	ONTP
LD 1560	An Act To Rebalance Maine's Tax Code	ONTP
LD 1588	An Act To Enact the 2007 Tax Reform and Tax Relief Act	ONTP
LD 1652	An Act To Support County Corrections and Public Education	ONTP
LD 1670	An Act To Promote Tax Fairness	ONTP
LD 1819	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Restrict Tax Increases	DIED BETWEEN HOUSES
LD 1833	An Act To Provide Property Tax and Income Tax Relief	CARRIED OVER

Tax Reform - Tax and Spending Limits

Not Enacted

LD 395	An Act To Use National Standards To Determine Maine's Relative Tax Burden for Purposes of Budget Caps	ONTP
LD 961	An Act To Authorize an Alternative Calculation of the Property Growth Factor for Industrial Municipalities	CARRIED OVER
LD 1459	An Act Concerning Spending Caps	ONTP
LD 1581	An Act To Promote Economic Recovery in Maine	ONTP
LD 1582	An Act Reduce Maine's Tax Burden over a 10-year Period	CARRIED OVER
LD 1632	An Act To Impose Reasonable Limits on the Growth of State Government	ACCEPTED ONTP REPORT

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON TRANSPORTATION

July 2007

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LD 6 **Resolve, Directing the Department of Transportation To Improve Guardrails on Portions of Interstate 295** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY		

This resolve directs the Department of Transportation to inspect the guardrails on Interstate 295 north from Exit 8 to Exit 9 and along Interstate 295 south from the mile 8 marker to the bridge that crosses Veranda Street in Portland and to take action necessary to ensure that they meet current safety standards.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 7 **Resolve, To Require the Department of Transportation To Accept a Traffic Light in Portland** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	ONTP	

This resolve directs the Department of Transportation to accept a traffic light that has been built by the City of Portland at the corner of Plymouth Street and Allen Avenue.

LD 8 **An Act To Limit the Duration of a Legal Alien's Driver's License** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	ONTP	

The bill requires an applicant for a driver's license or nondriver identification card to provide proof of citizenship or documentation that the applicant is a legal resident in the United States. The bill limits the duration of a legal alien's driver's license or nondriver identification card to the duration of the visa granted to the legal alien by the authority of the United States.

LD 9 **An Act To Continue the Axle Weight Law Changes beyond September 15, 2007** **PUBLIC 453 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	OTP-AM	H-48

Recently enacted law (Public Law 2005, chapter 426) amended the calculation of tandem axle weight fines for 6-axle trucks hauling special commodities to provide that the lower of the fines specified in statute applies. It also amended the axle weight fine schedules to eliminate relatively steep fine increases for smaller violations for trucks hauling forest products and it also eliminated axle weight fine violations during the months of January and February on most state roads. The changes made by that recently enacted law are scheduled to sunset September 15, 2007. This bill repeals the sunset.

Committee Amendment "A" (H-48)

This committee amendment adds an emergency preamble and emergency clause to the bill and adds a sunset of September 15, 2009 to that portion of law that eliminates axle weight fine violations during the months of January and February on most state roads.

Enacted Law Summary

Public Law 2007, chapter 453, amends recently enacted law relating to axle weights. The recently enacted law (Public Law 2005, chapter 426) amended the calculation of tandem axle weight fines for 6-axle trucks hauling special commodities to provide that the lower of the fines specified in statute applies. It also amended the axle weight fine schedules to eliminate relatively steep fine increases for smaller violations for trucks hauling forest products and it eliminated axle weight fine violations during the months of January and February on most state roads. These provisions were scheduled to sunset September 15, 2007. Chapter 453 bill repeals this sunset except with respect to the provision that eliminates axle weight fine violations during the months of January and February on most state roads; chapter 543 establishes a sunset of September 15, 2009 for that provision of the law.

Public Law 2007, chapter 453 was enacted as an emergency measure effective June 28, 2007.

LD 13 **Resolve, To Return Swanville Road in Frankfort to State Road Classification** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEDDELL	ONTP	

This resolve directs the Department of Transportation to take over the maintenance, repair and upkeep of Swanville Road in Frankfort, since the usage of that road has increased substantially over the years. It also directs the department to take the appropriate steps to reclassify the town road as a state road.

LD 14 **Resolve, To Direct the Department of Transportation To Better Ensure the Safety of Students Traveling to and from School in Waterboro** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACOBSEN	ONTP	

This resolve directs the Department of Transportation to install bicycle lanes on 2 specific lengths of road in the Town of Waterboro to ensure the safety of students traveling to and from School Administrative District 57 Middle School and Waterboro Elementary School.

LD 17 **Resolve, To Transfer the Cliff Island Wharf from the City of Portland to the Department of Transportation** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	ONTP	

This resolve allows the Department of Transportation to accept the transfer of the Cliff Island Wharf from the City of Portland.

LD 18 **An Act To Streamline Permitting for and Encourage the Business of Showing Vehicles** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	ONTP	

This bill extends from 30 days to 90 days the length of time allowed by an attended sales promotion permit for dealers to show vehicles at expositions in the State. It also allows the permit to be used at any location in the State instead of at only one location.

LD 19 **Resolve, To Reduce Traffic Congestion and Improve Safety on Interstate 295** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	ONTP	

This resolve directs the Maine Turnpike Authority, in consultation with the Department of Transportation, to develop tolling strategies designed to divert truck through traffic from Interstate 295 onto the Maine Turnpike.

LD 23 **An Act To Clarify the Use and Purpose of Center Turn Lanes** **PUBLIC 8**

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE C	OTP	

This bill clarifies the intent of and proper use of a 2-way traffic lane to allow a motorist to turn safely onto a public way from an entrance or driveway.

Enacted Law Summary

Public Law 2007, Chapter 8 clarifies the intent of and proper use of a 2-way traffic lane to allow a motorist to turn safely onto a public way from an entrance or driveway.

LD 24 **An Act To Make Failure To Wear a Seat Belt a Primary Offense** **PUBLIC 60**

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE C	OTP MAJ ONTP MIN	S-35 SAVAGE C

Current law prohibits the enforcement of the seat belt law unless the driver has been stopped for a violation of another law. This bill repeals that prohibition, allowing a police officer to detain and cite a vehicle operator or passenger 18 years of age or older solely for failing to wear a seat belt.

Senate Amendment "A" (S-35)

This amendment prohibits searches of vehicles and occupants solely because of a violation of the mandatory

seat belt law. It also provides that a person detained solely for a violation of the mandatory seat belt law before April 1, 2008 may only be issued a warning.

Enacted Law Summary

Public Law 2007, chapter 60 makes failure to wear a seat belt a primary offense for which a police officer may detain and cite a vehicle operator or passenger 18 years of age or older. It prohibits searches of vehicles and occupants solely because of a violation of the mandatory seat belt law. It also provides that a person detained solely for a violation of the mandatory seat belt law before April 1, 2008 may only be issued a warning.

LD 55 **An Act To Amend the Law Regarding a License To Operate an Attended or Unattended Sales Promotion** **PUBLIC 5 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N DAMON	OTP-AM	H-18

This bill clarifies that a vehicle or industrial equipment dealer who operates an attended sales promotion at an agricultural fair or other agricultural event is exempt from obtaining a dealer license only if the sales promotion does not include motor vehicles.

Committee Amendment "A" (H-18)

The committee amendment replaces the bill and adds an emergency preamble and emergency clause. This amendment extends the length of time allowed by an attended sales promotion permit for dealers to show vehicles at expositions in the State from 30 days to 90 days. It also allows the permit to be used at any location in the State instead of only one location. The amendment also exempts equipment dealers or trailer dealers from the attended and unattended sales promotion permit requirements if the sales promotion does not include motor vehicles and does not exceed 90 continuous days.

Enacted Law Summary

Public law 2007, chapter 5 extends the length of time allowed by an attended sales promotion permit for dealers to show vehicles at expositions in the State from 30 days to 90 days. It also allows the permit to be used at any location in the State instead of only one location. The amendment also exempts equipment dealers or trailer dealers from the attended and unattended sales promotion permit requirements if the sales promotion does not include motor vehicles and does not exceed 90 continuous days.

Public law 2007, chapter 5 was enacted as an emergency effective March 14, 2007.

LD 56 **An Act To Allow Farm Trucks That Weigh over 9,000 Pounds To Be Eligible for Specialty License Plates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BROWNE SHERMAN	ONTP	

This bill allows a farm truck that weighs more than 9,000 pounds to be issued a specialty license plate.

LD 84 **An Act To Standardize Documentation Requirements for a Driver's License or Nondriver Identification Card** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS PLOWMAN	ONTP	

This bill requires an applicant for a driver's license or nondriver identification card to provide the Secretary of State written proof, evidence or documentation that the applicant's presence in the United States is authorized under federal law if the applicant is ineligible to receive a social security number.

LD 85 **Resolve, To Designate a Portion of U.S. Route 1 in Indian Township Passamaquoddy Indian Reservation as the Captain Tomah Lewey Memorial Highway** **RESOLVE 2**

Sponsor(s)	Committee Report	Amendments Adopted
SOCTOMAH RAYE	OTP	

This resolve names the portion of U.S. Route 1 that goes through Indian Township Passamaquoddy Indian Reservation from Princeton to Topsfield as the Captain Tomah Lewey Memorial Highway in honor of one of the first permanent residents of Indian Township.

Enacted Law Summary

Resolve 2007, chapter 2 names the portion of U.S. Route 1 that goes through Indian Township Passamaquoddy Indian Reservation from Princeton to Topsfield as the Captain Tomah Lewey Memorial Highway in honor of one of the first permanent residents of Indian Township.

LD 89 **An Act To Repeal the Automatic Increase in the Gasoline Tax** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
COURTNEY	ONTP MAJ OTP-AM MIN	

This bill repeals the annual inflation indexing of the excise tax on motor fuel. The bill also amends the relevant statutes to reflect the current rate of tax as changed by inflation indexing.

Committee Amendment "A" (S-293)

This amendment, the minority report of the committee, incorporates a fiscal note.

LD 95 **An Act To Require Notification when a Vehicle Is Towed** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS PLOWMAN	ONTP	

This bill, a concept draft pursuant to Joint Rule 208, proposes to amend the current law to establish a procedure to notify a lienholder of a towed motor vehicle in order for the lienholder to gain possession of the vehicle to prevent its abandonment and allow the lienholder to retrieve the vehicle before fees for towing and storage reach an amount worth more than the vehicle's value.

LD 112 **An Act To Create a One-time Fee for Veterans Vanity Registration Plates** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
AUSTIN TURNER	ONTP MAJ OTP-AM MIN	

This bill creates a one-time fee for veterans vanity motor vehicle registration plates in place of the current annual fee.

Committee Amendment "A" (H-16)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

LD 113 **An Act To Establish a Recreational Vehicle Veterans Registration Plate** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SYKES	ONTP	

This bill establishes a recreational vehicle veterans registration plate.

LD 114 **An Act To Prohibit the Use of a Handheld Cellular Telephone while Operating a Motor Vehicle** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
BERUBE BARTLETT	ONTP MAJ OTP-AM MIN	

This bill prohibits the use of a handheld cellular telephone while operating a motor vehicle. The bill clarifies that drivers of authorized emergency vehicles, including law enforcement officers, corrections officers and firefighters; holders of commercial driver's licenses; physicians; municipal public works personnel; Maine Turnpike Authority personnel; and state transportation personnel, including all employees and contractors of the Department of Transportation, may use handheld cellular telephones while driving within the scope of their employment. The bill makes the offense a traffic infraction.

Committee Amendment "A" (H-464)

This amendment, which is the minority report of the Joint Standing Committee on Transportation, replaces the bill. The amendment defines "distracted" and makes it a Class E crime to drive while distracted. The amendment also imposes a fine of $300 for the first offense of driving while distracted and a suspension of a person's license for 30 days for a 2nd offense within 3 years of the first offense. This amendment also amends the title to reflect the content of the amendment.

LD 133 **An Act To Require Seat Belts on All School Buses** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	ONTP	

This bill requires that new school buses purchased after January 1, 2008 must be equipped with safety seat belts for use by all passengers.

LD 159 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dedicate a Portion of Vehicle Registration Fees To Fund Veterans' Cemeteries** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDGECOMB	ONTP	

This constitutional resolution provides that 50¢ of the revenue derived from the registration of each vehicle must be expended solely to fund veterans' cemeteries.

LD 160 **An Act To Provide Safe All-terrain Vehicle Access on Public Ways** **PUBLIC 33**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	OTP-AM	H-25

This bill allows the Department of Transportation more flexibility in providing safe access for ATV users within the public way by determining how and where ATV access occurs on a case-by-case basis.

Committee Amendment "A" (H-25)

The amendment gives municipalities, in addition to the Department of Transportation, more flexibility in determining how and where ATV access occurs. The amendment also requires that ATVs travel in the same direction as motor vehicle traffic on a public way designated as an ATV-access route.

Enacted Law Summary

Public Law 2007, chapter 33 gives municipalities and the Department of Transportation more flexibility in determining how and where ATV access to public ways occurs. The amendment also requires that ATVs travel in the same direction as motor vehicle traffic on a public way designated as an ATV-access route.

LD 161 **An Act To Prohibit the Use of Electronic Devices by Minors while Driving** **PUBLIC 272**

Sponsor(s)	Committee Report	Amendments Adopted
HOGAN	OTP-AM	H-348

This bill prohibits a person who has not attained 18 years of age from using a cellular telephone while operating a motor vehicle. The bill makes the offense a traffic infraction.

Committee Amendment "A" (H-348)

This amendment replaces the bill and amends the title to reflect the content of the amendment. This amendment retains the provision of the bill prohibiting a person who has not attained 18 years of age from operating a motor vehicle while using a mobile telephone, but expands that prohibition to include handheld electronic devices that are not part of the operating equipment of a motor vehicle.

Enacted Law Summary

Public Law 2007, chapter 272 prohibits a person who has not attained 18 years of age from operating a motor vehicle while using a mobile telephone or while using a handheld electronic device that is not part of the operating equipment of a motor vehicle.

LD 173 **An Act To Allow a Newspaper Carrier To Use Flashing Amber Lights on That Carrier's Vehicle** **PUBLIC 11**

Sponsor(s)	Committee Report	Amendments Adopted
FINLEY	OTP	

This bill authorizes the use of flashing amber lights on newspaper delivery carriers' vehicles.

Enacted Law Summary

Public Law 2007 chapter 11 authorizes the use of flashing amber lights on newspaper delivery carriers' vehicles.

LD 180 **An Act To Provide for a Change in Gender Designation on a Driver's License (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DOW	ONTP	

This bill requires a person to notify the Secretary of State with confirmation from a physician when that person has reassigned gender and directs the Secretary of State to adopt rules to determine the process for changing a person's reassigned gender on the person's driver's license.

LD 181 **Resolve, To Reduce the Cost of Moving Modular Homes and Increase Traffic Safety** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HASTINGS	ONTP	

This resolve directs the Maine Turnpike Authority to issue a permit for the movement of a modular home with a load height up to 14 feet, 6 inches on portions of the Maine Turnpike with clearances of 15 feet or higher when the movement either originates or has a destination in the State.

LD 209 **An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BROWNE COURTNEY	ONTP	

This bill requires a person to be a Maine resident in order to receive a Maine driver's license.

LD 210 **An Act Relating to the Use of Dealer Plates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	ONTP	

This bill, a concept draft pursuant to Joint Rule 208, proposes to amend the current law to require the Secretary of State to review the laws relating to the issuance of dealer plates for new and used car dealers and to propose revisions to the joint standing committee of the Legislature having jurisdiction over motor vehicle matters.

LD 211 **An Act To Allow a Truck Driver To Haul a Trailer on a Highway If That Driver Has a Point-to-point Permit** **PUBLIC 38**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	OTP-AM MAJ ONTP MIN	H-26

This bill allows the Secretary of State to issue a temporary point-to-point permit for an off-highway vehicle to haul a trailer on a highway from point to point as set forth in the permit.

Committee Amendment "A" (H-26)

The amendment replaces the bill and is the majority report of the Joint Standing Committee on Transportation. The amendment adds trailers and semitrailers to the list of vehicles, otherwise used exclusively for off-highway purposes, that may be issued a special registration permit authorizing limited operation on a public way. The amendment also provides that the trailer or semitrailer must be empty when traveling on a public way and must be moved during daytime hours under the special registration permit for off-highway vehicles.

Enacted Law Summary

Public Law 2007, Chapter 38 adds trailers and semitrailers to the list of vehicles, otherwise used exclusively for off-highway purposes, that may be issued a special registration permit authorizing limited operation on a public way. The amendment also provides that the trailer or semitrailer must be empty when traveling on a public way and must be moved during daytime hours under the special registration permit for off-highway vehicles.

LD 212 **An Act Regarding Penalties for Logbook Violations** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	ONTP	

This bill limits the fine to $100 for a violation of the federal regulation requiring drivers of commercial motor vehicles to keep a record of duty status for each 24-hour period of driving.

LD 213 **An Act To Establish an Airport Managers Training Program** **PUBLIC 76**

Sponsor(s)	Committee Report	Amendments Adopted
MIRAMANT BOWMAN	OTP-AM	H-53

The bill requires the Department of Transportation, in consultation with a Maine airport managers association, to establish and provide a training program for airport managers. The bill also requires that airport managers complete the training program within 60 days of designation.

Committee Amendment "A" (H-53)

The amendment provides that after December 31, 2008, the Department of Transportation may not issue an annual airport registration certificate under the Maine Revised Statutes, Title 6, section 51 to any airport whose airport manager has not completed required training. The amendment also provides that the Commissioner of Transportation may accept training completed by airport managers through a national association of airport executives as fulfilling the requirements for training.

Enacted Law Summary

Public Law 2007, Chapter 76 provides that after December 31, 2008, the Department of Transportation may not issue an annual airport registration certificate under the Maine Revised Statutes, Title 6, section 51 to any airport whose airport manager has not completed required training. It also provides that the Commissioner of Transportation may accept training completed by airport managers through a national association of airport executives as fulfilling the requirements for training.

LD 228 **An Act To Establish a Special Veterans License Plate for Motorcycles** **PUBLIC 376**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS SULLIVAN	OTP-AM	H-189

This bill authorizes the Secretary of State to issue special veterans motorcycle registration plates for veterans of the United States Armed Forces.

Committee Amendment "A" (H-189)

This amendment clarifies that an applicant for a special veterans registration plate for a motorcycle must show evidence of payment of the registration fee. It also provides for a one-time $5 fee for the issuance of special veterans registration plates for a motorcycle; allows for the issuance of special veterans registration plates for a motorcycle that are also vanity plates; and provides that commemorative decals are not authorized on special

veterans registration plates for a motorcycle.

Enacted Law Summary

Public Law 2007, chapter 376 authorizes the Secretary of State to issue special veterans motorcycle registration plates for veterans of the United States Armed Forces.

LD 232 **Resolve, To Direct the Department of Transportation to Establish the Elton R. Brooks Memorial Rest Area and Boat Launching Facility** **RESOLVE 1**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	OTP	

This resolve directs the Department of Transportation to designate with appropriate signs and notices the rest area and boat launch site in the Town of Robbinston, on U.S. Route 1, as the Elton R. Brooks Memorial Rest Area and Boat Launching Facility, as requested by the municipal officers of the Town of Robbinston.

Enacted Law Summary

Resolve 2007, chapter 1 directs the Department of Transportation to designate with appropriate signs and notices the rest area and boat launch site in the Town of Robbinston, on U.S. Route 1, as the Elton R. Brooks Memorial Rest Area and Boat Launching Facility, as requested by the municipal officers of the Town of Robbinston.

LD 235 **An Act To Allow a Person To Be Issued More than One Set of Disabled Veteran Registration Plates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

This bill allows a veteran with disabilities to obtain more than one set of disabled veteran registration plates.

LD 241 **An Act To Allow the Secretary of State To Issue a Work-restricted License to First-time License Holders Not Yet 21 Years of Age with Less than 2 Years of Driving Time** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	ONTP MAJ OTP-AM MIN	

This bill allows the Secretary of State to stay a suspension of the license of a person with a juvenile provisional license for moving violations and to issue a work-restricted license.

Committee Amendment "A" (S-47)

This amendment, which is the minority report of the Joint Standing Committee on Transportation, corrects a technical problem created by the bill. It provides that a juvenile who receives a work-restricted license after license suspension for a moving violation that does not relate to operating a motor vehicle while under the influence of intoxicants is not required to complete an alcohol and drug program during the period of the statutory suspension.

LD 245 **Resolve, To Direct the Secretary of State To Study Issues Related to Dealer Plates** **RESOLVE 125**

Sponsor(s)	Committee Report	Amendments Adopted
NASS R	OTP-AM	S-81

This bill increases the number of vehicles that a motor vehicle dealer must sell to become a licensed motor vehicle dealer. It also provides that motor vehicle dealers that sell more than 6 motor vehicles, but fewer than 12, within a 12-month period may be issued at least 2 dealer plates.

Committee Amendment "A" (S-81)

This amendment replaces the bill with a resolve that directs the Secretary of State to establish a working group to examine and develop recommendations for changes to the laws and rules governing dealer plates, including but not limited to laws governing the number of types of dealer plates issued and eligibility standards for issuance of the plates. The Secretary of State is required to report the findings and recommendations of the working group to the Joint Standing Committee on Transportation no later than November 30, 2007 together with draft legislation to implement those findings and recommendations. The amendment authorizes the Joint Standing Committee on Transportation to submit a bill related to the subject matter of the working group's report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 125 directs the Secretary of State to establish a working group to examine and develop recommendations for changes to the laws and rules governing dealer plates, including but not limited to laws governing the number of types of dealer plates issued and eligibility standards for issuance of the plates. The Secretary of State is required to report the findings and recommendations of the working group to the Joint Standing Committee on Transportation no later than November 30, 2007 together with draft legislation to implement those findings and recommendations. It authorizes the Joint Standing Committee on Transportation to submit a bill related to the subject matter of the working group's report to the Second Regular Session of the 123rd Legislature.

LD 264 **An Act To Amend the Temporary Registration Plate Law** **PUBLIC 177**

Sponsor(s)	Committee Report	Amendments Adopted
HAMPER HASTINGS	ONTP MAJ OTP-AM MIN	H-127 S-87 DAMON

This bill allows the use of a temporary registration permit, which currently may be used only for a one-way trip, to be used for a round trip, as long as the entire trip occurs within 15 days. The purpose of this change, for example, is to allow a vehicle to be transported from a dealer to a garage and back to the dealer.

Committee Amendment "A" (H-127)

This amendment, which is the minority report of the committee, replaces the bill. This amendment modifies the temporary registration permit law:

1. To allow a permit holder to make a round trip under the permit;

2. To decrease the period of validity of a permit from 15 days to 10 days; and

3. To increase the fee for the permit from $12 to $15.

Senate Amendment "A" (S-87)

This amendment retains the provisions of current law that allow a temporary registration permit for a one-way trip to be issued for a fee of $12. It allows a temporary registration permit for a round trip to be issued for a fee of $25.

Enacted Law Summary

Public Law 2007, Chapter 177 modifies the temporary registration permit law. It retains the provisions of current law that allow a temporary registration permit for a one-way trip to be issued for a fee of $12 but allows a temporary registration permit for a round trip to be issued for a fee of $25. It decreases the period of validity of a temporary registration permit from 15 days to 10 days.

LD 265 **An Act To Allow a Weight Tolerance for Vehicle Auxiliary Power Units** **DIED ON ADJOURNMENT**

Sponsor(s)	Committee Report	Amendments Adopted
THERIAULT DAMON	OTP-AM	H-36

This bill extends a weight tolerance for vehicle auxiliary power units in the laws governing highway weight limits for vehicles.

Committee Amendment "A" (H-36)

This amendment incorporates a fiscal note.

LD 266 **An Act To Fully Fund the Project To Replace the Route 302 Bridge in Naples** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA DIAMOND	ONTP	

This bill, a concept draft pursuant to Joint Rule 208, seeks to fully fund in the Highway Budget the Department of Transportation's project for the replacement of the Route 302 bridge in the Town of Naples with a drawbridge of the department's specification. The project also includes the construction of a temporary bridge structure during the construction of the permanent bridge.

LD 299 **An Act To Aid Municipalities Concerning Plowing Efficiency** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RICHARDSON W	ONTP	

This bill exempts a vehicle modified for the purpose of plowing snow on town or state roads from weight limits that apply to public ways.

LD 319 **An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2008** **P & S 7**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	S-23

This bill makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2008 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

Committee Amendment "A" (S-23)

This amendment incorporates a fiscal note and corrects the title of the bill.

Enacted Law Summary

Private and Special Law 2007, chapter 7 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2008 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

LD 320 **An Act To Allow the Widening of a Portion of the Maine Turnpike** **PUBLIC 270**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM MAJ ONTP MIN	S-150

This bill authorizes the widening of the Maine Turnpike to 3 lanes for each direction of travel from mile marker 44 to mile marker 53 if, after completing an evaluation of reasonable alternatives, as required by the Sensible Transportation Policy Act, the Maine Turnpike Authority determines that there is not a reasonable alternative to the widening that will no meet the identified need. This bill also increases the Maine Turnpike Authority's bonding limit to allow for construction of this project.

Committee Amendment "A" (S-150)

This amendment incorporates the recent $100,000,000 increase in the bonding authority of the Maine Turnpike Authority (see LD 321) so that the $25,000,000 additional increase in the bill results in a total bonding authority of $486,000,000.

Enacted Law Summary

Public Law 2007, chapter 270 authorizes the widening of the Maine Turnpike to 3 lanes for each direction of travel from mile marker 44 to mile marker 53 if, after completing an evaluation of reasonable alternatives, as required by the Sensible Transportation Policy Act, the Maine Turnpike Authority determines that there is not a reasonable alternative to the widening that will no meet the identified need. It also increases the Maine Turnpike Authority's bonding limit to allow for construction of this project.

LD 321 **An Act To Increase the Bonding Capacity of the Maine Turnpike Authority** **PUBLIC 59**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM MAJ ONTP MIN	S-24

This bill increases the bond limit of the Maine Turnpike Authority to enable the Maine Turnpike Authority to complete the projects in its 20-year capital plan.

Committee Amendment "A" (S-24)

This is the majority report of the Joint Standing Committee on Transportation. This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, Chapter 59 increases the bond limit of the Maine Turnpike Authority to enable the Maine Turnpike Authority to complete the projects in its 20-year capital plan.

LD 327 **An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2007** **PUBLIC 4 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY DAMON	OTP-AM	H-5 S-9 DAMON

This bill does the following.

Part A makes supplemental allocations of funds for fiscal year 2006-07.

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

Part C authorizes the transfer of Personal Services balances in fiscal year 2006-07 in the Administration - Motor Vehicle program Highway Fund carrying account within the Department of the Secretary of State to All Other and Capital Expenditures by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Committee Amendment "A" (H-5)

This amendment adjusts certain Highway Fund allocations to maintain a balanced Highway Fund budget for fiscal year 2006-07. It also amends current law to allow more funds from the unallocated balance of the Highway Fund at the close of fiscal year 2006-07 to be used for capital needs of the Highway and Bridge Improvement program within the Department of Transportation.

Senate Amendment "A" (S-9)

This amendment corrects Part D of Committee Amendment "A", which amended the wrong public law.

Enacted Law Summary

Public Law 2007, chapter 4 makes supplemental allocations of funds for fiscal year 2006-07. It makes supplemental allocations of funds for approved reclassifications and range changes. It authorizes the transfer of Personal Services balances in fiscal year 2006-07 in the Administration - Motor Vehicle program Highway Fund carrying account within the Department of the Secretary of State to All Other and Capital Expenditures by financial order upon recommendation of the State Budget Officer and approval of the Governor.

Public Law 2007, chapter 4 was enacted as an emergency effective March 13, 2007.

LD 328 **Resolve, To Require an Engineering Study To Determine the Cost of Extending Rail Service from Portland to Fryeburg** **RESOLVE 18 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
DIAMOND	OTP	

This resolve directs the Department of Transportation in collaboration with the Northern New England Passenger Rail Authority to conduct an engineering study to determine the cost of extending rail service from Portland to Fryeburg and submit the study with any proposed legislation to the Joint Standing Committee on Transportation no later that January 15, 2008.

Enacted Law Summary

Resolve 2007, chapter 18 directs the Department of Transportation in collaboration with the Northern New England Passenger Rail Authority to conduct an engineering study to determine the cost of extending rail service from Portland to Fryeburg and submit the study with any proposed legislation to the Joint Standing Committee on Transportation no later that January 15, 2008.

LD 350 **An Act To Protect Citizens from Physical Injury Due to Obstructed Driveways** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HILL	ONTP	

This bill requires that a bar, cable or similar obstruction, not including a gate, that is blocking a driveway leading onto public or private land from a public way be marked with reflective material that is highly visible during day or night and not be more than 3 feet high.

LD 381 **An Act To Require That Vehicles Transporting Poultry Fecal Matter Be Covered** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GOOLEY	ONTP	

This bill requires that a motor vehicle hauling a load of poultry fecal matter be covered.

LD 401 **An Act To Protect the Integrity of Funeral Processions** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NASS J	ONTP	

This bill makes it a traffic infraction to interrupt or cut into a funeral procession.

LD 407 **An Act To Allow the Use of Flashing Red Lights by State Emergency Management Agency Directors** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RINES	ONTP	

This bill allows the use of flashing red vehicle lights by emergency management agency directors when a state emergency is declared.

LD 438 **Resolve, To Improve Driver Education Programs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	ONTP	

This resolve directs the Secretary of State to undertake a comprehensive review of the Department of the Secretary of State's current driver education programs.

LD 442 **An Act To Amend the Laws Pertaining to Advertisements on Motor Vehicles Used in Driver Education** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	ONTP	

This bill amends the motor vehicle laws concerning illuminated identification signs and advertisements on motor vehicles to allow driver education vehicles to be equipped with signs capable of illumination, which may be illuminated only during actual driving instruction.

LD 447 **Resolve, To Improve the Registration Process for Commercial Motor Vehicles** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

This resolve directs the Department of the Secretary of State, Bureau of Motor Vehicles to implement the municipal registration of commercial motor vehicles with a gross weight of less than 6,000 pounds.

LD 474 **Resolve, To Direct the Department of Transportation To Rename State Bridge Number 5278 the Ryan Quirion Guthrie** **RESOLVE 6**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	OTP-AM	S-15

This resolve directs the Department of Transportation to designate with appropriate signs and notices state bridge number 5278 on Interstate 95, commonly known as the Staples Point Bridge, as the Ryan Quirion Guthrie Bridge in memory of the boy who died in an accident at that site.

Committee Amendment "A" (S-15)

This amendment makes 2 corrections to the bill by clarifying that the bridge is on Interstate 295 and the name of the river the bridge spans is the Presumpscot River.

Enacted Law Summary

Resolves 2007, Chapter 6 directs the Department of Transportation to designate with appropriate signs and notices state bridge number 5278 on Interstate 295, commonly known as the Staples Point Bridge, as the Ryan Quirion Guthrie Bridge in memory of the boy who died in an accident at that site.

LD 478 **An Act Regarding the Certification of the Required Driving Time for a License for Certain Persons under 21 Years of Age** **PUBLIC 2 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
HANLEY S		H-4 MARLEY

This bill, which was acted upon without being referenced to committee, authorizes the Secretary of State to accept the form certifying driving time from the licensed driver who accompanied the applicant for a driver's license for the majority of the required 35 hours of driving if the applicant is at least 18 years of age and has no individual otherwise authorized to certify driving time.

House Amendment "A" (H-4)

Current law requires a person under 21 years of age applying for a driver's license to complete 35 hours of driving accompanied by a parent, guardian or licensed driver. The applicant's parent, stepparent, guardian, spouse or employer must certify the applicant's driving time, but is not required to be the person who accompanied the applicant.

This amendment requires the person certifying the driving log of the applicant to provide the name and address of the person who accompanied the applicant for a majority of the required 35 hours. This amendment also allows the Secretary of State to complete the certification of a person between 18 and 21 years of age who does not have a parent, stepparent, guardian, spouse or employer if the applicant provides the name and address of the person accompanying the applicant for the majority of the required 35 hours.

Enacted Law Summary

Public Law 2007, chapter 2 amends the law governing the certification of pre-license driving time for persons under 21 applying for driver's licenses. Current law requires a person under 21 years of age applying for a driver's license to complete 35 hours of driving accompanied by a parent, guardian or licensed driver. The applicant's parent, stepparent, guardian, spouse or employer must certify the applicant's driving time, but is not required to be the person who accompanied the applicant. This law requires the person certifying the driving

log of the applicant to provide the name and address of the person who accompanied the applicant for a majority of the required 35 hours. This law also allows the Secretary of State to complete the certification of a person between 18 and 21 years of age who does not have a parent, stepparent, guardian, spouse or employer if the applicant provides the name and address of the person accompanying the applicant for the majority of the required 35 hours.

Public Law 2007, chapter 2 was enacted as an emergency measure effective February 13, 2007.

LD 494 **An Act To Repeal the Motor Vehicle Inspection Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
VAUGHAN	ONTP	

This bill repeals statutory provisions that require motor vehicles registered in the State to have an annual motor vehicle inspection.

LD 495 **Resolve, To Develop an Appropriate Commemorative License Plate Decal for Combat Service** **RESOLVE 23**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	OTP-AM	H-107

This bill adds the Combat Infantryman Badge, established by the War Department in 1943 to recognize the skill and heroism of the American infantry, to the list of special commemorative decals for sets of special veterans registration plates.

Committee Amendment "A" (H-107)

This amendment replaces the bill with a resolve that directs the Director of the Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management, in consultation with the Secretary of State, to convene a working group composed of combat veterans to develop an appropriate manner of commemorating combat service in the form of one or more commemorative license plate decals. The working group is directed to examine the appropriateness of developing a single decal versus the use of decals representing the following combat badges: Army Combat Infantry Badge, Army Combat Medic Badge, Army Combat Action Badge, Combat Action Ribbon and Combat Action Medal. If the working group determines that a single decal is appropriate, it must design the decal in consultation with the Secretary of State. The director and the Secretary of State are directed to report the findings and recommendations of the working group to the Joint Standing Committee on Transportation no later than November 30, 2007. The Secretary of State must include with the report draft legislation to make appropriate changes to law to implement the recommendations of the working group. The Joint Standing Committee on Transportation may submit a bill related to the subject matter of the working group's report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolves 2007, chapter 23 directs the Director of the Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management, in consultation with the Secretary of State, to convene a working group to develop an appropriate manner of commemorating combat service in the form of one or more commemorative license plate decals. The director and the Secretary of State are required to report the findings

and recommendations of the working group to the Joint Standing Committee on Transportation no later than November 30, 2007. The Secretary of State must include with the report draft legislation to make appropriate changes to law to implement the recommendations of the working group. The Joint Standing Committee on Transportation may submit a bill related to the subject matter of the working group's report to the Second Regular Session of the 123rd Legislature.

LD 496 **An Act To Exempt Emergency Vehicles from Tolls on the Maine Turnpike** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EBERLE	ONTP	

This bill exempts a municipality's emergency vehicles from tolls on the Maine Turnpike if that municipality provides emergency services to the Maine Turnpike Authority.

LD 497 **An Act To Allow Funeral Processions To Use Certain Lights** **PUBLIC 62**

Sponsor(s)	Committee Report	Amendments Adopted
HANLEY S	OTP-AM	H-47

This bill allows a lead vehicle in a funeral procession to use a device that provides for alternate flashing of the vehicle's headlights or a white flashing strobe light in the front grille if that vehicle is owned and operated by a licensed funeral home.

Committee Amendment "A" (H-47)

This amendment allows a lead vehicle in a funeral procession to use a device that provides for a white flashing strobe light in the front grille if that vehicle is operated by a licensed funeral home.

Enacted Law Summary

Public Law 2007, chapter 62 allows a lead vehicle in a funeral procession to use a device that provides for a white flashing strobe light in the front grille if that vehicle is operated by a licensed funeral home.

LD 511 **An Act To Study the Feasibility of Locating a New Bridge in the St. David Area** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
THERIAULT	OTP-AM	H-17

This bill allocates funds from the Highway Fund for the Department of Transportation to study the feasibility of locating a new bridge in the St. David area and specifies that any unspent funds not needed for the costs of the study are to be used for the costs of an environmental impact study required by the federal National Environmental Policy Act of 1969. The bill also allocates funds to the Madawaska Bridge Committee to defray expenses incurred by the committee in its effort to locate a new bridge in the St. David area.

Committee Amendment "A" (H-17)

The amendment eliminates the appropriation of funds from the Highway Fund to the Madawaska Bridge Committee that was included in the bill to defray expenses incurred by the committee in its effort to locate a new bridge in the

St. David area.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 513 **An Act To Amend the Motor Vehicle Laws** **PUBLIC 383**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM	S-242

This bill:

1. Creates a definition of "sport utility vehicle" for registration purposes and clarifies that a sport utility vehicle may be registered either as an automobile or as a truck. A sport utility vehicle used in a commercial enterprise with a weight in excess of 10,000 pounds must be registered as a truck according to its actual weight;

2. Clarifies that a pickup truck, which by definition has a gross vehicle weight of 6,000 pounds or less, hauling a trailer registered for 2,000 pounds or less may be operated at the combined weight;

3. Makes minor adjustments to the truck and farm truck registration brackets to create a bracket at 10,000 pounds. Many federal safety requirements become effective at 10,001 pounds;

4. Clarifies that special veteran vehicle registration plates may be issued to a company under certain conditions;

5. Removes the fee for the Pearl Harbor Survivor vehicle registration plate;

6. Resolves a conflict in implementation dates for the issuance of titles for manufactured housing;

7. Resolves a conflict regarding the mailing of lien certificates;

8. Makes a technical change to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 and regulations adopted thereto;

9. Clarifies that a 3rd or subsequent offense committed by an adult while holding a provisional license requires a 90-day driver license suspension; and

10. Clarifies that a 3rd or subsequent offense committed by a juvenile while holding a provisional license requires a 90-day driver license suspension.

Committee Amendment "A" (S-242)

This amendment:

1. Removes the section of the bill that would have amended the law regarding when the State must begin issuing the title for manufactured housing (this matter was dealt with in the Error's Bill, LD 1904, handled by the Judiciary Committee);

2. Establishes definitions of commercial-vehicle-class and non-commercial-vehicle-class school buses. This revision reflects changes in the federal commercial driver's license requirements for school buses rated as

commercial motor vehicles;

3. Provides that a person issued a summons for operating in excess of registered weight does not commit a subsequent violation involving the same vehicle and the same load until the next business day;

4. Repeals the requirement that a state trooper collect the difference in registration fee when a truck is found to be exceeding its registered weight and repeals the requirement that a foreign vehicle obtain a trip permit before proceeding. Currently, troopers calculate and collect the difference between the fee paid and the fee for the higher weight;

5. Makes altering the expiration date of a disability placard a traffic infraction;

6. Changes the name of the Motorcycle Rider Course to the Basic Rider Course;

7. Extends the term of a motorcycle learner's permit from 1 to 2 years to allow more time to for drivers to complete the driving test;

8. Changes the maximum weight limits for certain plates to conform to changes to the weight registration brackets made by the bill;

9. Requires the Secretary of State to brand the certificate of title of vehicles subject to the disclosure requirements of the Maine Lemon Law;

10. Makes a variety of changes to the specialty plate and recognition plate laws: it makes it clear that a proposed plate must be reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters and approved by the Legislature; requires supporters to sign and date a statement declaring that they intend to purchase and display the plate; requires that signatures be no more than 2 years old when submitted; increases the plate fee from $20 to $25 and clarifies that each supporter must contribute $25; makes the total $50,000 prepayment nonrefundable; increases the weight restriction to 10,000 lbs; retires new specialty plates after 10 years or if the number of plates falls below 4,000 plates for more than one year; and provides that all requirements of the law must be met for each version or class of plate; and

11. Provides that a sponsor who, as of June 1, 2007, has registered with the Secretary of State as a sponsor of a specialty plate or recognition plate under the Maine Revised Statutes, Title 29-A, section 468, subsection 1 or section 468-A, subsection 2 may meet the requirements of Title 29-A, section 468 or section 468-A, as applicable, that were in effect on June 1, 2007. A sponsor who registered with the Secretary of State prior to June 1, 2005 has until January 1, 2008 to meet those requirements that were in effect on June 1, 2007. A sponsor who registered with the Secretary of State on or after June 1, 2005 has until 2 years from the date of registration to meet those requirements that were in effect on June 1, 2007. If the sponsor fails to meet those requirements within the applicable time frame, the sponsor becomes subject to the new requirements established under this amendment.

Enacted Law Summary

Public Law 2007, chapter 383, does the following:

Creates a definition of "sport utility vehicle" for registration purposes and clarifies that a sport utility vehicle may be registered either as an automobile or as a truck. A sport utility vehicle used in a commercial enterprise with a weight in excess of 10,000 pounds must be registered as a truck according to its actual weight;

Clarifies that a pickup truck, which by definition has a gross vehicle weight of 6,000 pounds or less, hauling a trailer registered for 2,000 pounds or less may be operated at the combined weight;

Makes minor adjustments to the truck registration brackets to create a bracket at 10,000 pounds. Many federal safety requirements become effective at 10,001 pounds;

Makes minor adjustments to the farm truck registration brackets to create a bracket at 10,000 pounds. Many federal safety requirements become effective at 10,001 pounds;

Clarifies that special veteran vehicle registration plates may be issued to a company under certain conditions;

Removes the fee for the Pearl Harbor Survivor vehicle registration plate;

Resolves a conflict regarding the mailing of lien certificates;

Makes a technical change to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986 and regulations adopted thereto;

Clarifies that a 3rd or subsequent offense committed by an adult while holding a provisional license requires a 90-day driver license suspension;

Clarifies that a 3rd or subsequent offense committed by a juvenile while holding a provisional license requires a 90-day driver license suspension;

Establishes definitions of commercial-vehicle-class and non-commercial-vehicle-class school buses. This revision reflects changes in the federal commercial driver's license requirements for school buses rated as commercial motor vehicles;

Provides that a person issued a summons for operating in excess of registered weight does not commit a subsequent violation involving the same vehicle and the same load until the next business day;

Repeals the requirement that a state trooper collect the difference in registration fee when a truck is found to be exceeding its registered weight and repeals the requirement that a foreign vehicle obtain a trip permit before proceeding. Currently, troopers calculate and collect the difference between the fee paid and the fee for the higher weight;

Makes altering the expiration date of a disability placard a traffic infraction;

Changes the name of the Motorcycle Rider Course to the Basic Rider Course;

Extends the term of a motorcycle learner's permit from 1 to 2 years to allow more time to for drivers to complete the driving test;

Changes the maximum weight limits for certain plates to conform to changes to the weight registration brackets made by the bill;

Requires the Secretary of State to brand the certificate of title of vehicles subject to the disclosure requirements of the Maine Lemon Law;

Makes a variety of changes to the specialty plate and recognition plate laws: it makes it clear that a proposed plate must be reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters and approved by the Legislature; requires supporters to sign and date a statement declaring that they intend to purchase and display the plate; requires that signatures be no more than 2 years old when submitted; increases the plate fee from $20 to $25 and clarifies that each supporter must contribute $25; makes the total $50,000 prepayment nonrefundable; increases the weight restriction to 10,000 lbs; retires new specialty plates after 10 years or if the number of plates falls below 4,000 plates for more than one year; and provides that all requirements of the law must be met for each version or class of plate; and

Provides that a sponsor who, as of June 1, 2007, has registered with the Secretary of State as a sponsor of a specialty plate or recognition plate under the Maine Revised Statutes, Title 29-A, section 468, subsection 1 or section 468-A, subsection 2 may meet the requirements of Title 29-A, section 468 or section 468-A, as applicable, that were in effect on June 1, 2007. A sponsor who registered with the Secretary of State prior to June 1, 2005 has until January 1, 2008 to meet those requirements that were in effect on June 1, 2007. A sponsor who registered with the Secretary of State on or after June 1, 2005 has until 2 years from the date of registration to meet those requirements that were in effect on June 1, 2007. If the sponsor fails to meet those requirements within the applicable time frame, the sponsor becomes subject to the new requirements established under this amendment.

LD 524 **An Act To Establish the Fee for Commercial Inspections for Farm Trucks** **PUBLIC 190**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH NUTTING J	OTP-AM	H-183

This bill exempts farm trucks from commercial vehicle inspections, but retains the regular inspection requirements.

Committee Amendment "A" (H-183)

This amendment replaces the bill and changes the title to reflect the content of the amendment. This amendment establishes the fee for commercial inspections of farm trucks. Under current law, the fee for a commercial inspection is based on the inspector's normal hourly rate. The amendment sets the fee at $45.

Enacted Law Summary

Public Law 2007, Chapter 190 establishes the fee for commercial inspections of farm trucks. Under current law, the fee for a commercial inspection is based on the inspector's normal hourly rate. The amendment sets the fee at $45.

LD 532 **Resolve, To Create a Plan for the Downeast Airport Authority** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EMERY RAYE	ONTP	

This resolve directs the Commissioner of Transportation to create a plan to establish the Downeast Airport Authority for a regional commercial public airport in Washington County. The commissioner shall present the plan to the Joint Standing Committee on Transportation, which may submit legislation to the Second Regular Session of the

123rd Legislature.

LD 533 **An Act To Establish "Clean Air - No Idling" Zones** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS	ONTP	

This bill establishes "clean air - no idling zones" to protect public health and the environment by reducing tailpipe emissions and to conserve fuel by restricting the unnecessary operation of motor vehicle engines.

LD 534 **Resolve, Directing the Maine Turnpike Authority To Study the Relocation of the York Toll Booth** **RESOLVE 45**

Sponsor(s)	Committee Report	Amendments Adopted
WEAVER BOWMAN	OTP	

This resolve directs the Maine Turnpike Authority to study the need for and expense of replacing the York toll booth. The Maine Turnpike Authority is required to report to the Joint Standing Committee on Transportation no later than December 15, 2007.

Enacted Law Summary

Resolves 2007, Chapter 45 directs the Maine Turnpike Authority to study the need for and expense of replacing the York toll booth. The Maine Turnpike Authority is required to report to the Joint Standing Committee on Transportation no later than December 15, 2007.

LD 535 **An Act To Create a Retired Firefighter Registration Plate** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	ONTP	

This bill authorizes the issuance of a special registration plate for retired firefighters that will fund special programs that offer fire prevention and fire safety training.

LD 545 **Resolve, To Name the Bridge on Route 201 in Jackman over the Moose River the Veterans Memorial Bridge** **RESOLVE 15**

Sponsor(s)	Committee Report	Amendments Adopted
PINKHAM	OTP	

This resolve names the bridge on Route 201 in Jackman crossing the Moose River the Veterans Memorial Bridge.

Enacted Law Summary

Resolves 2007, Chapter 15 names the bridge on Route 201 in Jackman crossing the Moose River the Veterans Memorial Bridge.

LD 546 **Resolve, Directing the Department of Transportation To Amend Its Rules Regarding Noise Abatement Costs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KAENRATH	ONTP	

Under the existing statewide noise policy adopted by the Department of Transportation, there is an abatement cost limit of $20,000 per affected property. This resolve requires that the cost limit be adjusted by a factor that represents the annual inflation adjustment for each year since the statewide noise policy was adopted and directs that the amount thereafter be adjusted annually for inflation.

LD 561 **Resolve, To Direct the Department of Transportation To Establish a Rest Area on U.S. Route 9 between Calais and Brewer** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	ONTP	

This resolve directs the Department of Transportation to establish and maintain a rest area with bathroom facilities on U.S. Route 9 approximately halfway between the cities of Brewer and Calais.

LD 576 **Resolve, To Examine Issues Related to Distracted Driving** **RESOLVE 86**

Sponsor(s)	Committee Report	Amendments Adopted
BABBIDGE	OTP-AM MAJ ONTP MIN	H-349

This resolve requires law enforcement agencies to inform the Department of Public Safety of motor vehicle incidents, accidents, violations and warnings from October 1, 2007 to September 30, 2008 in which cellular telephones were involved. This resolve requires the Department of Public Safety to study the role that cellular telephones may have played in contributing to motor vehicle accidents, using the information received from law enforcement agencies as well as from insurance companies, and to report its findings and recommended legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 15, 2009, with the committee having authority to submit legislation based upon the findings of the study.

Committee Amendment "A" (H-349)

This amendment, which is the majority report of the Joint Standing Committee on Transportation replaces the resolve and changes the title to reflect the content of the amendment. The resolve directed the Department of Public Safety to study the effect of cellular telephone use on motor vehicle accidents. The amendment directs the department to analyze available data, including data generated from its planned upgrades of crash reports that will include fields for specific distractions and any other relevant data that may be available to the department, to determine the role various types of distractions play in motor vehicle accidents. It also directs the department to develop recommendations for strengthening laws relating to distracted driving. The department is directed to submit an interim report that includes recommended legislation to strengthen laws related to distracted driving to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 2009. The department is directed to provide a final report on the data it has collected and its analysis of that data together with any further recommended legislation related to distracted driving to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 2010. The joint standing committee of the Legislature having jurisdiction over transportation matters is authorized to submit legislation related to the department's report to

the First and Second Regular Sessions of the 124th Legislature.

Enacted Law Summary

Resolve 2007, chapter 86, directs the Department of Public Safety to analyze available data to determine the role various types of distractions play in motor vehicle accidents. It also directs the department to develop recommendations for strengthening laws relating to distracted driving. The department is directed to submit an interim report that includes recommended legislation to strengthen laws related to distracted driving to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 2009. The department is directed to provide a final report on the data it has collected and its analysis of that data together with any further recommended legislation related to distracted driving to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 2010. The Transportation Committee is authorized to submit legislation related to the department's report to the First and Second Regular Sessions of the 124th Legislature.

LD 592 **An Act To Waive Tolls on the Maine Turnpike for People Who Are Traveling for Treatment of Catastrophic Illnesses** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE C	ONTP MAJ OTP MIN	

This bill allows a person to travel on the Maine Turnpike free of charge if that person is a Maine resident and is traveling on the turnpike for treatment of a catastrophic illness. It is modeled after Public Law 2005, chapter 472, which was enacted last session and allowed free ferry service for people traveling on ferries for treatment of catastrophic illnesses.

LD 599 **An Act To Create an Airport Authority** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE		

This bill, a concept draft pursuant to Joint Rule 208, proposes creation of an airport authority to regulate aviation.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 625 **Resolve, To Establish a Commission To Study the Feasibility of the State's Acquiring the Golden Road** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINEAU	ONTP	

This resolve establishes the Commission To Study the Feasibility of the State's Acquiring the Golden Road.

LD 626 **An Act To Require Warning Lights at All Railroad Crossings (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE	ONTP	

This bill requires warning lights to be placed by the railroads at every railroad crossing where the railroad crosses a public way.

LD 642 **An Act to Clarify Certain Laws Concerning Posted Speed Limit** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	ONTP	

This bill, a concept draft pursuant to Joint Rule 208, proposes to require that speed limits be clearly posted within 100 feet of a change in speed limit. The bill also proposes to create a definition for "imprudent speed."

LD 643 **An Act To Clarify Certain Equipment Provisions for Motor Vehicles** **PUBLIC 121**

Sponsor(s)	Committee Report	Amendments Adopted
CHASE	OTP-AM	H-128

The bill amends the law relating to use of aftermarket equipment on motor vehicles by removing the specific list of aftermarket equipment prohibited by law; removing the prohibition on the sale of or equipping a motor vehicle with aftermarket equipment; limiting the prohibition to use on a public way; and removing reference to violations of State Police rules regarding aftermarket equipment.

Committee Amendment "A" (H-128)

This amendment replaces the bill. The amendment, like the bill, removes the specific list of aftermarket equipment prohibited by law. However, the amendment, unlike the bill, provides that a person may not use a vehicle on a public way or sell or equip a vehicle for use on a public way with aftermarket equipment contrary to the Maine Revised Statutes, Title 29-A or contrary to the rules of the Chief of the State Police.

Enacted Law Summary

Public Law 2007, chapter 121, removes the specific list of aftermarket equipment prohibited by law. It also provides that a person may not use a vehicle on a public way or sell or equip a vehicle for use on a public way with aftermarket equipment contrary to the Maine Revised Statutes, Title 29-A or contrary to the rules of the Chief of the State Police.

LD 644 **An Act To Amend the Motor Vehicle Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CHASE NASS R	ONTP	

This bill makes several changes to the equipment requirements of the motor vehicle laws.

It modifies the law relating to mufflers by removing the current excessive-or-unusual-noise standard and the prohibition on operating a motor vehicle with a modified exhaust system that amplifies or increases the noise emitted. Under the bill, a muffler would continue to be required to meet a 95 decibel standard.

It modifies the law relating to wheel rim size to provide that if the wheel rim size has been altered a "properly sized tire must be used"; it also exempts street rods, custom vehicles and trucks from this requirement

It limits the prohibition on disconnecting a suspension system to when the purpose is to defeat the safe operation of the suspension system.

It changes provisions of law relating to aftermarket equipment and reflective and tinted glass.

LD 666 **An Act To Amend Maine's Abandoned Vehicle Laws** **PUBLIC 150**

Sponsor(s)	Committee Report	Amendments Adopted
FISHER	OTP-AM	H-165

This bill amends laws governing abandoned motor vehicles: it specifies that the law applies to vehicles towed at the direction of a law enforcement officer (in addition to the other circumstances listed in the current law); provides that the last owner of record of a vehicle is deemed to be the owner of an abandoned vehicle and is liable for all towing and other costs and fines related to the abandonment of the vehicle; shortens the time period for an owner/leinholder to reclaim a vehicle; allows a person holding or storing an abandoned vehicle to hold the vehicle until all fees are paid; repeales provisions of law that estabish limits on storage fees that may be charged by person sorting an abandoned vehicle; requires towing and storage fees to be reasonable; directs the Secretary of State to suspend the driving and vehicle registration privileges of the owner of an abandoned vehicle if a person towing, holding or storing the abandoned vehicle certifies to the Secretary of State that the towing or storage fees have not been paid in full; allows a person towing or storing a vehicle that was used in the commission of a crime to receive a fee of up to $250; provides that not only the owner of the premises where an abandoned vehicle is located, but also the owner's agent may initiate and sign a notification to the Secretary of State indicating that the owner or owner's agent is in possession of an abandoned vehicle.

Committee Amendment "A" (H-165)

This amendment makes the following changes to the bill.

1. It amends a portion of the bill that deems the last owner of record of a motor vehicle found abandoned to be the owner of the motor vehicle at the time it was abandoned and to be the person who abandoned it. The

amendment provides that there is a rebuttable presumption that the last owner of record of a motor vehicle found abandoned is the owner of the motor vehicle at the time it was abandoned and the person who abandoned it.

2 It amends the portion of the bill that would reduce the minimum period after the Secretary of State receives notice of an abandoned vehicle that the Secretary of State must wait before issuing a letter of ownership or certificate of title to the person holding the abandoned vehicle. In current law the minimum period is 30 days. The bill proposed to reduce this to 15 days. The amendment makes the minimum period 21 days.

3. It replaces a section of the bill that would have removed current limits on the fees a person holding an abandoned vehicle may charge for storing the vehicle. The amendment preserves that provision of law, but amends it to provide that total storage charges may not exceed $900 for a 30-day period. It also amends the provision to provide that if the person holding the vehicle fails to notify the Secretary of State within 7 days of coming into possession of the vehicle, the person may only charge 7 days of storage fees. Under current law, the period is 30 days.

4. It adds a provision to the bill that establishes a minimum fine of $250 for abandoning a vehicle on a public way.

5. It amends a provision of the bill that allows a person storing an abandoned vehicle to hold the vehicle until all fees are paid. The amendment provides that the person may hold the vehicle until all reasonable towing and storage fees are paid.

6. It removes the portions of the bill that provide for the suspension of an owner's driver's license and registration privileges for failure to pay towing and storage fees and the collection of an impoundment fee for storing vehicles used in the commission of a crime.

Enacted Law Summary

Public Law 2007, chapter 150 does the following.

1. It establishes is a rebuttable presumption that the last owner of record of a motor vehicle found abandoned is the owner of the motor vehicle at the time it was abandoned and is the person who abandoned it.

2 It amends the current law requiring the Secretary of State to wait at least 30 days after receiving notice of an abandoned vehicle before issuing a letter of ownership or certificate of title to the person holding the abandoned vehicle: It reduces this minimum period to 21 days.

3. It increases the current limits on the fees a person holding an abandoned vehicle may charge for storing the vehicle: the current limit to $600 for a 30-day period; this law increases the limit to $900 for a 30-day period. It also provides that if the person holding the vehicle fails to notify the Secretary of State within 7 days of coming into possession of the vehicle, the person may only charge 7 days of storage fees (under current law, the period is 30 days).

4. It establishes a minimum fine of $250 for the traffic infraction of abandoning a vehicle on a public way (under current law this is a traffic infraction, but there is no minimum fine).

5. It provides that the person storing an abandoned vehicle may hold the vehicle until all reasonable towing and storage fees are paid.

LD 667 **An Act To Modify the Motor Vehicle Insurance Cancellation Notification Law** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CANAVAN	ONTP	

This bill reverses the changes to the statutes involving insurance cancellation notification made by Public Law 2005, chapter 428. The substance of this bill was incorporated into LD 781 (see Part M of finally enacted version of that bill).

LD 669 **Resolve, To Direct the Department of Transportation To Make Improvements to U.S. Route 2-A** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	ONTP	

This resolve directs the Department of Transportation to authorize the release of the funds needed to improve U.S. Route 2-A in Houlton as was agreed upon in a memorandum of agreement between the town and the department.

LD 694 **An Act Regarding Fines for Overweight Trucks** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON	ONTP	

This bill provides that if a vehicle exceeds the limits for both gross vehicle weight and axle weight then the lower of the 2 fines applies.

LD 706 **An Act To Support New Drivers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRYANT B	ONTP	

This bill requires that a motor vehicle driven by a person who has a learner's permit must have a placard on it indicating that the driver is a student driver. The bill also requires the Department of the Secretary of State, Bureau of Motor Vehicles to establish rules governing the use of the placard.

LD 740 **An Act To Promote the Safety of Deaf or Hard-of-hearing Drivers** **PUBLIC 123**

Sponsor(s)	Committee Report	Amendments Adopted
GROSE NUTTING J	OTP-AM	H-98

This bill requires the Secretary of State, for a person who has documentation from a physician that the person is deaf or hard-of-hearing, to place a coded notation of that fact on that person's license.

Committee Amendment "A" (H-98)

This amendment replaces the bill. The amendment requires the Secretary of State, at the request of a person who is deaf or hard-of-hearing, to issue a sticker to that person to place in a location designated by the Secretary of State on the back of the person's driver's license to indicate that the person is deaf or hard-of-hearing.

Enacted Law Summary

Public Law 2007, Chapter 123 requires the Secretary of State, at the request of a person who is deaf or hard-of-hearing, to issue a sticker to that person to place in a location designated by the Secretary of State on the back of the person's driver's license to indicate that the person is deaf or hard-of-hearing.

LD 741 An Act Regarding When an Overweight Truck May Be Required To Unload

ACCEPTED ONTP REPORT

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON BRYANT B	ONTP MAJ OTP-AM MIN	

The bill allows a state police officer to permit an overweight combination vehicle consisting of a 3-axle truck tractor with a tri-axle semitrailer to proceed without unloading if the vehicle does not exceed by more than 10% the gross vehicle weight allowed in law.

Committee Amendment "A" (H-126)

This amendment, which was the minority report of the Transportation Committee, incorporates a fiscal note.

LD 766 An Act To Permit Operation of a Modified Show Vehicle on a Public Way

ONTP

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	ONTP	

The bill directs the Chief of the State Police to adopt major substantive rules to allow the operation of a modified show vehicle on a public way for the purposes of participating in a modified show vehicle event, off-road competition or racing event. The bill also provides for a limited inspection of a modified show vehicle.

LD 775 An Act To Create a Special License Plate To Support Breast Cancer Support Services

CARRIED OVER

Sponsor(s)	Committee Report	Amendments Adopted
STRANG BURGESS DAMON		

This bill creates a special Breast Cancer Support Services license plate to support breast cancer support services in the State. The beneficiaries of the program are the Maine Breast Cancer Coalition's Support Service Fund, the Maine Cancer Foundation and the Maine Breast and Cervical Health Program within the Department of Health and

Human Services.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 781 **An Act Making Unified Highway Fund and Other Funds Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009**

PUBLIC 329
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	OTP-AM	H-545

This bill does the following.

Part A makes appropriations and allocations of funds for the 2008-2009 biennium.

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

Part C authorizes the Department of Administrative and Financial Services on behalf of the Department of Transportation's Transportation Facilities Fund, to enter into financing arrangements in fiscal years 2007-08 and 2008-09 to establish lease-purchase contracts for the procurement of transportation facilities.

Part D requires the State Budget Officer to calculate the amount of savings in Part A that apply against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and to transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2007-08 and 2008-09.

Part E authorizes the State Budget Officer to transfer available balances of Highway Fund allocations for Personal Services in fiscal year 2007-08 and fiscal year 2008-09 between programs and departments within the Highway Fund by financial order upon approval of the Governor to be used for costs associated with collective bargaining agreements for state employees.

Part F establishes the maximum principal cost, interest rate and duration term for a financing agreement to acquire motor vehicles for the Maine State Police. It specifies that annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the Department of Public Safety General Fund and Highway Fund accounts.

Committee Amendment "A" (H-545)

This committee amendment does the following.

Part A makes appropriations and allocations of funds for the 2008-2009 biennium.

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

Part C requires that the State Budget Officer calculate the amount of savings that apply against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2007-08 and 2008-09. The State Budget Officer shall provide the Joint Standing

Committee on Transportation a report of the transferred amounts no later than November 1, 2007. This Part also includes the necessary Highway Fund deallocations to realize the health insurance savings.

Part D establishes the maximum principal cost, interest rate and duration term for a financing agreement to acquire motor vehicles for the Maine State Police. It specifies that annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the Department of Public Safety General Fund and Highway Fund accounts.

Part E reduces funding to reflect a different methodology for funding the administrative costs of the Maine State Retirement System.

Part F authorizes the State Budget Officer to transfer by financial order between programs and departments available balances of Highway Fund allocations for Personal Services in fiscal years 2007-08 and 2008-09 to be used for costs associated with collective bargaining.

Part G authorizes the State Controller to transfer unexpended Personal Services balance from lapsing Highway Fund programs to the Compensation Salary Plan Highway Fund account to be used for costs associated with collective bargaining agreements for Highway Fund state employees and allows the State Controller to transfer any balance in the Compensation Salary Plan Highway Fund account to the unallocated balance of the Highway Fund at the end of fiscal year 2008-09.

Part H authorizes the State Controller, at the close of the fiscal years 2007-08 and 2008-09, to transfer amounts exceeding $500,000 from the unallocated balance in the Highway Fund to the Department of Transportation Highway and Bridge Improvement and Maintenance and Operation programs for capital needs.

Part I authorizes the Commissioner of Transportation to transfer, through the use of financial orders, identified Highway Fund Personal Services savings to the Department of Transportation Highway and Bridge Improvement and Maintenance and Operation programs for capital needs.

Part J authorizes the State Controller to transfer $980,136 by June 30, 2007 from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unallocated surplus of the Highway Fund.

Part K authorizes the Department of Administrative and Financial Services, Office of Information Technology to enter into lease-purchase arrangements for the acquisition of information technology systems, software, hardware and enhancements.

Part L authorizes the State Controller to transfer $524,131 and any remaining balance by September 30, 2007 from the Single State Registration System account within the Department of the Secretary of State to the unallocated surplus of the Highway Fund.

Part M repeals the requirement that a company insuring a motor vehicle registered in this State notify the Secretary of State when that insurance is cancelled, terminated or lapses.

Part N authorizes the Department of Administrative and Financial Services to enter into financing arrangements on or after January 1, 2007 for the acquisition of hardware and software for the computer system in the Department of the Secretary of State, Bureau of Motor Vehicles.

Part O establishes that the proceeds from the salvage of rail track taken from the Calais Branch rail corridor must be deposited into the State Transit, Aviation and Rail Transportation Fund within the Department of

Transportation and allocates funds from that fund for the development of a multi-use trail within the Calais Branch rail corridor.

Part O also requires funds repaid to the Department of Transportation as a result of state investments or loans for the redevelopment of the Calais Branch rail corridor to be used to preserve the rail corridor and allows the department to terminate the recreational uses of the rail corridor at any time.

Part P provides enabling legislation for GARVEE bonds. Such bonds would be used only to fund projects to reconstruct, rehabilitate or replace existing bridges and arterial highways that have a useful life of at least 20 years. The maximum federal debt to revenue ratio is set at 15%, less sufficient debt service capacity under the 15% level for $25,000,000 of GARVEE bonding for emergencies. It directs that GARVEE bonding levels must be presented for legislative approval as part of the Highway Fund budget. This Part also authorizes GARVEE bonds of up to $50,000,000.

Part Q requires the Department of Administrative and Financial Services, the Department of Public Safety and the Department of Transportation to undertake a comprehensive analysis of light fleet vehicle purchase and operation with the goals of consolidating functions and eliminating duplication and inefficiencies in programs and to report to the Joint Standing Committee on Transportation by March 15, 2008.

Part R equalizes the 6-year cycle for driver's licenses by allowing the Secretary of State to issue certain driver's licenses that have expiration dates that are either longer or shorter than the usual license duration.

Enacted Law Summary

Public Law 2007, chapter 329 does the following.

Part A makes appropriations and allocations of funds for the 2008-2009 biennium.

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

Part C requires that the State Budget Officer calculate the amount of savings that apply against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal years 2007-08 and 2008-09. The State Budget Officer shall provide the Joint Standing Committee on Transportation a report of the transferred amounts no later than November 1, 2007. This Part also includes the necessary Highway Fund deallocations to realize the health insurance savings.

Part D establishes the maximum principal cost, interest rate and duration term for a financing agreement to acquire motor vehicles for the Maine State Police. It specifies that annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the Department of Public Safety General Fund and Highway Fund accounts.

Part E reduces funding to reflect a different methodology for funding the administrative costs of the Maine State Retirement System.

Part F authorizes the State Budget Officer to transfer by financial order between programs and departments available balances of Highway Fund allocations for Personal Services in fiscal years 2007-08 and 2008-09 to be used for costs associated with collective bargaining.

Part G authorizes the State Controller to transfer unexpended Personal Services balance from lapsing Highway Fund programs to the Compensation Salary Plan Highway Fund account to be used for costs associated with

collective bargaining agreements for Highway Fund state employees and allows the State Controller to transfer any balance in the Compensation Salary Plan Highway Fund account to the unallocated balance of the Highway Fund at the end of fiscal year 2008-09.

Part H authorizes the State Controller, at the close of the fiscal years 2007-08 and 2008-09, to transfer amounts exceeding $500,000 from the unallocated balance in the Highway Fund to the Department of Transportation Highway and Bridge Improvement and Maintenance and Operation programs for capital needs.

Part I authorizes the Commissioner of Transportation to transfer, through the use of financial orders, identified Highway Fund Personal Services savings to the Department of Transportation Highway and Bridge Improvement and Maintenance and Operation programs for capital needs.

Part J authorizes the State Controller to transfer $980,136 by June 30, 2007 from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unallocated surplus of the Highway Fund.

Part K authorizes the Department of Administrative and Financial Services, Office of Information Technology to enter into lease-purchase arrangements for the acquisition of information technology systems, software, hardware and enhancements.

Part L authorizes the State Controller to transfer $524,131 and any remaining balance by September 30, 2007 from the Single State Registration System account within the Department of the Secretary of State to the unallocated surplus of the Highway Fund.

Part M repeals the requirement that a company insuring a motor vehicle registered in this State notify the Secretary of State when that insurance is cancelled, terminated or lapses.

Part N authorizes the Department of Administrative and Financial Services to enter into financing arrangements on or after January 1, 2007 for the acquisition of hardware and software for the computer system in the Department of the Secretary of State, Bureau of Motor Vehicles.

Part O establishes that the proceeds from the salvage of rail track taken from the Calais Branch rail corridor must be deposited into the State Transit, Aviation and Rail Transportation Fund within the Department of Transportation and allocates funds from that fund for the development of a multi-use trail within the Calais Branch rail corridor.

Part O also requires funds repaid to the Department of Transportation as a result of state investments or loans for the redevelopment of the Calais Branch rail corridor to be used to preserve the rail corridor and allows the department to terminate the recreational uses of the rail corridor at any time.

Part P provides enabling legislation for GARVEE bonds. Such bonds would be used only to fund projects to reconstruct, rehabilitate or replace existing bridges and arterial highways that have a useful life of at least 20 years. The maximum federal debt to revenue ratio is set at 15%, less sufficient debt service capacity under the 15% level for $25,000,000 of GARVEE bonding for emergencies. It directs that GARVEE bonding levels must be presented for legislative approval as part of the Highway Fund budget. This Part also authorizes GARVEE bonds of up to $50,000,000.

Part Q requires the Department of Administrative and Financial Services, the Department of Public Safety and the Department of Transportation to undertake a comprehensive analysis of light fleet vehicle purchase and operation with the goals of consolidating functions and eliminating duplication and inefficiencies in programs

and to report to the Joint Standing Committee on Transportation by March 15, 2008.

Part R equalizes the 6-year cycle for driver's licenses by allowing the Secretary of State to issue certain driver's licenses that have expiration dates that are either longer or shorter than the usual license duration.

Public Law 2007, chapter 329 was enacted as an emergency measure effective June 19, 2007.

LD 812 **Resolve, To Direct the Secretary of State To Examine Driver's License Laws** **RESOLVE 24**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	OTP-AM	H-99

This bill restricts the issuance of driver's licenses and nondriver identification cards to residents of the State, except that nonresident students and persons on active military duty and the spouses and children of persons on active military duty may be issued nondriver identification cards.

Committee Amendment "A" (H-99)

This amendment replaces the bill with a resolve that directs the Secretary of State to establish a working group to examine the laws governing eligibility and documentation requirements for applicants for driver's licenses and nondriver identification cards. The working group is required to develop recommendations for limiting eligibility for driver's licenses and nondriver identification cards to Maine residents and to persons with legal presence status in the United States. The working group shall, at a minimum, examine issues related to standards of residency and proof of residency, standards for determining legal presence status, documentation requirements, methods of verification, the need for exceptions or provisions for special circumstances and the costs of implementing and enforcing such standards and limitations. The Secretary of State is required to report the findings and recommendations of the working group to the Joint Standing Committee on Transportation no later than January 15, 2008. The Joint Standing Committee on Transportation is authorized to submit a bill related to the subject matter of the working group's report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 812 directs the Secretary of State to establish a working group to examine the laws governing eligibility and documentation requirements for applicants for driver's licenses and nondriver identification cards. The working group is required to develop recommendations for limiting eligibility for driver's licenses and nondriver identification cards to Maine residents and to persons with legal presence status in the United States. The working group, at a minimum, must examine issues related to standards of residency and proof of residency, standards for determining legal presence status, documentation requirements, methods of verification, the need for exceptions or provisions for special circumstances and the costs of implementing and enforcing such standards and limitations. The Secretary of State is required to report the findings and recommendations of the working group to the Joint Standing Committee on Transportation no later than January 15, 2008. The Joint Standing Committee on Transportation is authorized to submit a bill related to the subject matter of the working group's report to the Second Regular Session of the 123rd Legislature.

LD 830 **An Act To Permit the Use of Pictorial Graphics and Photographs on Changeable Signs** **PUBLIC 124**

Sponsor(s)	Committee Report	Amendments Adopted
BROWNE	OTP-AM MAJ OTP-AM MIN	H-177 BROWNE H-62

This bill allows the use of graphic, pictorial or photographic images on changeable signs.

Committee Amendment "A" (H-61)

The amendment, which is the majority report of the Joint Standing Committee on Transportation, clarifies that a changeable sign may consist only of alphabetic or numeric text on a plain background and may not include any graphic, pictorial or photographic images unless the municipality in which the sign is located adopts an ordinance to the contrary. Administration of the ordinance is the responsibility of the municipality.

Committee Amendment "B" (H-62)

The amendment, which is the minority report of the Joint Standing Committee on Transportation, clarifies that a changeable sign may consist only of alphabetic or numeric text on a plain background and may not include any graphic, pictorial or photographic images unless the municipality in which the sign is located adopts an ordinance to the contrary. Administration of the ordinance is the responsibility of the municipality.

The amendment also strikes from the bill a provision that repeals the limit on displays to no more than 50% of the surface area of a changeable sign (thus preserving that limit).

House Amendment "A" (H-177)

This amendment clarifies Committee Amendment "B" so that graphic, pictorial or photographic images are generally allowed on either a plain or colored background on a changeable sign unless a municipal ordinance does not allow those elements.

Enacted Law Summary

Public Law 2007, chapter 124 allows the use of graphic, pictorial or photographic images on changeable signs. Graphic, pictorial or photographic images are generally allowed on either a plain or colored background on a changeable sign unless a municipal ordinance does not allow those elements. If a municipal ordinance is adopted, the municipality must notify the Department of Transportation and administration of the ordinance is the responsibility of the municipality. Ordinances in effect on the effective date of this law are not superseded by this law.

LD 860 **An Act To Amend Certain Laws Affecting Transportation** **PUBLIC 306**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM	S-177

This bill makes the following changes to the laws governing transportation.

It expands the powers of the Department of Transportation to conduct traffic survey interviews and other statistical studies on the state highway system as considered necessary for the use in planning and development of the statewide highway system.

It requires an abutter to install a culvert, at the direction of the Department of Transportation, when constructing an entrance to a state-owned highway. Current law requires the abutter to provide the culvert, at the owner's expense; the department then installs it.

It revises language relating to design-build projects to provide that the Department of Transportation may issue public notice requesting qualifications from interested firms through its website or through newspaper advertisements. Current law requires the notice to be through newspaper notice.

It provides more specific cross-references to federal laws governing the surface transportation program as they relate to reimbursement for the cost of relocating or burying overhead utilities in historic districts.

It revises the definition and overall length limit of saddlemount vehicle transporters traveling on the Interstate

ıway System and certain primary roads in accordance with changes in federal law.
It repeals certain laws that provide authority for limiting the weight, number or speed of vehicles permitted on a bridge and fixes cross-references
It modifies the law governing fuel tax indexing to require the Department of Transportation to submit emergency legislation every 2 years to 1st Regular Session to suspend the adjustment resulting from indexing for the succeeding biennium.
It repeals the laws that established the Maine-New Hampshire Interstate Bridge Authority.

Committee Amendment "A" (S-177)

This amendment makes the following changes to the bill:

1. It replaces the provision in the bill creating a definition of "drive-away saddlemount with fullmount vehicle transporter combination" with a definition of "drive-away saddlemount vehicle transporter combination." It also amends the provision of the bill that alters certain requirements for these vehicles to reflect this new defined term. It also adds a provision to allow these vehicles to be issued transporter plates;

2. It removes the provisions of the bill that would have repealed certain laws that provide authority for limiting weight, number or speed of vehicles permitted on a bridge;

3. It adds a provision that provides that the Department of Transportation and the Maine Turnpike Authority are not subject to any fee or tax imposed pursuant to a municipal storm water ordinance that was in effect on January 1, 2007. This provision does not apply to ordinances passed after January 1, 2007;

4. It provides that the section of the bill that repeals the law creating the Maine-New Hampshire Interstate Bridge Authority takes effect only if the New Hampshire General Court repeals the concurrent New Hampshire law relating to the Maine-New Hampshire Interstate Bridge Authority; and

5. It adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 306, does the following.

It expands the powers of the Department of Transportation to conduct traffic survey interviews and other statistical studies on the state highway system as considered necessary for the use in planning and development of the statewide highway system.
It requires an abutter to install a culvert, at the direction of the Department of Transportation, when constructing an entrance to a state-owned highway. Current law requires the abutter to provide the culvert, at the owner's expense; the department then installs it.
It revises language relating to design-build projects to provide that the Department of Transportation may issue public notice requesting qualifications from interested firms through its website or through newspaper advertisements. Current law requires the notice to be through newspaper notice.
It provides more specific cross-references to federal laws governing the surface transportation program as they relate to reimbursement for the cost of relocating or burying overhead utilities in historic districts.
It revises the definition and overall length limit of saddlemount vehicle transporters traveling on the Interstate Highway System and certain primary roads in accordance with changes in federal law. It also adds a provision to allow these vehicles to be issued transporter plates.
It modifies the law governing fuel tax indexing to require the Department of Transportation to submit emergency legislation every 2 years to 1st Regular Session to suspend the adjustment resulting from indexing for the succeeding biennium.
It repeals the laws that established the Maine-New Hampshire Interstate Bridge Authority only if the New Hampshire General Court repeals the concurrent New Hampshire law relating to the Maine-New Hampshire

state Bridge Authority.
It provides that the Department of Transportation and the Maine Turnpike Authority are not subject to any fee or tax imposed pursuant to a municipal storm water ordinance that was in effect on January 1, 2007. This provision does not apply to ordinances passed after January 1, 2007.

Public Law 2007, chapter 306 was enacted as an emergency measure effective June 18, 2007.

LD 873 **An Act To Require Economic Analysis and Public Comment for Road Construction Projects** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FISCHER	ONTP	

This bill requires the Department of Transportation to complete an economic analysis of a proposed corridor for a state or state aid highway and to submit this economic analysis for public comment prior to any final determination of the location of the corridor.

LD 894 **An Act To Establish a 6-month Registration Period for Farm Truck License Plates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS PLOWMAN	ONTP	

This bill establishes an optional 6-month registration period for farm trucks.

LD 897 **An Act Relating to Trains and Train Service in the State** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

This bill, a concept draft pursuant to Joint Rule 208, proposes emergency legislation to implement the recommendations of a statewide working group that was established at the request of the Joint Standing Committee on Transportation during the Second Regular Session of the 122nd Legislature to explore the issue of noise and air pollution attributed to train engines idling for long periods of time in various communities. Specifically, the bill proposes to encourage rail operators to install and use idling reduction technologies whenever possible and to assist rail operators in investigating all funding sources available to reduce the cost of their installation. Under the bill, the Department of Transportation and the Department of Environmental Protection will work together to identify and apply through the Northeast Diesel Collaborative and other sources for funding to assist in the installation of idling reduction technologies through matching grants or loans to the railroads.

LD 901 **An Act To Require Legislative Review before a Road's Designation or Classification May Be Changed** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	ONTP	

This bill, a concept draft pursuant to Joint Rule 208, proposes to require review by the Legislature before the designation or classification of a road may be changed.

LD 906 **An Act To Clarify Municipal Responsibility in Providing Emergency Service during a Declared Emergency** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BURNS STRIMLING	ONTP	

Under this bill, if a private road upon which individuals live is impassable because of a declared emergency, a town or village corporation must use its highway equipment to make that way passable. The town or village corporation may seek reimbursement after the fact for the actual cost of using the highway equipment.

LD 921 **An Act To Allow a Landowner To Erect Installations in or near a State or State Aid Highway** **PUBLIC 191**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
JACKSON MARTIN	OTP-AM	H-222

This bill provides that a landowner who owns land abutting a state or state aid highway may alter land within the right-of-way of that state or state aid highway in order to control erosion or otherwise improve the land.

Committee Amendment "A" (H-222)

This amendment replaces the bill. The amendment allows the Commissioner of Transportation to allow construction of fixtures within the bounds a state or state aid highway located in a municipality if the construction is supported by the municipal officers, the road speed is no more than 35 miles per hour and the commissioner determines the construction will not adversely affect safety or the public welfare. The amendment also adds an emergency preamble and clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 191 permits the Commissioner of Transportation to allow construction of fixtures within the bounds a state or state aid highway located in a municipality if the construction is supported by the municipal officers, the road speed is no more than 35 miles per hour and the commissioner determines the construction will not adversely affect safety or the public welfare.

Public Law 2007, chapter 191 was enacted as an emergency measure effective May 30, 2007.

LD 922 **An Act To Permit a Noncommercial Agricultural Designation for Certain License Plates** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	

This bill permits the issuance of a license plate with a noncommercial agricultural designation for a tractor, truck or trailer that is used for noncommercial agricultural conveyance of livestock and that is over 10,000 pounds in weight.

LD 938 **An Act To Delay the Effective Date of Changes to Motor Vehicle Inspection Rules** **PUBLIC 135**

Sponsor(s)	Committee Report	Amendments Adopted
MIRAMANT	OTP-AM	H-156

This bill requires an inspection mechanic or inspection station to have a copy of an inspection rule adopted by the Chief of the State Police for 5 days before enforcing the rule.

Committee Amendment "A" (H-156)

This amendment replaces the bill and changes the title to reflect the content of the amendment. The amendment provides that inspection rules, other than emergency rules, adopted by the Chief of the State Police take effect 30 days after the filing of the rules with the Secretary of State.

Enacted Law Summary

Public Law 2007, Chapter 135 provides that inspection rules, other than emergency rules, adopted by the Chief of the State Police take effect 30 days after the filing of the rules with the Secretary of State.

LD 939 **An Act To Permit Front-wheel Drive Vehicles To Have Front Studded Snow Tires Only** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PINKHAM	ONTP	

This bill allows a front-wheel drive vehicle to have studded snow tires only on its front wheels.

LD 956 **An Act To Increase Compliance with Truck Weight Limits** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	ONTP MAJ OTP MIN	

This bill requires a commercial motor vehicle that is transporting a load to be weighed at its initial point of departure or at a weighing point designated by the Chief of the State Police. The initial weight must be recorded and submitted to the Department of Public Safety, Bureau of State Police. The bill also gives the Commissioner of

Public Safety the authority to adopt rules to implement this legislation.

LD 963 **An Act To Prohibit Construction Companies from Using Certain Heavy Equipment in Residential Neighborhoods** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MCDONOUGH	ONTP MAJ OTP-AM MIN	

This bill prohibits the use of pavement reclaimers and vibratory rollers in the construction, maintenance or repair of a street or road in an area zoned as residential. This bill also presumes liability on a general contractor responsible for road construction, maintenance or repair if that activity, including blasting, damages private property, with the exception of a municipality or state agency that directly performs construction, maintenance or repair of a road without subcontracting to a private entity.

Committee Amendment "A" (H-310)

This amendment, which is the minority report of the Joint Standing Committee on Transportation, replaces the bill. The amendment removes the portion of the bill prohibiting the use of certain construction equipment in residential areas. The amendment clarifies and moves to the Maine Revised Statutes, Title 14 the provision of the bill relating to the liability of a general contractor for damages caused by road building, maintenance and repair activities. The amendment provides that a general contractor undertaking the construction, maintenance or repair of a public way pursuant to a contract with a governmental entity is presumed liable for property damage caused by that activity, including but not limited to damage to buildings or structures resulting from vibrations created by the use of machinery or from blasting. The amendment specifies that this provision does not alter immunity or liability of a governmental entity under the Maine Tort Claims Act.

LD 964 **An Act To Establish a Special License Plate To Honor Maine Residents Serving Our Country** **PUBLIC 229 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
PILON	OTP-AM	H-223

This bill authorizes the issuance of a special registration plate to raise funds for members of the Maine National Guard and their families and residents of the State who are members of the Reserves of the Armed Forces of the United States and their families. The bill establishes the We Support Our Troops Advisory Board and directs the board to determine the appropriate use of the revenue generated by the special registration plate and distribute the funds in the form of loans or grants to members of the Maine National Guard and their families and residents of the State who are members of the Reserves of the Armed Forces of the United States and their families.

The bill also directs the Secretary of State to copyright the design of this plate and offer the design to other states for a fee.

Committee Amendment "A" (H-223)

This amendment makes the following changes to the bill:

1. It removes a provision that waives the requirements of current law that a sponsor provide a list of 2,000 names of supporters who intend to buy the specialty plate and raise $40,000 toward the cost of issuing those plates;

2. It waives the requirements of current law that the design of the specialty plate be submitted by September 1st to the Secretary of State and that the Secretary of State then submit the authorizing legislation with respect to the specialty plate;

3. It removes the legislative members from the We Support Our Troops Advisory Board, adds 2 more public members to the board, establishes terms for the members of the board and provides for the filling of vacancies;

4. It removes provisions allowing persons to purchase the plates without registering a vehicle;

5. It modifies how fees raised by the plate are administratively handled;

6. It removes a provision providing for copyrighting the plate design;

7. It adds provisions relating to the issuance of vanity plates, number sequencing and weight limits on vehicles eligible for the plates;

8. It provides for an issuance date of November 1, 2007 only if the sponsor of the plate pays for the incremental costs associated with that issuance date. If that funding is not provided, the issuance date is moved to April 1, 2008; and

9. It adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2007, chapter 229 authorizes the issuance of a special registration plate to raise funds for members of the Maine National Guard and their families and residents of the State who are members of the Reserves of the Armed Forces of the United States and their families.

Public Law 2007, chapter 229 was enacted as an emergency measure effective June 5, 2007.

LD 972 **An Act To Delay the Fiscal Sustainability of the Highway Fund** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	ONTP MAJ OTP-AM MIN	

This bill delays the adjustment for inflation of the excise tax on internal combustion engine fuel and distillates for one year until 2009.

Committee Amendment "A" (H-232)

This amendment incorporates a fiscal note.

LD 986 **An Act To Establish an Agriculture Education Registration Plate** **PUBLIC 456 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH	OTP-AM	H-157

This bill creates the Agriculture Education Plate Fund and establishes an agriculture education plate for motor vehicles that do not exceed 9,000 pounds. Ten dollars of each initial registration or renewal of registration of an agriculture education plate must be deposited in the fund to support agriculture education efforts.

Committee Amendment "A" (H-157)

This amendment:

1. Allows agriculture education registration plates to be issued for commercial trucks and farm trucks;

2. Replaces the provision of the bill establishing the Agriculture Education Plate Fund with provisions establishing the Maine Agriculture in the Classroom Council. The council will receive revenues generated by the specialty plate created by the bill and may receive revenues from other sources;

3. Adds an appropriations and allocations section; and

4. Adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2007, chapter 456 establishes an agriculture education registration plate. Ten dollars of each initial registration or renewal of registration of an agriculture education plate is deposited with the Maine Agriculture in the Classroom Council, which is created by this legislation, to support agriculture education efforts.

Public Law 2007, chapter 456 was enacted as an emergency measure effective June 28, 2007.

LD 1018 **An Act To Require That a State Road Be in Good Condition before Being Turned over to a Municipality** **PUBLIC 417**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS	OTP-AM	S-56

The bill requires that the Department of Transportation prepare and implement a capital and maintenance plan to ensure that a section of state or state aid highway is in good repair when transferred to a municipality.

Committee Amendment "A" (S-56)

This amendment replaces the bill. This amendment modifies a provision of law relating to the condition of a state or state aid highway when the responsibility for maintenance of that highway is transferred to a municipality in a compact area. The amendment provides that when the responsibility for maintenance of a section of state or state aid highway is to be transferred to a municipality as a result of population growth, determined using the decennial United States census, or the municipality meets the definition of a compact or built-up section, and when the municipality is not eligible to opt out of summer maintenance, the department shall prepare a capital and maintenance plan to ensure that the section of state or state aid highway is in good repair at the time of transfer. The amendment also removes language limiting application of the provision to certain municipalities that have previously opted out of summer maintenance of these highways.

Enacted Law Summary

Public Law 2007, chapter 417 modifies a provision of law relating to the condition of a state or state aid highway when the responsibility for maintenance of that highway is transferred to a municipality in a compact area. It provides that when the responsibility for maintenance of a section of state or state aid highway is to be transferred to a municipality as a result of population growth, determined using the decennial United States census, or the

municipality meets the definition of a compact or built-up section, and when the municipality is not eligible to opt out of summer maintenance, the department shall prepare a capital and maintenance plan to ensure that the section of state or state aid highway is in good repair at the time of transfer. It also removes language limiting application of the provision to certain municipalities that have previously opted out of summer maintenance of these highways.

LD 1022 **An Act To Amend the Laws Pertaining to the Removal of Submerged Vehicles** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
NASS R	ONTP	

This bill strengthens the laws concerning submerged motor vehicles, snowmobiles and motorboats by requiring them to be removed within 48 hours of submersion instead of 30 days, as in current law, safety and weather conditions permitting, and making an owner strictly liable for any removal or clean-up costs if the owner refuses or fails to remove the motor vehicle, snowmobile or motorboat within the time directed. This bill increases the penalty for a submerged motor vehicle, snowmobile or motorboat from $200 to $500 for each day the motor vehicle, snowmobile or motorboat is unlawfully submerged.

LD 1053 **An Act To Amend the Laws Governing the Placement of an On-premises Sign** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS DOW	ONTP MAJ OTP-AM MIN	

Under current law, an on-premises sign must be located within 1,000 feet of the principal building where the business is carried on. This bill amends the law to allow on-premises signs within 1,000 feet of the location where the business is carried on and explicitly recognizes that storage areas, parking lots, warehouses and other auxiliary structures are considered locations where the business is carried on.

Committee Amendment "A" (H-350)

This amendment, which is the minority report of the Joint Standing Committee on Transportation, replaces the bill but preserves the essential purpose of the bill to allow on-premises signs at locations beyond 1,000 feet of the principal building where a business, facility or point of interest is carried on or practiced.

The amendment provides that on-premises signs must be located within 1,000 feet of the location of the business, facility or point of interest. The location of the business, facility or point of interest includes the buildings, parking lots, storage and processing areas or other structures or features that are essential and customary to the conduct of the business, facility or point of interest but does not include driveways, fences or similar features.

The amendment also provides that current restrictions regarding on-premises signs located adjacent to the interstate system are based on whether the sign is located within or beyond 50 feet of the location of the business, facility or point of interest rather than within or beyond 50 feet of the principal structure of the business, facility or point of interest.

Under the amendment, all on-premises signs must be located on land that is owned by the entity owning the business, facility or point of interest and contiguous to the location of the business, facility or point of interest. An on-premises sign may not be separated from the location of the business, facility or point of interest by a

public way.

LD 1054 **Resolve, Directing the Department of Transportation To Repair Underground Pipes on Main Street and Church Street in Stockton Springs (by request)** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WEDDELL	ONTP	

This resolve directs the Department of Transportation to repair underground pipes on certain streets in Stockton Springs.

LD 1092 **An Act To Exempt from the Excise Tax Fuel Used in Certain Farm Trucks** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI	ONTP	

This bill exempts from the motor fuel tax internal combustion motor fuel purchased and used during the harvest season in farm trucks weighing more than 25,000 pounds.

LD 1097 **An Act Relating to Safe and Effective Use of Casco Bay Bridge** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS BROMLEY	ONTP	

This bill directs the Department of Transportation to adopt rules placing time-of-day restrictions on the raising of the Casco Bay Bridge, a drawbridge that carries Route 77 over the Fore River, connecting the cities of Portland and South Portland.

LD 1154 **Resolve, Directing the Department of Transportation To Expend Funds for Fisheries and Waterfront Initiatives** **RESOLVE 56 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	OTP-AM	H-244

This resolve requires the Department of Transportation to expand funds from the Working Waterfront Loan Fund to include grants to the Portland Fish Pier Authority for the purpose of supporting commercial fishing in Maine.

Committee Amendment "A" (H-244)

This amendment makes a clarifying change to the resolve and provides that the money previously granted to Coastal Enterprises, Inc. for its working waterfront loan fund is to be reallocated: $500,000 is to be made available as a grant to the Portland Fish Pier Authority for capital improvements, and the remaining amount in the fund is to be made available to Coastal Enterprises, Inc. for use in fisheries and waterfront initiatives along the State's coast. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Resolve 2007, chapter 56 provides that money previously granted to Coastal Enterprises, Inc. for its working waterfront loan fund is to be reallocated: $500,000 is to be made available as a grant to the Portland Fish Pier Authority for capital improvements, and the remaining amount in the fund is to be made available to Coastal Enterprises, Inc. for use in fisheries and waterfront initiatives along the State's coast.

Resolve 2007, chapter 56 was enacted as an emergency measure effective June 5, 2007.

LD 1159 Resolve, To Encourage Increased Use of Biofuel in Maine **RESOLVE 79**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER HOBBINS	OTP-AM	H-347

This bill directs the Department of Transportation to develop a plan for a pilot program to establish refueling stations for biodiesel fuel that is at least 85% ethanol.

Committee Amendment "A" (H-347)

This amendment directs the Executive Department, State Planning Office, Office of Energy Independence and Security to develop a plan for a pilot program to establish refueling stations for biofuel that is at least 85% ethanol, rather than requiring the Department of Transportation to develop a program for biodiesel.

Enacted Law Summary

Resolve 2007, chapter 79 directs the Executive Department, State Planning Office, Office of Energy Independence and Security to develop a plan for a pilot program to establish refueling stations for biofuel that is at least 85% ethanol.

LD 1164 An Act To Sustain Island Communities **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	ONTP	

This bill provides that privately contracted vessels or companies that provide scheduled year-round ferry service to year-round island communities and that have been designated by the communities they serve may be eligible for Department of Transportation financial assistance based on certain conditions and terms.

LD 1174 Resolve, To Stabilize the Naples Waterfront **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA HASTINGS	ONTP	

This resolve directs the Department of Transportation, in cooperation with the Department of Environmental Protection, to study the state of disrepair of the Town of Naples waterfront and review the environmental and engineering issues surrounding the disrepair of the waterfront including damaged riprap and asphalt and the feasibility of replacing the retaining wall between Long Lake and Route 302.

LD 1180 **An Act To Promote Transportation Planning, Increase Efficiency and Reduce Sprawl** **PUBLIC 208**

Sponsor(s)	Committee Report	Amendments Adopted
PIOTTI	OTP-AM	H-296

This bill directs the Department of Transportation to use $1.5 million each year to provide incentive grants to municipalities to manage development along state highways to reduce the cost of future highway improvement projects.

Committee Amendment "A" (H-296)

This amendment replaces the bill but preserves its main purposes. The amendment establishes a program within the Department of Transportation to provide technical assistance and incentive grants to municipalities that effectively manage the impacts of development along state transportation corridors in a way that meets the Sensible Transportation Policy Act objectives and avoids or minimizes the need for future costly transportation capacity or retrofitting projects. The amendment directs the department to solicit municipal incentive funding applications beginning in fiscal year 2008-09 and to identify suitable sources for providing incentive funding beginning in fiscal year 2010-11. Funding must be derived from funds available under the department's quality community initiative programs.

Enacted Law Summary

Public Law 2007, chapter 208 establishes a program within the Department of Transportation to provide technical assistance and incentive grants to municipalities that effectively manage the impacts of development along state transportation corridors in a way that meets the Sensible Transportation Policy Act objectives and avoids or minimizes the need for future costly transportation capacity or retrofitting projects. It directs the department to solicit municipal incentive funding applications beginning in fiscal year 2008-09 and to identify suitable sources for providing incentive funding beginning in fiscal year 2010-11. Funding must be derived from funds available under the department's quality community initiative programs.

LD 1202 **An Act To Amend the Laws Governing Access to State and State Aid Highways To Permit a Traffic Safety and Rest Area Exception** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

This bill, a concept draft pursuant to Joint Rule 208, proposes to establish another type of access to highways that the Commissioner of Transportation may allow in addition to access for the development of state and state aid highways. The bill would authorize the Commissioner of Transportation to allow access to highways for traffic safety and rest areas, such as fueling, food service and rest stops for passenger and commercial motor vehicles, located within or through an area for which the department had purchased access rights.

LD 1226 **An Act To Protect Young Passengers of Transportation Providers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	ONTP	

This bill requires a person or entity that operates a transportation service, including, but not limited to, an airline, bus, passenger ship or railroad service, to maintain a list of passengers who have not attained 18 years of age and provide that list to a law enforcement agency upon the request of that law enforcement agency.

LD 1249 An Act To Amend the Composition of the Maine Port Authority **PUBLIC 134**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM	S-68

This bill increases the number of members on the Maine Port Authority's board of directors from 5 to 8, clarifies the general qualifications for membership, allows the president of the Maine International Trade Center to be an ex officio member of the board, transfers liability for compensation and expenses of board members fully to the authority and requires that employees of the authority be subject to the state retirement system and state employee health insurance program, with all costs for these benefits to be paid by the authority.

Committee Amendment "A" (S-68)

This amendment makes the following changes to the bill.

1. The bill provides for the appointment of 6 directors to the Maine Port Authority by the Governor. The amendment reduces this to 5 appointments so that the total number of directors, including the Commissioner of Transportation and the president of the Maine International Trade Center, is 7 members.

2. The amendment changes a reference in the Maine Revised Statutes, Title 5, section 12004-F, subsection 8 to the compensation of the directors of the Maine Port Authority to make it consistent with the change to compensation made by the bill. The amendment also clarifies that the Commissioner of Transportation and the president of the Maine International Trade Center are not entitled to this compensation.

3. The bill provides that employees of the Maine Port Authority are subject to the state retirement system. The amendment adds these employees to the definition of "state employee" in the retirement system laws to clarify that they are included under the retirement system.

Enacted Law Summary

Public Law 2007, chapter 134 increases the number of members on the Maine Port Authority's board of directors from 5 to 7, clarifies the general qualifications for membership, allows the president of the Maine International Trade Center to be an ex officio member of the board, transfers liability for compensation and expenses of board members fully to the authority and requires that employees of the authority be subject to the state retirement system and state employee health insurance program, with all costs for these benefits to be paid by the authority.

LD 1265 An Act To Keep Private Road Maintenance Costs Affordable (by request) **PUBLIC 162**

Sponsor(s)	Committee Report	Amendments Adopted
PERCY	OTP-AM	H-164

This bill amends the law governing how repairs of private ways may be made and paid for by owners of parcels of land on certain private ways. Current law generally excludes paving from the definition of "repairs" but includes repair of existing pavement or paving that is a cost-effective approach for fixing an erosion problem. The bill amends the provision to exclude all paving except repairs to pavement existing prior to January 1,

1999.

Committee Amendment "A" (H-164)

This amendment replaces the bill. The amendment changes the law governing how repairs of private ways may be made and paid for by owners of parcels of land on certain private ways; it provides that a "repair" which owners may agree to make and charge to all owners includes paving only if in a location where limited paving is demonstrated to be a cost-effective approach for fixing an erosion problem or paving to repair pavement existing as of July 1, 2007.

Enacted Law Summary

Public Law 2007, chapter 162 changes the law governing how repairs of private ways may be made and paid for by owners of parcels of land on certain private ways; it provides that a "repair" which owners may agree to make and charge to all owners includes paving only if in a location where limited paving is demonstrated to be a cost-effective approach for fixing an erosion problem or paving to repair pavement existing as of July 1, 2007.

LD 1277 **Resolve, To Study the Feasibility of Off-road Bike and Walking Paths along the Busiest Commuting Corridors in the State** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
WOODBURY	ONTP	

This resolve requires the Department of Transportation to conduct a study on the feasibility, benefits and cost of constructing a network of off-road bike and walking paths along the commuting corridors with the highest volume of traffic in the State.

LD 1301 **An Act To Require All Construction Vehicles To Have a Backup Sensor** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N	ONTP	

This bill requires a construction vehicle to be equipped with a backup sensor.

LD 1304 **An Act Relative to Motor Vehicles and Floats Operated in Parades** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
BOWMAN	ONTP MAJ OTP-AM MIN	

This bill exempts a person operating a vehicle or a float in a parade from the obligation to secure passengers in seat belts.

Committee Amendment "A" (S-133)

This amendment, which is the minority report of the Joint Standing Committee on Transportation, replaces the bill and changes the title to reflect the content of the amendment. This amendment provides that a person may not operate an outrigger float in a parade with a person riding on the float unless the float is equipped with a continuous

railing enclosing the perimeter of the platform, 3 feet or more in height and enclosed in a manner that would reasonably prevent passage of a child. The amendment defines "outrigger float" as a float constructed in a manner that results in any wheels of the truck or trailer on which the platform is mounted extending beyond the edge of the platform. Violation of this provision is a traffic infraction.

LD 1329 An Act To Allow Municipalities To Set Speed Limits on Certain Roads **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
BROWNE	ONTP MAJ OTP MIN	

This bill makes it easier for a municipality to set a speed limit on a local road and allows a small municipality to set such a limit.

LD 1330 An Act To Promote School Zone Safety **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	ONTP MAJ OTP-AM MIN	

The bill adds hand signals and hand-held traffic control signs used by school crossing guards to the motor vehicle laws governing traffic control devices. The bill also doubles the fines of various traffic violations if the violations are committed in a school zone, with half of the fine going into the School Zone Safety Fund, established to promote school zone safety and fund school zone safety projects. This bill defines "school crossing guard" and gives crossing guards the authority to report violations that occur in a school zone to law enforcement officers. The registered owner of the vehicle may be found liable for a vehicle violation that takes place in a school zone.

Committee Amendment "A" (H-245)

This amendment is the minority report of the Joint Standing Committee on Transportation. This amendment incorporates a fiscal note.

LD 1337 Resolve, To Assist in Appropriate Notification in an Emergency **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RECTOR	ONTP	

This bill directs the Secretary of State to create a program in which a person applying for or receiving their driver's license can provide emergency contact information in case of an accident or emergency.

LD 1343 An Act To Encourage Vanpooling and Carpooling **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
LANSLEY	ONTP	

This bill, a concept draft pursuant to Joint Rule 208, proposes to enact measures that are designed to encourage vanpooling and carpooling in the State.

LD 1363 **An Act To Amend the Laws Governing Access to State and State Aid Highways To Permit Traffic Safety and Rest Area Exceptions** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	ONTP	

This bill establishes types of access from property abutting a highway that the Commissioner of Transportation may allow in addition to access for the development of state and state aid highways. Under this bill, the Commissioner of Transportation may allow access to highways for traffic safety and for rest areas, such as fueling, food service and rest stops for passenger and commercial motor vehicles located within or through an area or areas for which the Department of Transportation has purchased access rights. This bill also authorizes the commissioner to allow access within or through an area or areas for which the department has purchased access rights for operational benefits, such as preserving mobility of the state or state aid highway to or from which access is proposed, so long as traffic safety is not diminished.

LD 1399 **Resolve, To Ensure the Safety of Roads with High Volumes of Traffic** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
HOBBINS	ONTP	

This resolve requires the Department of Transportation to target spending in Region 1 to roads with the highest volume of traffic.

LD 1410 **Resolve, To Name the Gray Connector** **RESOLVE 30**

Sponsor(s)	Committee Report	Amendments Adopted
AUSTIN	OTP-AM	H-155

This resolve names Route 26A in Gray the Maine Wildlife Parkway.

Committee Amendment "A" (H-155)

This amendment provides that the name of Route 26A in Gray will be the Maine Wildlife Park Way instead of Maine Wildlife Parkway as proposed in the bill.

Enacted Law Summary

Resolve 2007, chapter 30 names Route 26A in Gray the Maine Wildlife Park Way.

LD 1487 **An Act To Amend the Laws Relating to Automotive Reflective and Tinted Glass** **PUBLIC 186**

Sponsor(s)	Committee Report	Amendments Adopted
BERUBE HASTINGS	OTP-AM	H-193

This bill amends the law concerning automotive reflective and tinted glass by lowering the minimum standards for the percentage of light that must be transmitted through a side window or a rear window from 50% to 35% net of glass and material. The bill expands by 1 inch the sun-screening or tinting material allowed at the top of a windshield.

Committee Amendment "A" (H-193)

This amendment modifies the bill by removing the provisions that would have required certain certificates and labels attached to vehicle windows to be removable and changing language allowing sun-screening at the top of the windshield. The amendment allows sun-screening above the AS-1 line at the top of the windshield or, if there is no AS-1 line, along a 5-inch strip at the top of the windshield.

Enacted Law Summary

Public Law 2007, chapter 186 amends the law concerning automotive reflective and tinted glass by lowering the minimum standards for the percentage of light that must be transmitted through a side window or a rear window from 50% to 35% net of glass and material. It also allows sun-screening above the AS-1 line at the top of the windshield or, if there is no AS-1 line, along a 5-inch strip at the top of the windshield.

LD 1563 **Resolve, To Name 3 Bridges in Honor of Medal of Honor Recipients** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FISHER	ONTP	

This resolve, a concept draft pursuant to Joint Rule 208, seeks to name 3 bridges in honor of Medal of Honor recipients.

LD 1572 **An Act To Encourage Community-oriented Campaigns for Appropriate Sign Laws** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	ONTP	

This bill prohibits placing a political sign on a public way in a municipality unless the municipality enacts an ordinance allowing a political sign on a public way.

LD 1587 **An Act To Strengthen Maine's Distracted-driving Penalties** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN	ONTP	

The bill defines "distracted" and makes it a Class E crime to drive while distracted. The bill also imposes a fine of $300 for the first offense of driving while distracted and a suspension of a person's license for 30 days for a 2nd offense within 3 years of the first offense.

LD 1609 **An Act To Require the Review of Utility Pole Placement during Road Improvement** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SMITH N	ONTP	

This bill requires the Department of Transportation to review the placement of utility poles within the right-of-way of a state highway or a state aid highway when that state highway or state aid highway is reconstructed or substantially improved. This review must focus on safety for motorists in the placement of utility poles.

LD 1709 **Resolve, To Establish a Pilot Project for the Enforcement of Laws Regarding Traffic Control Devices** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BEAUDOIN	ONTP	

This resolve requires the Department of Transportation to implement a pilot project in Biddeford to encourage motorists to obey traffic control devices, including the use of cameras to photograph violators and their vehicles. The department is also required to determine statutory changes that would lead to the deterrence of such violations, such as making it a strict liability crime.

The department is required to submit a report, including the results of the project and recommended implementing legislation, to the Joint Standing Committee on Transportation no later than January 15, 2008.

LD 1719 **Resolve, To Improve Regional Transportation in Greater Portland** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	ONTP	

The resolve directs the Greater Portland Council of Governments to establish a regional transportation working group to merge the Greater Portland Transit District bus service with the University of Southern Maine's commuter bus system between the Portland and Gorham campuses into one transportation system. This resolve allocates funds from the General Fund for the University of Southern Maine to implement an expanded bus system in the Greater Portland area.

LD 1720 **Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Conduct a Study of Possible Western Connector Roads to Municipal Centers in Cumberland and York Counties** **RESOLVE 95**

Sponsor(s)	Committee Report	Amendments Adopted
BARSTOW	OTP-AM MAJ ONTP MIN	H-487

This resolve directs the Department of Transportation and the Maine Turnpike Authority to study the potential strategies for enhancing connections from Route 1 and the Maine Turnpike to municipal centers in York and Cumberland counties and to report their findings back to the Joint Standing Committee on Transportation by February 28, 2008.

Committee Amendment "A" (H-487)

This amendment, which is the majority report of the Joint Standing Committee on Transportation, incorporates a fiscal note.

Enacted Law Summary

Resolve 2007, chapter 95 directs the Department of Transportation and the Maine Turnpike Authority to study the potential strategies for enhancing connections from Route 1 and the Maine Turnpike to municipal centers in York and Cumberland counties and to report their findings back to the Joint Standing Committee on Transportation by February 28, 2008.

LD 1726 **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Guarantee the Integrity of the Highway Fund** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
PRESCOTT		

This constitutional resolution amends the Constitution of Maine to prohibit expenditures or transfers from the Highway Fund for any purpose other than those purposes specifically related to highways.

This bill was carried over to any special or regular session of the 123rd Legislature by joint order, H.P. 1369.

LD 1748 **An Act Regarding Street Rods and Custom Vehicles** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PLOWMAN	ONTP	

This bill amends the definitions of "custom vehicle" and "street rod" in the laws governing motor vehicles to provide that a custom vehicle or street rod be maintained primarily for use in exhibitions, club activities, parades and other functions of public interest and not used as its owner's primary mode of transportation of passengers or goods. It amends the definition of "custom vehicle" to provide that such a vehicle be at least 25 years old or manufactured to resemble a motor vehicle that is at least 25 years old rather than at least 30 years old or manufactured to resemble a motor vehicle that is at least 30 years old as under current law and to eliminate the requirement that such a vehicle be of a model year after 1948 or manufactured to resemble a motor vehicle of a model year after 1948. It provides that only a motor vehicle that is maintained primarily for use in exhibitions, club activities, parades and other functions of public interest and is not used as its owner's primary mode of transportation of passengers or goods may be registered pursuant to the Maine Revised Statutes, Title 29-A, section 457. It provides that an owner of a custom vehicle may use contemporary plates on that vehicle. It eliminates an alternative method of registering custom vehicles and clarifies that custom vehicles, horseless carriages, street rods and antique motorcycles are exempt from motor vehicle inspection requirements.

LD 1790 An Act To Secure Maine's Transportation Future **HELD BY GOVERNOR**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM MAJ ONTP MIN	S-308 S-391 ROTUNDO

This bill does the following.

It establishes legislative goals and planning guidance for road and bridge reconstruction, rehabilitation, replacement, extraordinary project financing and capital improvements including: reconstruction of principal and minor arterials to national standards by 2017; reconstruction of major collectors to at least state design standards by 2027; even distribution across inventory of service periods for rehabilitation of arterials, major collectors and non-extraordinary bridges; special consideration for extraordinary bridge replacement and new capacity highway projects; maximization of benefits to freight and passenger users while mitigating energy and environmental impacts.

It establishes a legislative purpose to comprehensively address the State's transportation capital improvement needs and to provide long-term funding to meet those needs.

It directs the DOT to establish priorities and financing plans for significant new capacity projects (the bill lists a number of specific projects) and extraordinary bridge replacement, removal or rehabilitation projects (the bill lists a number of specific projects) and to report on these priorities and plans to the TRA committee by January 15, 2008.

The rest of the bill establishes new financing mechanisms for transportation infrastructure and alternative transportation subsidies.

It establishes a state/local program to fund transportation projects in urban compact municipalities. Funds for the program come from a portion of local excise tax collections and a portion of sales and use taxes. The funds are placed in a transportation trust fund administered by the Maine Municipal Bond Bank.

It sets aside excise taxes (4% in 07; reaching 20% in 2011 and thereafter) for the state/local program - the funds are set aside in the transportation trust fund in the name of the urban compact municipality that collected the tax.

It sets aside a portion of sales and use taxes collected on vehicles and transportation-related items (4% in 07; reaching 20% in 2011 and thereafter) in the Highway Fund: a portion of these funds are transferred to the transportation trust fund as an equal match for municipal excise tax deposits in that fund; the rest is available for arterial and collector modernization efforts, including to provide state matches for the state/local program and for alternative transportation subsidies.

It sets aside 7.5% of the gas excise tax and 7.5% of the distillate excise tax in a Bridge Investment Trust Fund to be held and administered by the Maine Municipal Bond Bank. The fund would be used to provide financial assistance in constructing, rehabilitating or replacing state bridges. The bank would be authorized to issue grant anticipation revenue bonds (GARVEE) for these purposes.

Committee Amendment "A" (S-308)

This amendment replaces the bill. This amendment:

1. Amends the legislative purposes of the bill to include establishing long-term transportation goals and priorities and providing stable, long-term transportation funding;

2. Establishes capital goals for the Department of Transportation including with respect to interstate modernization, reconstructing arterial highways, reconstructing major collectors and reconstructing state aid minor collectors. It also establishes biennial reporting requirements to track progress toward the goals;

3. Requires the Department of Transportation to report to the Legislature by January 15, 2008 with recommendations on the appropriate scope, priorities, schedule for community consensus and funding plans for significant new capacity projects and extraordinary bridge replacement, removal or rehabilitation projects estimated to cost in excess of $10,000,000;

4. Establishes a transportation debt policy for capital planning purposes. Actual authorization for and issuance of debt will occur as otherwise provided by law;

5. Provides enabling legislation for GARVEE bonds. Such bonds would be used only to fund projects to reconstruct, rehabilitate or replace existing bridges and existing arterial highways that have a useful life of at least 20 years. The maximum federal debt to revenue ratio is set at 15%, provided sufficient debt service capacity under the 15% level is reserved for a $25,000,000 GARVEE bonding in emergencies. It directs that GARVEE bonding levels must be presented for legislative approval as part of the Highway Fund budget;

6. Provides an initial authorization for $50,000,000 in GARVEE bonding to allow the Department of Transportation to deliver on its published Capital Work Plan;

7. Establishes a TransCap Trust Fund at the Maine Municipal Bond Bank to allow dedicated revenue streams to leverage revenue bonds to be used to achieve long-term transportation capital goals. It provides that bonding levels using the TransCap Trust Fund must be presented for legislative approval as part of the Highway Fund budget;

8. Beginning in fiscal year 2010, gradually increases the General Fund percentage of the Department of Public Safety, Bureau of State Police funding from the current 40% to 75% over 7 years and correspondingly decreases the Highway Fund percentage;

9. Beginning January 1, 2009, dedicates 7.5% of motor fuel tax revenues to the newly created TransCap Trust Fund at the Maine Municipal Bond Bank;

10. Effective October 1, 2007, increases the registration fee for vehicles under 6,000 pounds from $25 to $30 per year; increases title, certificate of salvage and related fees from $23 to $30 per year; increases the vanity plate fee from $15 to $25 per year; increases the semipermanent registration plate fees for trailers and semitrailers from $12 to $14; increases the annual registration fees for trailers and semitrailers by $2; and increases the registration transfer fee from $8 to $10 per transaction;

11. Beginning July 1, 2008, dedicates 15% of the automobile registration fee, commercial vehicle registration fees and semipermanent and permanent registration fees for trailers and semitrailers to the newly created TransCap Trust Fund at the Maine Municipal Bond Bank. This amount approximately equals the amount of revenue generated by the various fee increases under the amendment;

12. Beginning July 1, 2009, dedicates the revenue from the tax on auto rentals to the STAR Transportation Fund for operational funding for transit, including the Downeaster train service;

13. Defines "transportation-related sales tax receipts" as 19% of total sales tax receipts and gradually dedicates an increasing percentage of these transportation-related sales tax receipts for transportation-related purposes. By July 1, 2013, 20% of the defined transportation-related sales tax receipts are dedicated to transportation-related purposes. Of these amounts dedicated to transportation-related purposes, each year 90% are deposited in the newly created TransCap Trust Fund at the Maine Municipal Bond Bank and 10% are deposited in the STAR Transportation Fund; and

14. Adds an appropriations and allocations section to the bill.

Senate Amendment "B" (S-339)

This amendment makes the following changes to Committee Amendment "A."

1. It removes language that establishes the percentage of state funding for the Department of Public Safety, Bureau of State Police that must be appropriated and allocated from the General Fund and the Highway Fund, respectively, after fiscal year 2011.

2. It reduces the increase in the annual service fee for a vanity registration plate and reduces the increase in certain fees that must be paid to the Secretary of State.

3. It specifies that the State Controller shall make the required transfer to the STAR Transportation Fund rather than the Treasurer of State and clarifies other aspects of this transfer.

4. It removes language that requires increasing percentages of transportation-related sales tax receipts to be transferred from the General Fund to transportation-related funds.

Senate Amendment "C" (S-391)

This amendment incorporates the provisions of Senate Amendment "B" to Committee Amendment "A," except that:

1. It removes those provisions in the bill that affect General Fund revenue and appropriations;

2. It removes Part D from the bill because the provisions contained in that Part were enacted by Public Law 2007, chapter 329, Part P (LD 781);

3. It clarifies that TransCap revenue bonds must be approved byt the Legislature;

4. It removes Part G, which increases certain fees;

5. It expresses the intent of the Legislature that by fiscal year 2011-12 the percentage of state funding for the Department of Public Safety, Bureau of the State Police be 51%;

6. It expresses the intent of the Legislature that by July 1, 2009 the State pay a state operating subsidy for the Downeaster commuter rail service; and

7. It expands the significant capacity projects to be considered by the Department of Transportation to include the Lewiston-Auburn rail corridor.

Enacted Law Summary

This bill was enacted but, as of the date of this printing, has not been signed by the Governor. The following is a summary of the enacted bill.

1. It establishes the legislative purposes of the bill, which include long-term transportation goal setting and prioritization and stable, long-term transportation funding.

2. It establishes capital goals for the Department of Transportation including with respect to interstate modernization, reconstructing arterial highways, reconstructing major collectors and reconstructing state aid minor collectors. It also establishes biennial reporting requirements to track progress toward the goals.

3. It requires the Department of Transportation to report to the Legislature by January 15, 2008 with recommendations on the appropriate scope, priorities, schedule for community consensus and funding plans for significant new capacity projects and extraordinary bridge replacement, removal or rehabilitation projects estimated to cost in excess of $10,000,000.

4. It establishes a transportation debt policy for capital planning purposes. Actual authorization for and issuance of debt will occur as otherwise provided by law.

5. It establishes a TransCap Trust Fund at the Maine Municipal Bond Bank to allow dedicated revenue streams to leverage revenue bonds to be used to achieve long-term transportation capital goals. It provides that each new authorization of TransCap revenue bonding must be presented for legislative approval as part of the Highway Fund budget.

6. Beginning January 1, 2009, it dedicates 7.5% of motor fuel tax revenues to the newly created TransCap Trust Fund at the Maine Municipal Bond Bank.

7. It expresses the intent of the Legislature that by fiscal year 2011-12 the percentage of state funding for the Department of Public Safety, Bureau of the State Police be 51%.

8. It expresses the intent of the Legislature that by July 1, 2009 the State pay a state operating subsidy for the Downeaster commuter rail service.

LD 1795 **Resolve, Directing the Department of Transportation To Place Signs on Interstate 95 To Identify the Route to the Fort Knox Historic Site and the Penobscot Narrows Bridge and Observatory Tower** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	ONTP	

This resolve directs the Department of Transportation to erect signs on Interstate 95 to identify the route to the Fort Knox Historic Site and the Penobscot Narrows Bridge and Observatory Tower.

LD 1808 **An Act To Improve Road Safety and Update Bicycling Laws** **PUBLIC 400**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM	H-447 MILLS J S-166

It makes "Bicycling Street Smarts" by John S. Allen, copyright 1988 and 2001 by Rodale, Inc. of Emmaus, Pennsylvania and published by Rubel BikeMaps, the official state bicycling manual.

It limits the liability of an establishment with a drive-up window with respect to injury, death or damages caused to a bicyclist that uses the window; it provides that a bicyclist may use a drive-up window at any establishment that has such a window.

It removes "toy vehicle" (skateboards, rollerskates, sleds, etc.) from the section of law that governs bicycles and scooters and establishes a new section of law to govern toy vehicles: the new section preserves the current prohibition on a person riding a toy vehicle attached to a moving vehicle on a way.

It modifies the law governing operating a bicycle on the right side of a way. It requires a bicyclist operating at less than traffic speed and going in the direction of traffic to drive on the right portion of the way as far as practicable except when unsafe, when passing, when approaching a place where right turns are permitted, and when necessary to avoid hazards.

It requires a person operating a bicycle to ride *upon* or astride the seat.

It removes the penalty provision from the law governing operating a bicycle that limits penalties for violators 17 and older to no more than $10. (Penalties would revert to the general penalties for traffic

ıctions)
It requires an operator of a motor vehicle that is passing a bicycle at 35 mph to leave a distance of 3 feet between the vehicle and the bicycle and an additional foot for every 10 mph over 35 mph.
It provides that a person operating a bicycle may pass a motor vehicle on the right "at the bicyclist's own risk."
It allows a motor vehicle to pass a bicycle traveling in the same direction in a no-passing zone when it is safe to do so.
It adds a new penalty provision for violations of the law prohibiting a person under 16 years of age from operating a bicycle without a helmet. For a first violation, a law enforcement officer may provide bicycle safety information to the person and may inform the person's parent or guardian about the law and where to obtain a helmet. For a 2nd or subsequent violation, a penalty of up to $25 is specified but allows a law enforcement officer to waive the fine if the person presents proof of purchase of a helmet since the citation.
It defines "operating" for purposes of major traffic offenses (including OUI) to include operating a bicycle. It also provides that a person who operates bicycle under the influence of intoxicants or while having a blood-alcohol level of .08% is subject only to the fines applicable to motor vehicle OUI.

Committee Amendment "A" (S-166)

This amendment does the following:

1. It removes from the bill the provision that proposes to make Bicycling Street Smarts by John S. Allen the official state bicycling manual;

2. It modifies the provision of the bill relating to operating a bicycle on the right side of a way. It provides that a bicyclist operating at less than traffic speed and going in the direction of traffic is allowed to drive in a location other than the right side of the road when preparing for or making a left turn or when proceeding straight in a place where right turns are permitted. It also reinserts a provision of current law that was proposed to be repealed by the bill that allows a municipality by ordinance and with the approval of the Department of Public Safety and the Department of Transportation to locally regulate the operating location of a bicycle on a roadway;

3. It provides that a violation of Title 29-A, section 2063 relating to operating a bicycle is a civil violation, not a traffic infraction, and is subject to a fine of not less than $25 and not more than $250. It provides that persons under 17 years of age are not subject to the fine;

4. It removes the provision of the bill that proposes to provide a legal authorization to bicyclists to use a drive-up window;

5. It modifies the provision of the bill that proposes to require the operator of a motor vehicle to allow at least 3 feet of space when passing a bicyclist at 35 m.p.h. and greater distances at greater speeds. The amendment provides that the motorist must leave at least 3 feet, regardless of the speed of the vehicle;

6. It adds an amendment to the law governing no-passing zones established at municipal request in residential areas. The amendment removes language from current law that requires such zones to be posted, that allows municipalities to request additional posting at municipal expense and that provides that a no-passing zone is not enforceable until the required posting has been completed;

7. It provides that violation of the law requiring a cyclist under 16 years of age to wear a helmet on public ways is a civil violation, not a traffic infraction;

8. It provides that a violation of the law prohibiting a person 17 years of age or older from riding a toy vehicle and hitching a ride on a moving vehicle is a civil violation for which a forfeiture of not less than $25 and not

more than $250 may be adjudged; and

9. It removes the provisions of the bill that propose to make operating a bicycle under the influence subject to certain penalties under the criminal OUI laws. Instead, it provides that operating a bicycle on a public way while under the influence is a civil violation subject to a fine of not less than $25 and not more than $250.

House Amendment "A" (H-447)

This amendment removes the language that provides that operating a bicycle on a public way while under the influence is a civil violation subject to a fine of not less than $25 and not more than $250.

Enacted Law Summary

Public Law 2007, chapter 400 amends the laws that pertain to bicycles.

It limits the liability of an establishment with a drive-up window with respect to injury, death or damages caused to a bicyclist that uses the window.

It removes "toy vehicle" (skateboards, rollerskates, sleds, etc.) from the section of law that governs bicycles and scooters and establishes a new section of law to govern toy vehicles. It provides that a violation of the law prohibiting a person 17 years of age or older from riding a toy vehicle and hitching a ride on a moving vehicle is a civil violation for which a forfeiture of not less than $25 and not more than $250 may be adjudged.

It provides that a bicyclist operating at less than traffic speed and going in the direction of traffic is allowed to drive in a location other than the right side of the road when preparing for or making a left turn or when proceeding straight in a place where right turns are permitted.

It requires a person operating a bicycle to ride upon or astride the seat.

It requires an operator of a motor vehicle that is passing a bicycle allow at least 3 feet clearance, regardless of the speed of the vehicle.

It provides that a person operating a bicycle may pass a motor vehicle on the right "at the bicyclist's own risk."

It allows a motor vehicle to pass a bicycle traveling in the same direction in a no-passing zone when it is safe to do so.

It provides that violation of the law prohibiting a person under16 years of age from operating a bicycle without a helmet is a civil violation. For a first violation, a law enforcement officer may provide bicycle safety information to the person and may inform the person's parent or guardian about the law and where to obtain a helmet. For a 2nd or subsequent violation, a penalty of up to $25 is specified, which may be waived if the person presents proof of purchase of a helmet since the citation.

It provides that a violation of Title 29-A, section 2063 relating to operating a bicycle is a civil violation, not a traffic infraction, and is subject to a fine of not less than $25 and not more than $250. It provides that persons under 17 years of age are not subject to the fine.

It amends the law governing no-passing zones established at municipal request in residential areas. It removes language from current law that requires such zones to be posted, that allows municipalities to request additional posting at municipal expense and that provides that a no-passing zone is not enforceable until the required posting has been completed.

LD 1817 An Act To Strengthen and Clarify Maine's Motor Vehicle Laws **PUBLIC 348**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM	S-200

This bill amends the motor vehicle laws. The bill adds mopeds to the list of vehicles exempt from motor vehicle inspections; details the circumstances under which a trailer or semitrailer must be inspected; specifies that camp trailers are exempt from annual inspection; repeals statutory standards for seat belt inspections; repeals a provision requiring inspection rejection for certain malfunctioning equipment; removes language allowing the State Police to license part-time inspection stations; removes statutory standards for certifying an inspection mechanic and adds a provision requiring inspection garages to comply with rules of the Chief of the State Police; modifies when inspection station licenses expire (currently the 2-year term runs from January 1st of year of issuance; bill changes to run from date of issuance); clarifies that inspection station license appeal hearings may be conducted by a designee of the Chief of the State Police; modifies penalties with respect to violations by inspection stations or inspection mechanics; repeals statutory standards for licensing fleet inspection stations; amends the laws regarding reflective and tinted glass to provide a 35% net light transmittance for side and rear windows; repeals language creating an exception to the window tinting requirements for original installation or original replacement windows that are in conformance with federal standards, but provides that if the light transmittance is less than 70% no further tinting is allowed; provides that persons who issue certificates of compliance with respect to window tinting must be authorized to do so by the State Police; modifies the law regarding measuring tire tread depths; repeals a provision relating to vehicle frame height; creates a definition for "fire department vehicle" in a provision of law allowing fire department vehicles to be equipped with and display certain types of lights (blue light on rear of vehicle; alternate flashing headlights; red auxiliary or emergency lights); establishes a traffic infraction for failure to yield (currently it's Class E crime if a person fails to yield *and* actually collides with vehicle or pedestrian); and clarifies "apparent property damage" in the definition of "reportable accident" so that reporting requirements are based on market value of necessary repairs and are not limited by the market value of the vehicle.

Committee Amendment "A" (S-200)

This amendment:

1. Removes several provisions from the bill: the provision of the bill that would have repealed a law requiring inspection rejection for certain malfunctioning equipment; the provision of the bill establishing a 35% net light transmittance standard for side and rear windows (this provision was addressed by LD 1487); and the provision of the bill repealing the provision of law dealing with vehicle frame height;

2. Clarifies 2 provisions of the bill: the provision relating to the persons authorized by the Chief of the State Police to examine window glazing and tint material and the provision relating to readings for tire tread wear;

3. Adds several new provisions: a provision clarifying who may issue permits allowing operation of an uninspected vehicle to an inspection station for an inspection; a provision adding stationary wreckers using authorized lights to the law requiring motorists to use caution when passing stationary emergency vehicles; and a provision allowing a detective employed by the Attorney General or motor vehicle investigator to use emergency lights.

Enacted Law Summary

Public Law 2007, chapter 348 accomplishes the following:

Adds mopeds to the list of vehicles exempt from motor vehicle inspections;

Details the circumstances under which a trailer or semitrailer must be inspected: if over 7,000 lbs, independent of towing vehicle; or if the total weight of vehicle, trailer/semi-trailer and load is over 10,000 lbs (current exceptions in law preserved, e.g., trailer and load not exceed 3,000 lbs). Under current law, a trailer/semitrailer is required to be inspected if used with a commercial vehicle that is required to be inspected;

Specifies that camp trailers are exempt from annual inspection

Repeals statutory standards for seat belt inspections (leaves standards to those set in rules);

Removes language allowing the State Police to license part-time inspection stations;

Removes statutory standards for certifying an inspection mechanic and adds a provision requiring a inspection garages to comply with rules of the Chief of the State Police;

Modifies when inspection station licenses expire (currently the 2-year term runs from January 1st of year of issuance; bill changes to run from date of issuance);

Clarifies that inspection station license appeal hearings may be conducted by a designee of the Chief of the State Police;

Modifies penalties with respect to violations by inspection stations or inspection mechanics; current law requires a 6 month suspension for a 1st offense and a year suspension or license revocation for a 2nd or subsequent violations; the bill allows the State Police discretion to suspend for shorter periods;

Repeals statutory standards for licensing fleet inspection stations (leaves standards to rules);

Repeals language creating an exception to the window tinting requirements for original installation or original replacement windows that are in conformance with federal standards, but provides that if the light transmittance is less than 70% no further tinting is allowed;

Provides that persons who issue certificates of compliance with respect to window tinting must be authorized to do so by the State Police;

Modifies the law regarding measuring tire tread depths;

Creates a definition for "fire department vehicle" in a provision of law allowing fire department vehicles to be equipped with and display certain types of lights (blue light on rear of vehicle; alternate flashing headlights; red auxiliary or emergency lights);

Establishes a traffic infraction for failure to yield (currently it's Class E crime if a person fails to yield *and* actually collides with vehicle or pedestrian);

Clarifies "apparent property damage" in the definition of "reportable accident" so that reporting requirements are based on market value of necessary repairs and are not limited by the market value of the vehicle (which may be less than the cost of repairs);

Clarifies that the Chief of State Police may designate employees of the Department of Public Safety who may not be employees of the State Police to issue permits allowing operation of an uninspected vehicle to an inspection station for an inspection;

Adds stationary wreckers using authorized lights to the law requiring motorists to use caution when passing stationary emergency vehicles; and

Adds provisions allowing a detective employed by the Attorney General or motor vehicle investigator to use emergency lights.

LD 1818 **An Act To Enhance Public Safety, Facilitate the Coordination of Traffic Control Signal Systems and Promote More Equitable Use of Public Highway Rights-of-way** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON		

This bill provides that the Department of Transportation (DOT) may install and maintain traffic signals, directional signs and markings on town ways (current law allows the DOT to do this on state, state aid and federal aid highways), when necessary for public convenience and safety. It provides that owners of utility facilities located within or along a public right-of-way must accommodate traffic control signals and appurtenances on their facilities without charge to the public. It provides that if a utility refuses to make this accommodation within 30 days of notice, it is subject to a fine of up to $500 per day for each traffic signal. It provides that the DOT may incorporate in its rules guidelines for the accommodation of such traffic control signal systems on utility facilities. The bill also corrects some outdated statutory references.

LD 1818 was carried over pursuant to Joint Order, HP 1369.

LD 1844 **An Act Concerning Maine's Highway Safety Laws** **PUBLIC 295**

Sponsor(s)	Committee Report	Amendments Adopted
MARLEY	OTP-AM	H-333 MARLEY

This bill increases the registration fee for participation in defensive driving courses. The bill also increases the minimum height requirement a person less than 18 years of age must meet to use a seat belt instead of a child restraint system; this change makes Maine law consistent with federal requirements.

Committee Amendment "A" (H-270)

This amendment incorporates a fiscal note.

House Amendment "A" (H-333)

This amendment incorporates a revised fiscal note to replace the fiscal note in Committee Amendment "A" (filing number H-270).

Enacted Law Summary

Public Law 2007, chapter 295 increases the registration fee for participation in defensive driving courses. The bill also increases the minimum height requirement a person less than 18 years of age must meet to use a seat belt instead of a child restraint system; this change makes Maine law consistent with federal requirements.

LD 1847 **Resolve, Directing the Department of Transportation To Conclude Its Study of the Alternative Routes for the Wiscasset Bypass, Choose a Route and Establish a Timetable** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD	ONTP	

This resolve directs the Department of Transportation to complete its examination of alternate routes for the so-called Wiscasset bypass and choose a route. No later than December 15, 2008, the department must submit a report to the Joint Standing Committee on Transportation describing its chosen route and its plan and timetable for construction of that route.

LD 1919 **Resolve, To Provide for a Careful Examination of the Motor Fuel Taxes** **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted

This resolve is the unanimous report of the Joint Standing Committee on Transportation pursuant to Joint Order 2007, H.P. 1342. This resolve directs the Department of Transportation and the Department of Administrative and Financial Services, working with 2 Legislators, to examine how motor fuel taxes could be restructured to eliminate or change the current indexing system. The resolve directs the departments to submit their recommendations to the Joint Standing Committee on Transportation no later than January 15, 2008. The Joint Standing Committee on Transportation is authorized to submit legislation relating to the motor fuel taxes to the Second Regular Session of the 123rd Legislature. Though this bill ultimately died, the Presiding Officers authorized the Transportation Committee to review these issues during authorized interim meetings.

Joint Standing Committee on Transportation

SUBJECT INDEX

Aeronautics

Enacted

LD 213	An Act To Establish an Airport Managers Training Program	PUBLIC 76

Not Enacted

LD 532	Resolve, To Create a Plan for the Downeast Airport Authority	ONTP
LD 599	An Act To Create an Airport Authority	CARRIED OVER

Bridges

Enacted

LD 474	Resolve, To Direct the Department of Transportation To Rename State Bridge Number 5278 the Ryan Quirion Guthrie	RESOLVE 6
LD 545	Resolve, To Name the Bridge on Route 201 in Jackman over the Moose River the Veterans Memorial Bridge	RESOLVE 15

Not Enacted

LD 266	An Act To Fully Fund the Project To Replace the Route 302 Bridge in Naples	ONTP
LD 511	An Act To Study the Feasibility of Locating a New Bridge in the St. David Area	CARRIED OVER
LD 1097	An Act Relating to Safe and Effective Use of Casco Bay Bridge	ONTP
LD 1563	Resolve, To Name 3 Bridges in Honor of Medal of Honor Recipients	ONTP

General Highway Fund

Enacted

LD 327	An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2007	PUBLIC 4 EMERGENCY

LD 781	An Act Making Unified Highway Fund and Other Funds Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009	PUBLIC 329 EMERGENCY

Not Enacted

LD 89	An Act To Repeal the Automatic Increase in the Gasoline Tax	ACCEPTED ONTP REPORT
LD 972	An Act To Delay the Fiscal Sustainability of the Highway Fund	ACCEPTED ONTP REPORT
LD 1726	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Guarantee the Integrity of the Highway Fund	CARRIED OVER
LD 1919	Resolve, To Provide for a Careful Examination of the Motor Fuel Taxes	DIED BETWEEN HOUSES

Highways

Enacted

LD 85	Resolve, To Designate a Portion of U.S. Route 1 in Indian Township Passamaquoddy Indian Reservation as the Captain Tomah Lewey Memorial Highway	RESOLVE 2

Miscellaneous

Enacted

LD 55	An Act To Amend the Law Regarding a License To Operate an Attended or Unattended Sales Promotion	PUBLIC 5 EMERGENCY
LD 245	Resolve, To Direct the Secretary of State To Study Issues Related to Dealer Plates	RESOLVE 125
LD 1159	Resolve, To Encourage Increased Use of Biofuel in Maine	RESOLVE 79
LD 1844	An Act Concerning Maine's Highway Safety Laws	PUBLIC 295

Not Enacted

LD 159	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dedicate a Portion of Vehicle Registration Fees To Fund Veterans' Cemeteries	ONTP
LD 299	An Act To Aid Municipalities Concerning Plowing Efficiency	ONTP
LD 350	An Act To Protect Citizens from Physical Injury Due to Obstructed Driveways	ONTP

LD 381	An Act To Require That Vehicles Transporting Poultry Fecal Matter Be Covered	ONTP
LD 438	Resolve, To Improve Driver Education Programs	ONTP
LD 533	An Act To Establish "Clean Air - No Idling" Zones	ONTP
LD 906	An Act To Clarify Municipal Responsibility in Providing Emergency Service during a Declared Emergency	ONTP
LD 963	An Act To Prohibit Construction Companies from Using Certain Heavy Equipment in Residential Neighborhoods	ACCEPTED ONTP REPORT
LD 1092	An Act To Exempt from the Excise Tax Fuel Used in Certain Farm Trucks	ONTP
LD 1164	An Act To Sustain Island Communities	ONTP
LD 1343	An Act To Encourage Vanpooling and Carpooling	ONTP

Motor Vehicles

Enacted

LD 160	An Act To Provide Safe All-terrain Vehicle Access on Public Ways	PUBLIC 33
LD 173	An Act To Allow a Newspaper Carrier To Use Flashing Amber Lights on That Carrier's Vehicle	PUBLIC 11
LD 497	An Act To Allow Funeral Processions To Use Certain Lights	PUBLIC 62
LD 513	An Act To Amend the Motor Vehicle Laws	PUBLIC 383
LD 524	An Act To Establish the Fee for Commercial Inspections for Farm Trucks	PUBLIC 190
LD 643	An Act To Clarify Certain Equipment Provisions for Motor Vehicles	PUBLIC 121
LD 666	An Act To Amend Maine's Abandoned Vehicle Laws	PUBLIC 150
LD 938	An Act To Delay the Effective Date of Changes to Motor Vehicle Inspection Rules	PUBLIC 135
LD 1817	An Act To Strengthen and Clarify Maine's Motor Vehicle Laws	PUBLIC 348

Not Enacted

LD 18	An Act To Streamline Permitting for and Encourage the Business of Showing Vehicles	ONTP
LD 95	An Act To Require Notification when a Vehicle Is Towed	ONTP
LD 407	An Act To Allow the Use of Flashing Red Lights by State Emergency Management Agency Directors	ONTP
LD 442	An Act To Amend the Laws Pertaining to Advertisements on Motor Vehicles Used in Driver Education	ONTP
LD 447	Resolve, To Improve the Registration Process for Commercial Motor Vehicles	ONTP
LD 494	An Act To Repeal the Motor Vehicle Inspection Laws	ONTP
LD 644	An Act To Amend the Motor Vehicle Laws	ONTP
LD 667	An Act To Modify the Motor Vehicle Insurance Cancellation Notification Law	ONTP
LD 694	An Act Regarding Fines for Overweight Trucks	ONTP
LD 741	An Act Regarding When an Overweight Truck May Be Required To Unload	ACCEPTED ONTP REPORT
LD 766	An Act To Permit Operation of a Modified Show Vehicle on a Public Way	ONTP
LD 939	An Act To Permit Front-wheel Drive Vehicles To Have Front Studded Snow Tires Only	ONTP
LD 956	An Act To Increase Compliance with Truck Weight Limits	ACCEPTED ONTP REPORT
LD 1022	An Act To Amend the Laws Pertaining to the Removal of Submerged Vehicles	ONTP
LD 1301	An Act To Require All Construction Vehicles To Have a Backup Sensor	ONTP
LD 1304	An Act Relative to Motor Vehicles and Floats Operated in Parades	ACCEPTED ONTP REPORT
LD 1748	An Act Regarding Street Rods and Custom Vehicles	ONTP

Operator's License

Enacted

LD 478	An Act Regarding the Certification of the Required Driving Time for a License for Certain Persons under 21 Years of Age	PUBLIC 2 EMERGENCY
LD 740	An Act To Promote the Safety of Deaf or Hard-of-hearing Drivers	PUBLIC 123
LD 812	Resolve, To Direct the Secretary of State To Examine Driver's License Laws	RESOLVE 24

Not Enacted

LD 8	An Act To Limit the Duration of a Legal Alien's Driver's License	ONTP
LD 84	An Act To Standardize Documentation Requirements for a Driver's License or Nondriver Identification Card	ONTP
LD 180	An Act To Provide for a Change in Gender Designation on a Driver's License (by request)	ONTP
LD 209	An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver's License	ONTP
LD 241	An Act To Allow the Secretary of State To Issue a Work-restricted License to First-time License Holders Not Yet 21 Years of Age with Less than 2 Years of Driving Time	DIED BETWEEN HOUSES
LD 706	An Act To Support New Drivers	ONTP
LD 1337	Resolve, To Assist in Appropriate Notification in an Emergency	ONTP

Public Transportation

Enacted

LD 1249	An Act To Amend the Composition of the Maine Port Authority	PUBLIC 134

Not Enacted

LD 1226	An Act To Protect Young Passengers of Transportation Providers	ONTP
LD 1719	Resolve, To Improve Regional Transportation in Greater Portland	ONTP

Railroads

Enacted

LD 328	Resolve, To Require an Engineering Study To Determine the Cost of Extending Rail Service from Portland to Fryeburg	RESOLVE 18 EMERGENCY

Not Enacted

LD 626	An Act To Require Warning Lights at All Railroad Crossings (by request)	ONTP
LD 897	An Act Relating to Trains and Train Service in the State	ONTP

Registration Plates

Enacted

LD 228	An Act To Establish a Special Veterans License Plate for Motorcycles	PUBLIC 376
LD 264	An Act To Amend the Temporary Registration Plate Law	PUBLIC 177
LD 495	Resolve, To Develop an Appropriate Commemorative License Plate Decal for Combat Service	RESOLVE 23
LD 964	An Act To Establish a Special License Plate To Honor Maine Residents Serving Our Country	PUBLIC 229 EMERGENCY
LD 986	An Act To Establish an Agriculture Education Registration Plate	PUBLIC 456 EMERGENCY

Not Enacted

LD 56	An Act To Allow Farm Trucks That Weigh over 9,000 Pounds To Be Eligible for Specialty License Plates	ONTP
LD 112	An Act To Create a One-time Fee for Veterans Vanity Registration Plates	ACCEPTED ONTP REPORT
LD 113	An Act To Establish a Recreational Vehicle Veterans Registration Plate	ONTP
LD 210	An Act Relating to the Use of Dealer Plates	ONTP
LD 235	An Act To Allow a Person To Be Issued More than One Set of Disabled Veteran Registration Plates	ONTP
LD 535	An Act To Create a Retired Firefighter Registration Plate	ONTP
LD 775	An Act To Create a Special License Plate To Support Breast Cancer Support Services	CARRIED OVER
LD 894	An Act To Establish a 6-month Registration Period for Farm Truck License Plates	ONTP
LD 922	An Act To Permit a Noncommercial Agricultural Designation for Certain License Plates	ONTP

Roads

Enacted

LD 1018	An Act To Require That a State Road Be in Good Condition before Being Turned over to a Municipality	PUBLIC 417
LD 1265	An Act To Keep Private Road Maintenance Costs Affordable (by request)	PUBLIC 162
LD 1410	Resolve, To Name the Gray Connector	RESOLVE 30
LD 1720	Resolve, Directing the Department of Transportation and the Maine Turnpike Authority To Conduct a Study of Possible Western Connector Roads to Municipal Centers in Cumberland and York Counties	RESOLVE 95

Not Enacted

LD 13	Resolve, To Return Swanville Road in Frankfort to State Road Classification	ONTP
LD 14	Resolve, To Direct the Department of Transportation To Better Ensure the Safety of Students Traveling to and from School in Waterboro	ONTP
LD 625	Resolve, To Establish a Commission To Study the Feasibility of the State's Acquiring the Golden Road	ONTP
LD 901	An Act To Require Legislative Review before a Road's Designation or Classification May Be Changed	ONTP
LD 1202	An Act To Amend the Laws Governing Access to State and State Aid Highways To Permit a Traffic Safety and Rest Area Exception	ONTP
LD 1363	An Act To Amend the Laws Governing Access to State and State Aid Highways To Permit Traffic Safety and Rest Area Exceptions	ONTP
LD 1399	Resolve, To Ensure the Safety of Roads with High Volumes of Traffic	ONTP
LD 1609	An Act To Require the Review of Utility Pole Placement during Road Improvement	ONTP

Signs

Enacted

LD 830	An Act To Permit the Use of Pictorial Graphics and Photographs on Changeable Signs	PUBLIC 124

Not Enacted

LD 1053	An Act To Amend the Laws Governing the Placement of an On-premises Sign	ACCEPTED ONTP REPORT
LD 1572	An Act To Encourage Community-oriented Campaigns for Appropriate Sign Laws	ONTP
LD 1795	Resolve, Directing the Department of Transportation To Place Signs on Interstate 95 To Identify the Route to the Fort Knox Historic Site and the Penobscot Narrows Bridge and Observatory Tower	ONTP

Enacted

LD 9	An Act To Continue the Axle Weight Law Changes beyond September 15, 2007	PUBLIC 453 EMERGENCY
LD 23	An Act To Clarify the Use and Purpose of Center Turn Lanes	PUBLIC 8
LD 24	An Act To Make Failure To Wear a Seat Belt a Primary Offense	PUBLIC 60
LD 161	An Act To Prohibit the Use of Electronic Devices by Minors while Driving	PUBLIC 272
LD 211	An Act To Allow a Truck Driver To Haul a Trailer on a Highway If That Driver Has a Point-to-point Permit	PUBLIC 38
LD 576	Resolve, To Examine Issues Related to Distracted Driving	RESOLVE 86
LD 1487	An Act To Amend the Laws Relating to Automotive Reflective and Tinted Glass	PUBLIC 186
LD 1808	An Act To Improve Road Safety and Update Bicycling Laws	PUBLIC 400

Not Enacted

LD 114	An Act To Prohibit the Use of a Handheld Cellular Telephone while Operating a Motor Vehicle	ACCEPTED ONTP REPORT
LD 133	An Act To Require Seat Belts on All School Buses	ONTP
LD 212	An Act Regarding Penalties for Logbook Violations	ONTP
LD 265	An Act To Allow a Weight Tolerance for Vehicle Auxiliary Power Units	DIED ON ADJOURNMENT
LD 401	An Act To Protect the Integrity of Funeral Processions	ONTP
LD 642	An Act to Clarify Certain Laws Concerning Posted Speed Limit	ONTP
LD 1329	An Act To Allow Municipalities To Set Speed Limits on Certain Roads	ACCEPTED ONTP REPORT
LD 1330	An Act To Promote School Zone Safety	ACCEPTED ONTP REPORT

LD 1587	An Act To Strengthen Maine's Distracted-driving Penalties	ONTP
LD 1709	Resolve, To Establish a Pilot Project for the Enforcement of Laws Regarding Traffic Control Devices	ONTP

Transportation Department

Enacted

LD 232	Resolve, To Direct the Department of Transportation to Establish the Elton R. Brooks Memorial Rest Area and Boat Launching Facility	RESOLVE 1
LD 860	An Act To Amend Certain Laws Affecting Transportation	PUBLIC 306 EMERGENCY
LD 921	An Act To Allow a Landowner To Erect Installations in or near a State or State Aid Highway	PUBLIC 191 EMERGENCY
LD 1154	Resolve, Directing the Department of Transportation To Expend Funds for Fisheries and Waterfront Initiatives	RESOLVE 56 EMERGENCY
LD 1180	An Act To Promote Transportation Planning, Increase Efficiency and Reduce Sprawl	PUBLIC 208

Not Enacted

LD 6	Resolve, Directing the Department of Transportation To Improve Guardrails on Portions of Interstate 295	CARRIED OVER
LD 7	Resolve, To Require the Department of Transportation To Accept a Traffic Light in Portland	ONTP
LD 17	Resolve, To Transfer the Cliff Island Wharf from the City of Portland to the Department of Transportation	ONTP
LD 546	Resolve, Directing the Department of Transportation To Amend Its Rules Regarding Noise Abatement Costs	ONTP
LD 561	Resolve, To Direct the Department of Transportation To Establish a Rest Area on U.S. Route 9 between Calais and Brewer	ONTP
LD 669	Resolve, To Direct the Department of Transportation To Make Improvements to U.S. Route 2-A	ONTP
LD 873	An Act To Require Economic Analysis and Public Comment for Road Construction Projects	ONTP
LD 1054	Resolve, Directing the Department of Transportation To Repair Underground Pipes on Main Street and Church Street in Stockton Springs (by request)	ONTP
LD 1174	Resolve, To Stabilize the Naples Waterfront	ONTP
LD 1277	Resolve, To Study the Feasibility of Off-road Bike and Walking Paths along the Busiest Commuting Corridors in the State	ONTP

LD 1790	An Act To Secure Maine's Transportation Future	HELD BY GOVERNOR
LD 1818	An Act To Enhance Public Safety, Facilitate the Coordination of Traffic Control Signal Systems and Promote More Equitable Use of Public Highway Rights-of-way	CARRIED OVER
LD 1847	Resolve, Directing the Department of Transportation To Conclude Its Study of the Alternative Routes for the Wiscasset Bypass, Choose a Route and Establish a Timetable	ONTP

Turnpike Authority

Enacted

LD 319	An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2008	P & S 7
LD 320	An Act To Allow the Widening of a Portion of the Maine Turnpike	PUBLIC 270
LD 321	An Act To Increase the Bonding Capacity of the Maine Turnpike Authority	PUBLIC 59
LD 534	Resolve, Directing the Maine Turnpike Authority To Study the Relocation of the York Toll Booth	RESOLVE 45

Not Enacted

LD 19	Resolve, To Reduce Traffic Congestion and Improve Safety on Interstate 295	ONTP
LD 181	Resolve, To Reduce the Cost of Moving Modular Homes and Increase Traffic Safety	ONTP
LD 496	An Act To Exempt Emergency Vehicles from Tolls on the Maine Turnpike	ONTP
LD 592	An Act To Waive Tolls on the Maine Turnpike for People Who Are Traveling for Treatment of Catastrophic Illnesses	ACCEPTED ONTP REPORT

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON UTILITIES AND ENERGY

July 2007

MEMBERS:

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LD 33 **An Act To Simplify Wireless Telecommunications** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ROSEN R	ONTP	

This bill authorizes the Public Utilities Commission, to the extent permitted under federal law, to prevent providers of mobile telecommunications services from requiring subscribers to dial the area code when dialing a number in the same area code.

The Joint Standing Committee on Utilities and Energy, by letter dated 2/21/07, requested that the Public Utilities Commission notify the committee if it encounters any legal barriers in responding to consumer complaints related to in-state dialing pattern requirements.

LD 36 **An Act To Transfer the Administration of the Renewable Resource Fund from the State Planning Office to the Public Utilities Commission** **PUBLIC 18 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS BARTLETT	OTP-AM	H-10

This bill transfers responsibilities for administering the Renewable Resource Fund from the State Planning Office to the Public Utilities Commission. The bill also adds municipalities and school administrative districts to the list of entities eligible to receive money from the Renewable Resource Fund for community demonstration projects.

Committee Amendment "A" (H-10)

This amendment adds an emergency preamble and clause to the bill and provides for an effective date of July 1, 2007. It amends the list of entities that are eligible to receive distributions from the Renewable Resource Fund for community demonstration projects to add quasi-municipal corporations and districts. The amendment also adds a requirement that the Public Utilities Commission make an annual report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding the Renewable Resource Fund and the activities funded by the fund.

Enacted Law Summary

Public Law 2007, chapter 18 transfers responsibilities for administering the Renewable Resource Fund from the State Planning Office to the Public Utilities Commission. The law expands the list of entities that are eligible to receive distributions from the Renewable Resource Fund for community demonstration projects to include municipalities, school administrative districts and quasi-municipal corporations and districts. The law also requires that the Public Utilities Commission make an annual report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding the Renewable Resource Fund and the activities funded by the fund.

Public Law 2007, chapter 18 was enacted as an emergency measure effective July 1, 2007.

LD 134 **An Act To Encourage the Use of Solar Energy** **PUBLIC 29**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	OTP-AM MAJ ONTP MIN	S-11

Current law governing the Public Utilities Commission's solar energy rebate program sets the rebate amount for solar thermal systems in statute at 25% of the cost of a solar thermal system or $1,250, whichever is less. This bill gives the Public Utilities Commission discretion to set rebate levels for solar thermal systems.

Committee Amendment "A" (S-11)

This amendment is the majority report of the committee. The amendment retains the provision in the bill that gives the Public Utilities Commission discretion to set rebate levels for solar thermal systems and adds a provision to give the commission discretion to set rebate levels for solar photovoltaic systems.

Enacted Law Summary

Public Law 2007, chapter 29 gives the Public Utilities Commission discretion to set rebate levels for solar thermal systems and solar photovoltaic systems under the commission's solar energy rebate program.

LD 229 **An Act To Facilitate the Establishment of Tribal Electric Utility Districts** **PUBLIC 189**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM	H-184

Under current law, the Passamaquoddy Tribe and the Penobscot Nation possess the authority of municipalities within their respective Indian territories, and municipalities are authorized to form municipal power districts. This bill directs the Public Utilities Commission to authorize, upon application by the Passamaquoddy Tribe or Penobscot Nation, a municipal power district formed by the Passamaquoddy Tribe or Penobscot Nation to serve its respective Indian territory and to direct any transmission and distribution utility serving in that territory to convey to the district, for reasonable compensation, its transmission and distribution assets located within the district.

Committee Amendment "A" (H-184)

This amendment replaces the bill. The amendment explicitly affirms the right of the Passamaquoddy Tribe and the Penobscot Nation to form and organize tribal power districts with the same rights, powers, privileges, obligations and limitations as municipal power districts. The amendment also clarifies the interaction between the laws governing municipal power districts and the Maine Indian land claims settlement. The purpose of this amendment is to provide the Penobscot Nation and the Passamaquoddy Tribe the opportunity to acquire, develop, finance and provide electric power within their respective Indian territories to allow them to develop a sustainable local economy.

Enacted Law Summary

Public Law 2007, chapter 189 explicitly affirms the right of the Passamaquoddy Tribe and the Penobscot Nation to form and organize tribal power districts with the same rights, powers, privileges, obligations and limitations as municipal power districts. This law also clarifies the interaction between the laws governing municipal power districts and the Maine Indian land claims settlement. The purpose of this law is to provide the Penobscot Nation and

the Passamaquoddy Tribe the opportunity to acquire, develop, finance and provide electric power within their respective Indian territories to allow them to develop a sustainable local economy.

LD 230 **An Act To Clarify the Scope of Conservation Programs with Respect to Electricity Use** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

This bill specifies that conservation programs administered by the Public Utilities Commission, in addition to saving electricity, may also result in savings in nonelectric fuels that are incidental to electricity savings.

LD 240 **An Act To Establish a Discounted Cable Rate for Senior Citizens and Assisted Living Facilities** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP MAJ OTP-AM MIN	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide a discounted rate for cable television service for senior citizens and persons who reside in assisted living facilities.

Committee Amendment "A" (S-46)

This amendment (not adopted) replaces the bill and is the minority report of the committee. The amendment requires a housing facility for older persons that receives a discount on cable television services to pass through 95% of the discount to residents of the facility.

LD 242 **An Act To Establish a "Do Not Fax" List** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	ONTP	

This bill establishes a "Do Not Fax" list to be maintained by the Office of the Attorney General and prohibits the unsolicited transmission of a fax message to a telephone number listed on the "Do Not Fax" list.

The Joint Standing Committee on Utilities and Energy, by letter dated 4/13/07, requested that the Office of the Attorney General and the Office of the Public Advocate each provide information in their consumer publications regarding the laws and regulations governing unsolicited faxes and how consumers can file complaints.

LD 267 **An Act To Ensure Proper Funding of the Public Utilities Commission** **PUBLIC 16 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS	OTP-AM	H-11

This bill eliminates the fixed annual cap of $5,505,000 for the Public Utilities Commission's assessment on the gross intrastate operating revenues of utilities that provides funding for the commission and replaces it with language that allows the commission set the assessment annually to provide sufficient revenue for the level of expenditures allocated by the Legislature for operating the commission.

Committee Amendment "A" (H-11)

This amendment clarifies the role of the joint standing committee of the Legislature having jurisdiction over public utilities matters with respect to review and oversight of the Public Utilities Commission's budget and the commission's Regulatory Fund in particular. It amends the provision of law governing the legislative approval of the commisson's budget to specify that the commission shall present its budget to the joint standing committee and that the committee shall make recommendations on the entire budget, including the Regulatory Fund. The amendment also clarifies the language in the bill regarding the maximum total assessment to specify that legislative allocations for the Regulatory Fund govern the total assessment amount. Finally, it also clarifies that the Legislature may allocate, not only appropriate, additional funds for the commission.

Enacted Law Summary

Public Law 2007, chapter 16 eliminates the fixed annual cap of $5,505,000 for the Public Utilities Commission's assessment on the gross intrastate operating revenues of utilities that provides funding for the commission and replaces it with language that allows the commission set the assessment annually to provide sufficient revenue for the level of expenditures allocated by the Legislature for operating the commission. This law also clarifies the role of the joint standing committee of the Legislature having jurisdiction over public utilities matters with respect to review and oversight of the Public Utilities Commission's budget and the commission's Regulatory Fund in particular. It amends the provision of law governing the legislative approval of the commisson's budget to specify that the commission shall present its budget to the joint standing committee and that the committee shall make recommendations on the entire budget, including the Regulatory Fund.

Public Law 2007, chapter 16 was enacted as an emergency measure effective March 23, 2007.

LD 268 **An Act Regarding the Long-term Contracting Authority of the Public Utilities Commission** **PUBLIC 293**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS BARTLETT	OTP-AM MAJ ONTP MIN	H-220

This bill makes several changes to the laws governing capacity resources for electricity generation and the Public Utilities Commission's authority to direct transmission and distribution utilities to enter into long-term contracts for capacity resources. The bill includes the following provisions.

It amends the definition of "interruptible, demand response or energy efficiency capacity resource" to shift responsibility for recognizing these resources from the commission to New England independent system operator.

It amends the definition of "renewable capacity resource," to clarify the definition with respect to the application of fish passage requirements for hydroelectric generators.

It amends the laws governing long-term contracts for capacity resources to allow contracted energy to be sold into the wholesale market in conjunction with standard offer solicitations.

It adds language to provide the commission with authority to direct transmission and distribution utilities to enter long-term contracts for ancillary services and renewable energy credits associated with capacity

urces.

It eliminates the language in current law that limits the commission to directing transmission and distribution utilities to enter contracts only as agents for their customers and instead allows the commission to direct transmission and distribution utilities to enter contracts on a wholesale basis.

It eliminates the requirement that the commission consider the cost of capacity and cost of related energy in the selection of capacity resources and the requirement that the commission's rules provide a methodology for calculating and considering the cost of related energy for capacity-only offers.

Committee Amendment "A" (H-220)

This amendment is the majority report of the committee. The amendment eliminates the provisions in the bill that would authorize the Public Utilities Commission to direct large investor-owned transmission and distribution utilities to enter into long-term contracts for ancillary services and renewable energy credits associated with capacity resources and to enter into long-term contracts on a wholesale basis. The amendment also adds language to revise the definition of "renewable capacity resource" to eliminate the 100 megawatt capacity limit in current law and removes language in the bill in order to preserve the definition of "interruptible, demand response or energy efficiency capacity resource" as it exists in current law. The amendment also removes the emergency preamble and emergency clause from the bill.

Enacted Law Summary

Public Law 2007, chapter 293 makes the following changes to the laws governing capacity resources for electricity generation and the Public Utilities Commission's authority to direct transmission and distribution utilities to enter into long-term contracts for capacity resources.

It amends the definition of "renewable capacity resource" to eliminate the 100 megawatt capacity limit in current law to clarify the definition with respect to the application of fish passage requirements;

It amends the laws governing long-term contracts for capacity resources to allow contracted energy to be sold into the wholesale market in conjunction with standard offer solicitations; and

It eliminates the requirement that the commission consider the cost of capacity and cost of related energy in the selection of capacity resources and the requirement that the commission's rules provide a methodology for calculating and considering the cost of related energy for capacity-only offers.

LD 290 **An Act To Encourage the Use of Solar Energy** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CEBRA	ONTP	

This bill amends the law governing the solar energy rebate program. It changes the allocation of program funds to increase the amount for solar photovoltaic system rebates from 25% to 75% and to decrease the amount for solar thermal systems from 75% to 25%. The bill also extends the solar energy rebate program until December 31, 2012 and makes ongoing General Fund appropriations of $1,500,000 in fiscal years 2007-08 and 2008-09 for solar photovoltaic system rebates.

LD 352 **An Act To Provide an Appeal Process Regarding Rate Increases of Certain Quasi-municipal Districts and Corporations** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE	ONTP	

This bill provides a process for consumers to appeal a water or sewer rate increase adopted by a quasi-municipal corporation or district that services a single municipality. Specifically, the bill provides the opportunity for ratepayers to appeal the rate increase to the municipal officers of the municipality upon the written petition of 10 ratepayers. The bill also provides the opportunity for ratepayers to appeal the rate increase through a referendum if the municipal officers uphold the rate increase.

LD 369 **An Act To Require High-speed Internet Access for All Maine Residents** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
KNIGHT	ONTP	

This bill requires telephone utilities operating in Maine to provide high-speed Internet access to any Maine resident who requests it, except for residents of unorganized territories.

LD 393 **Resolve, Establishing a Commission To Develop Methods for the State To Promote the Generation of Electrical Power in an Environmentally Sound Manner and Independent of Foreign Fuel Imports** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
JACOBSEN	ONTP MAJ OTP-AM MIN	

This resolve establishes the Commission to Develop Methods for the State to Promote the Generation of Electrical Power in an Environmentally Sound Manner and Independent of Foreign Fuel Imports. The commission consists of 6 Legislators and 3 members with expertise in the generation of electricity. The resolve requires the commission to meet at least twice and report its findings, recommendations and any implementing legislation to the Joint Standing Committee on Utilities and Energy and the Legislative Council no later than January 4, 2008. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-150)

This amendment (not adopted) incorporates a fiscal note and is the minority report of the committee.

LD 398 **An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
VALENTINO		

This bill requires that high-voltage transmission lines capable of operating at 115 kilovolts or more constructed, rebuilt or relocated on or after October 1, 2007 near areas that are frequently used by children, including residential areas, public playgrounds, schools, child care facilities and children's camps, be placed underground. The bill directs the Public Utilities Commission to adopt rules regarding this requirement, and it provides an exemption from the requirement if a transmission and distribution utility can demonstrate to the Public Utilities Commission that it is technologically infeasible to place the transmission line underground.

This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 409 **Resolve, To Study Alternative Fuel Use by Schools and Public Buildings** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

This resolve is a concept draft pursuant to Joint Rule 208. This resolve proposes to study methods of encouraging the use of alternative fuels, including, but not limited to, wood chips, as an energy source in public buildings and schools.

The Joint Standing Committee on Utilities and Energy, by letter dated 4/13/07, requested that the Governor's Office on Energy Independence and Security address the issues presented in LD 1079 and LD 409 and report back to the committee by January 15, 2008.

LD 413 **Resolve, Regarding the Reentry of Electric Utilities into the Energy Supply Business** **RESOLVE 54**

Sponsor(s)	Committee Report	Amendments Adopted
RINES	OTP-AM	H-280

This bill is a concept draft pursuant to Joint Rule 208. This bill would remove the prohibition in Maine's electric utility restructuring laws that currently prohibits electric utilities from owning and operating generation service. It would allow utilities to own and operate electric generation service and provide energy and energy services to their customers, subject to regulation by the Public Utilities Commission.

Committee Amendment "A" (H-280)

This amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission to undertake a review of issues related to electric utilities' participation in the energy supply business and requires that the review be conducted through a public investigative proceeding. The amendment requires the Public Utilities Commission to report its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 15, 2008 and authorizes the committee to submit legislation related to the report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 54 directs the Public Utilities Commission to undertake a review of issues related to electric utilities' participation in the energy supply business and requires that the be conducted through a public investigative proceeding. The resolve requires the Public Utilities Commission to report its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 15, 2008 and authorizes the committee to submit legislation related to the report to the Second Regular Session of the 123rd Legislature.

LD 420 **An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
GERZOFSKY	ONTP	

This bill subjects basic tier service rates and services of cable television systems to regulation by the Public Utilities Commission. The bill also establishes hearing and complaint procedures for rate increases or product or service changes by a cable television system operator and directs the Public Utilities Commission, on petition of 25 or more customers, to petition the Federal Communications Commission to address any increases or changes if the Public Utilities Commission finds them to be unreasonable.

LD 435 **An Act To Require Utilities and Competitive Service Providers To Pay Interest on Overestimates of Electric** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
NUTTING J		

This bill directs the Public Utilities Commission to adopt routine technical rules that require transmission and distribution utilities and competitive service providers to pay customers accrued interest of 5% on any amount billed for overestimated usage resulting from an estimated electric power bill.

This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 498 **An Act To Limit the Charges for a Lost Cell Phone** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP	

This bill prohibits a wireless telecommunications provider from charging more than $50 in wireless telephone service charges for a lost or stolen cellular telephone after the telephone has been reported lost or stolen.

LD 536 **An Act To Promote Efficiency in the Use of the Communications Equipment Fund** **PUBLIC 224 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS	OTP-AM	H-294

This bill makes changes to the funding levels for specific programs under the Communications Equipment Fund while preserving the total annual amount available to the Communications Equipment Fund at the amount authorized for fiscal year 2007-08 and subsequent years, which is $242,500. The Communications Equipment Fund receives money from the state universal service fund to provide communications equipment and related services to deaf, hard-of-hearing and speech-impaired persons and persons with disabilities. The bill increases from $122,500 to $185,000 the maximum annual funding for communications equipment purposes, including purchase, lease, distribution, maintenance and repair of specialized equipment, and clarifies that this funding may be used for associated administrative costs. The bill decreases from $120,000 to $57,500 the maximum annual funding for the

discount program for emergency alert telecommunications services for low-income persons who are deaf or hard-of-hearing. The bill also expands the technology covered by the discount program to include one-way pagers, in addition to two-way pagers and wireless telecommunications devices, and requires that the discount for one-way pagers be equal to the monthly service charge.

Committee Amendment "A" (H-294)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 224 makes changes to the funding levels for specific programs under the Communications Equipment Fund while preserving the total annual amount available to the Communications Equipment Fund at the amount authorized for fiscal year 2007-08 and subsequent years, which is $242,500. The Communications Equipment Fund receives money from the state universal service fund to provide communications equipment and related services to deaf, hard-of-hearing and speech-impaired persons and persons with disabilities. This law increases from $122,500 to $185,000 the maximum annual funding for communications equipment purposes, including purchase, lease, distribution, maintenance and repair of specialized equipment, and clarifies that this funding may be used for associated administrative costs, and it decreases from $120,000 to $57,500 the maximum annual funding for the discount program for emergency alert telecommunications services for low-income persons who are deaf or hard-of-hearing. The law also expands the technology covered by the discount program to include one-way pagers, in addition to two-way pagers and wireless telecommunications devices, and requires that the discount for one-way pagers be equal to the monthly service charge.

Public Law 2007, chapter 224 was enacted as an emergency measure effective June 4, 2007.

LD 547 An Act To Create Fairness in E-9-1-1 Funding — PUBLIC 68

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	OTP-AM	H-57

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the current law to require the prepaid wireless and the broadband markets of telephone service to collect funding for E-9-1-1 services.

Committee Amendment "A" (H-57)

This amendment replaces the bill. It amends the law governing the funding of the E-9-1-1 system in the following ways.

It clarifies that prepaid wireless telephone service, as a type of cellular or wireless telecommunications service, is subject to the monthly statewide E-9-1-1 surcharge.

It specifies 3 methods for providers of prepaid wireless telephone service to collect the statewide E-9-1-1 surcharge as follows: (a) collect the surcharge from each customer whose account balance is equal to or greater than the amount of the surcharge, (b) collect the surcharge from the customer at the point of sale or (c) collect the surcharge indirectly by calculating the total surcharged owed by dividing its monthly intrastate revenue by average revenue per user and multiplying the result by the amount of the surcharge.

It adds interconnected voice over Internet protocol service as a type of telephone service subject to the statewide E-9-1-1 surcharge, and it amends the provision of the E-9-1-1 law regarding tort liability for telecommunications providers to grant interconnected voice over Internet protocol providers the same treatment as other telecommunications service providers.

It requires the Public Utilities Commission to adopt rules to implement the provisions of the E-9-1-1 funding law and to report to the joint standing committee of the Legislature having jurisdiction over telecommunications matters no later than January 15, 2009 regarding the collection of the E-9-1-1 surcharge on prepaid wireless telephone service and interconnected voice over Internet protocol service.

Enacted Law Summary

Public Law 2007, chapter 68 amends the law governing the funding of the E-9-1-1 system in the following ways.

It clarifies that prepaid wireless telephone service, as a type of cellular or wireless telecommunications service, is subject to the monthly statewide E-9-1-1 surcharge.

It specifies 3 methods for providers of prepaid wireless telephone service to collect the statewide E-9-1-1 surcharge as follows: (a) collect the surcharge from each customer whose account balance is equal to or greater than the amount of the surcharge, (b) collect the surcharge from the customer at the point of sale or (c) collect the surcharge indirectly by calculating the total surcharged owed by dividing its monthly intrastate revenue by average revenue per user and multiplying the result by the amount of the surcharge.

It adds interconnected voice over Internet protocol service as a type of telephone service subject to the statewide E-9-1-1 surcharge, and it amends the provision of the E-9-1-1 law regarding tort liability for telecommunications providers to grant interconnected voice over Internet protocol providers the same treatment as other telecommunications service providers.

It requires the Public Utilities Commission to adopt rules to implement the provisions of the E-9-1-1 funding law and to report to the joint standing committee of the Legislature having jurisdiction over telecommunications matters no later than January 15, 2009 regarding the collection of the E-9-1-1 surcharge on prepaid wireless telephone service and interconnected voice over Internet protocol service.

LD 593 **Resolve, To Establish a Second Public Safety Answering Point for Kennebec County** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
MARRACHE	OTP-AM	

This resolve requires the Public Utilities Commission to amend the rules for the E-9-1-1 system to require 2 public safety answering points in Kennebec County and require that one of those points be located in Waterville. Under current rules, there may be no more than one public safety answering point in Kennebec County.

Committee Amendment "A" (S-152)

This amendment (not adopted) specifies that the requirement in the bill for 2 public safety answering points in Kennebec County, including one in Waterville, will be in effect until October 31, 2011.

The Joint Standing Committee on Utilities and Energy, by letter dated 6/20/07, requested that the Office of Program Evaluation and Government Accountability conduct an audit of the Department of Public Safety, Regional Communications Centers, with particular attention to the Central Maine Regional Communications Center.

Senate Amendment "B" (S-282)

This amendment (not adopted) eliminates the requirement that the Public Utilities Commission amend its rules to require 2 public safety answering points in Kennebec County and instead delays implementation of the consolidation of public safety answering points in Kennebec County until the resolution of issues concerning software

compatibility and cost has been accomplished. This amendment requires the Public Utilities Commission within its existing resources to work with the Department of Public Safety and affected municipalities in Kennebec County to examine those issues and to report its findings and recommendations to the Joint Standing Committee on Utilities and Energy no later than January 1, 2008. The amendment authorizes the joint standing committee to submit legislation to the Second Regular Session of the 123rd Legislature.

Senate Amendment "C" (S-335)

This amendment (not adopted) eliminates the requirement that the Public Utilities Commission amend its rules to require 2 public safety answering points in Kennebec County and instead delays implementation of the consolidation of public safety answering points in Kennebec County until October 1, 2009. This amendment requires the Department of Public Safety within its existing resources to work with the Public Utilities Commission and affected municipalities in Kennebec County to examine issues concerning software compatibility and cost and other potential configurations. It requires the department to identify a mechanism to ensure that any savings that will accrue from consolidation of public safety answering points in Kennebec County are returned to the affected member municipalities. It also requires the department to report its findings and recommendations to the Joint Standing Committee on Utilities and Energy no later than January 1, 2008 and authorizes the joint standing committee to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 627 **An Act To Ensure Uniform Emergency Medical Dispatch Services in Maine** **PUBLIC 42 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
RINES	OTP-AM	H-30

This bill clarifies the emergency medical dispatch (EMD) role of public safety answering points (PSAP) and requires state licensure for all persons and entities engaged in EMD. The current statute requires certification only for PSAPs and dispatchers who are employed by the PSAPs. This bill provides flexibility for PSAPs to enter into cooperative agreements with non-PSAPs to provide EMD services and ensures that non-PSAPs engaged in EMD do so in accordance with rules established by the Emergency Medical Services' Board.

Committee Amendment "A" (H-30)

This amendment eliminates a reference to January 1, 2007 in the bill to ensure that all provisions contained in the bill take effect upon the effective date of the legislation.

Enacted Law Summary

Public Law 2007, chapter 42 clarifies the emergency medical dispatch (EMD) role of public safety answering points (PSAP) and requires state licensure for all persons and entities engaged in EMD. This law provides flexibility for PSAPs to enter into cooperative agreements with non-PSAPs to provide EMD services and ensures that non-PSAPs engaged in EMD do so in accordance with rules established by the Emergency Medical Services' Board.

Public Law 2007, chapter 42 was enacted as an emergency measure effective April 10, 2007.

LD 645 **An Act To Promote Municipal Energy Conservation** **PUBLIC 66**

Sponsor(s)	Committee Report	Amendments Adopted
EBERLE BARTLETT	OTP-AM	H-45

This bill establishes funding to provide grants to municipalities to identify cost-effective energy conservation measures and improvements to municipal buildings and municipal vehicle fleets to achieve energy savings. The bill provides for grants of up to $40,000 for 5 to 10 municipalities annually. The bill directs the Maine Municipal Bond Bank to administer the grants and directs the bank to develop criteria for the grants in consultation with the Public Utilities Commission and the Executive Department, State Planning Office. The bill requires that conservation measures and improvements in municipal buildings identified with grant funds be identified through a comprehensive energy audit performed by a licensed professional engineer. The bill requires the bond bank to report on the program every 2 years to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

Committee Amendment "A" (H-45)

This amendment replaces the bill. The amendment modifies the existing Efficiency Partners Program to incorporate financing for energy audits. Under current law, the program is authorized to provide financing for cost-effective energy efficiency improvements to achieve energy cost savings in municipal and school buildings. The amendment also requires that an energy audit conducted under the program address compliance with the model building energy code adopted by the Public Utilities Commission instead of the standards for indoor air quality developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers. The amendment adds provisions to the Efficiency Partners Program law to require the Maine Municipal Bond Bank to report annually on the program to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The amendment also makes technical changes to improve consistency and clarity in statutory language.

Enacted Law Summary

Public Law 2007, chapter 66 modifies the Efficiency Partners Program to incorporate financing for energy audits. This law requires that an energy audit conducted under the program address compliance with the model building energy code adopted by the Public Utilities Commission instead of the standards for indoor air quality developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers. This law also requires the Maine Municipal Bond Bank to report annually on the program to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

LD 678 **An Act Regarding Eminent Domain Authority and Certificate of Public Convenience and Necessity Requirements for the Construction of Transmission Lines** **PUBLIC 148**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	OTP-AM	S-62

This bill requires a transmission and distribution utility to obtain a certificate of public convenience and necessity from the Public Utilities Commission for the construction, rebuilding or relocation of a transmission line before the utility can obtain approval from the commission for eminent domain authority to take private lands and easements for the transmission line.

Committee Amendment "A" (S-62)

This amendment replaces the bill. The amendment requires a transmission and distribution utility or other entity proposing to construct a transmission line to notify the Public Utilities Commission and in some cases obtain a certificate of public convenience and necessity from the commission prior to purchasing or leasing state-owned land for the purpose of constructing a transmission line. The amendment provides an exception from these requirements for the construction of a generator interconnection transmission facility. It also makes changes within the section of law governing the construction of transmission lines to provide consistency in the

language used to refer to the entity proposing to construct a transmission line. The amendment also requires a transmission and distribution utility to obtain a certificate of public convenience and necessity from the commission for the construction of a transmission line before the utility may exercise the right of eminent domain for lands and easements for the location of the transmission line.

Enacted Law Summary

Public Law 2007, chapter 148 requires a transmission and distribution utility or other entity proposing to construct a transmission line to notify the Public Utilities Commission and in some cases obtain a certificate of public convenience and necessity from the commission prior to purchasing or leasing state-owned land for the purpose of constructing a transmission line. The law provides an exception from these requirements for the construction of a generator interconnection transmission facility. It also makes changes within the section of statute governing the construction of transmission lines to provide consistency in the language used to refer to the entity proposing to construct a transmission line. The law also requires a transmission and distribution utility to obtain a certificate of public convenience and necessity from the commission for the construction of a transmission line before the utility may exercise the right of eminent domain for lands and easements for the location of the transmission line.

LD 710 **An Act To Promote Rural Broadband Access** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
RAYE	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill seeks to establish a position in State Government with the mission of promoting the development of telecommunications infrastructure and capacity in rural areas of this State. This position would be charged with coordinating the State's efforts to identify need, create options and provide support at the local level. This position would provide advocacy and technical support to help communities, businesses and nonprofits obtain funds that would help advance their communications vision. This bill also seeks to establish a challenge grant fund that would leverage funds available from a variety of sources, including funds currently available from the Federal Government, to expand broadband access in rural areas.

The Joint Standing Committee on Utilities and Energy, by letter dated 4/13/07, requested that the ConnectME Authority place a high priority on identifying and securing federal funds and other funding sources to promote the expansion of broadband service in rural areas and dedicate staff resources to this task.

LD 742 **An Act Concerning Wholesale Power Purchases by Consumer-owned Transmission and Distribution Utilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER SHERMAN	ONTP	

This bill creates an exemption from the requirement that all customers of electricity have the right to purchase generation services directly from competitive electricity providers, known as the "retail access" right. This exemption is provided for customers of consumer-owned transmission and distribution utilities that choose to enter into wholesale power purchase contracts or standard-offer service contracts on behalf of all of their customers, except that customers who entered into separate retail power purchase contracts before the effective date of the wholesale power purchase contract are allowed purchase generation under that contract until it expires.

LD 743 **An Act To Allow Transmission and Distribution Utilities To Generate and Sell Power** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TUTTLE SMITH D	ONTP	

This bill removes the provisions in current law that prohibit investor-owned transmission and distribution utilities from owning and operating electric generation facilities and from selling electric energy to consumers at retail, including those provisions that require such utilities to divest generation assets and generation-related business activity. The bill requires the Public Utilities Commission to adopt rules to govern the ownership of generation assets, generation of electricity and retail sale of electricity by investor-owned transmission and distribution utilities.

LD 759 **An Act To Increase the Percentage of Renewable Power in Systems of Very Large Investor-owned Transmission and Distribution Utilities** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD	ONTP	

This bill requires that, beginning in 2008, a competitive electricity provider selling electricity to the public in an area served by an investor-owned transmission and distribution utility that serves more than 500,000 customers in the State must increase the percentage of its portfolio of supply sources provided by renewable resources. Specifically, such a competitive electricity provider must increase the percentage of its supply portfolio provided by eligible resources, including renewable and efficient resources, by one percentage point per year, beginning at the current requirement of 30% and increasing from 31% to 40% in the years 2008 through 2017.

LD 764 **An Act To Clarify Standards for Issuance of a Certificate of Public Convenience and Necessity** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FAIRCLOTH	ONTP	

This bill applies to the construction of transmission lines capable of operating at more than 138 kilovolts and occupying the submerged lands of the State. The bill prohibits the Bureau of Parks and Lands from leasing submerged lands for such a transmission line, unless the Public Utilities Commission determines that the transmission line will reduce the cost of electricity to Maine consumers. The bill also prohibits the Public Utilities Commission from granting a certificate of public convenience and necessity for such a transmission line, unless the commission finds that the transmission line will reduce the cost of electricity to Maine consumers.

LD 765 **Resolve, Regarding Legislative Review of Portions of ConnectME Authority, Chapter 101, a Major Substantive Rule of the Governor's Office** **RESOLVE 27 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-79

This resolve provides for legislative review of portions of ConnectME Authority, Chapter 101, a major substantive rule of the Governor's Office.

Committee Amendment "A" (H-79)

This amendment authorizes final adoption of ConnectME Authority, Chapter 101, a provisionally adopted major substantive rule of the Governor's Office, as long as certain changes to the rule are made to clarify the definition of broadband service provider, to limit the requirement imposed on mobile communications service providers to file mapping and service description information to those mobile communications service providers contributing to the ConnectME Fund and to amend the section of the rule regarding applications for funding from the ConnectME Authority to specify requirements for the content of the application and the application evaluation process to be used by the authority.

Enacted Law Summary

Resolve 2007, chapter 27 authorizes final adoption of ConnectME Authority, Chapter 101, a provisionally adopted major substantive rule of the Governor's Office, as long as certain changes to the rule are made to clarify the definition of broadband service provider, to limit the requirement imposed on mobile communications service providers to file mapping and service description information to those mobile communications service providers contributing to the ConnectME Fund and to amend the section of the rule regarding applications for funding from the ConnectME Authority to specify requirements for the content of the application and the application evaluation process to be used by the authority.

Resolve 2007, chapter 27 was enacted as an emergency measure effective May 16, 2007.

LD 795 An Act Regarding the Solar Energy Rebate Program — PUBLIC 158

Sponsor(s)	Committee Report	Amendments Adopted
BENOIT	OTP-AM	S-67

This bill extends the Public Utilities Commission's solar energy rebate program for an additional 2 years, changing the repeal date from December 31, 2008 to December 31, 2010.

Committee Amendment "A" (S-67)

This amendment adds a provision to the bill to require that in order to qualify for a rebate for a solar photovoltaic system under the Public Utilities Commission's solar energy rebate program, the homeowner or tenant must demonstrate to the satisfaction of the commission that an energy audit of the property has been completed.

Enacted Law Summary

Public Law 2007, chapter 158 extends the Public Utilities Commission's solar energy rebate program for an additional 2 years, changing the repeal date from December 31, 2008 to December 31, 2010. The law also requires that in order to qualify for a rebate for a solar photovoltaic system under the program, a homeowner or tenant must demonstrate to the satisfaction of the commission that an energy audit of the property has been completed.

LD 813 An Act To Provide an Energy Allowance to At-home Patients Using Ventilators — PUBLIC 97

Sponsor(s)	Committee Report	Amendments Adopted
BROWNE	OTP-AM	H-89

This bill adds ventilators to the equitable-treatment program that currently covers low-income electricity consumers who for health reasons need an oxygen pump for at least 8 hours each day.

Committee Amendment "A" (H-89)

This amendment adds a provision to the bill to require the Public Utilities Commission to report annually to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the low-income assistance programs for residential electricity consumers and the equitable-treatment program for low-income program participants who require an oxygen pump or ventilator for at least 8 hours each day. The amendment also requires the commission to examine medical devices that may be appropriate for inclusion in the equitable-treatment program and report its findings to the Joint Standing Committee on Utilities and Energy no later than January 15, 2008.

Enacted Law Summary

Public Law 2007, chapter 97 adds coverage for persons who need a ventilator at least 8 hours a day to the equitable-treatment program for low-income electricity consumers that currently covers those who for health reasons need an oxygen pump for at least 8 hour each day. This law requires the Public Utilities Commission to report annually to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on the low-income assistance programs for residential electricity consumers and the equitable-treatment program for low-income program participants who require an oxygen pump or ventilator for at least 8 hours each day. The law also requires the commission to examine medical devices that may be appropriate for inclusion in the equitable-treatment program and report its findings to the Joint Standing Committee on Utilities and Energy no later than January 15, 2008.

LD 878 **An Act To Amend the Charter of the Harrison Water District** **P & S 4 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
SYKES	OTP	

The bill amends the charter of the Harrison Water District to clarify the territorial limits of the district by changing references to reflect the correct names or route numbers of roads. The bill also amends the charter to change how a vacancy on the Harrison Water District board of trustees that leaves an unexpired term is filled from having to hold a special election to having the board of trustees appoint a person and to change the compensation paid to a trustee from $200 a year to a maximum of $600 a year. This bill also amends the charter to specify that rates must be established in accordance with Maine Revised Statutes, Title 35-A, section 6105.

Enacted Law Summary

Private and Special Law 2007, chapter 4 amends the charter of the Harrison Water District to clarify the territorial limits of the district by changing references to reflect the correct names or route numbers of roads. The law amends the charter to change how a vacancy on the Harrison Water District board of trustees that leaves an unexpired term is filled from having to hold a special election to having the board of trustees appoint a person and to change the compensation paid to a trustee from $200 a year to a maximum of $600 a year. This law also amends the charter to specify that rates must be established in accordance with Maine Revised Statutes, Title 35-A, section 6105.

Private and Special Law 2007, chapter 4 was enacted as an emergency measure effective April 9, 2007.

LD 940 **Resolve, To Protect the Future of the Sebago Lake Water Supply** **ACCEPTED ONTP REPORT**

Sponsor(s)	Committee Report	Amendments Adopted
CRESSEY	ONTP MAJ OTP MIN	

This resolve requires that if the boat ramp located on Sebago Lake in Sebago Lake Village in Standish is moved more than 1/2 mile from where it is located as of December 31, 2006, then the boat ramp must be moved out of the 2-mile "no bodily contact zone" as established by the Portland Water District Board of Trustees.

LD 941 **An Act To Amend the Charter of the Long Pond Water District** **P & S 5 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
EATON	OTP	

This bill changes the territory of the Long Pond Water District, which serves the Town of Sorrento and a portion of the Town of Sullivan, to increase its service territory within the Town of Sullivan. The bill also changes the composition of the board of trustees of the district to give the Town of Sullivan greater representation by decreasing the number of trustees from the Town of Sorrento from 4 to 3 and increasing the number of trustees from the Town of Sullivan from one to 2.

Enacted Law Summary

Private and Special Law 2007, chapter 5 changes the territory of the Long Pond Water District, which serves the Town of Sorrento and a portion of the Town of Sullivan, to increase its service territory within the Town of Sullivan. The law also changes the composition of the board of trustees of the district to give the Town of Sullivan greater representation by decreasing the number of trustees from the Town of Sorrento from 4 to 3 and increasing the number of trustees from the Town of Sullivan from one to 2.

Private and Special Law 2007, chapter 5 was enacted as an emergency measure effective April 9, 2007.

LD 969 **Resolve, Regarding Legislative Review of Chapter 316, Long Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission** **RESOLVE 35 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-178

This resolve provides for legislative review of Chapter 316, Long Term Contracting and Resource Adequacy, a major substantive rule of the Public Utilities Commission.

Committee Amendment "A" (H-178)

This amendment adds a provision to the resolve to provide allocations of Other Special Revenue Funds to carry out the provisions of Chapter 316, Long Term Contracting and Resource Adequacy, a major substantive rule of the Public Utilities Commission.

Enacted Law Summary

Resolve 2007, chapter 35 authorizes final adoption of Chapter 316, Long Term Contracting and Resource Adequacy, a major substantive rule of the Public Utilities Commission and provides allocations of Other Special Revenue Funds to carry out the provisions of Chapter 316.

Resolve 2007 was enacted as an emergency measure effective April 9, 2007.

LD 993 **An Act To Amend the Charter of the Winterport Water District** **P & S 8**

Sponsor(s)	Committee Report	Amendments Adopted
WESTON	OTP	

This bill extends the Winterport Water District's authority to disconnect water service for nonpayment of sewer service by one year so that this authority sunsets 90 days after adjournment of the First Regular Session of the 124th Legislature. The bill also extends by one year, to January 15, 2009, the Public Utilities Commission's responsibility to monitor and report to the Joint Standing Committee on Utilities and Energy on the Winterport Water District's use of this authority and extends by one year the committee's authority to report out legislation on this issue.

Enacted Law Summary

Private and Special Law 2007, chapter 8 extends the Winterport Water District's authority to disconnect water service for nonpayment of sewer service by one year so that this authority sunsets 90 days after adjournment of the First Regular Session of the 124th Legislature. The law also extends by one year, to January 15, 2009, the Public Utilities Commission's responsibility to monitor and report to the Joint Standing Committee on Utilities and Energy on the Winterport Water District's use of this authority and extends by one year the committee's authority to report out legislation on this issue.

LD 1012 **Resolve, To Require the Emergency Services Communication Bureau To Send E-9-1-1 Changes of Address Information to State Licensing Agencies** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	ONTP	

This resolve requires the Director of the Emergency Services Communication Bureau within the Public Utilities Commission to provide E-9-1-1 address change information to state agencies that issue licenses, permits or registrations. It requires that the information include E-9-1-1 address changes since the implementation of E-9-1-1.

LD 1030 **An Act To Encourage Cogeneration** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

This bill establishes a revolving loan program administered by the Finance Authority of Maine to provide loans for the development, construction, expansion and modernization of cogeneration facilities. Under the program, direct loans may be given to finance all or part of a cogeneration project if the facility is designed to use renewable resources for its energy input and the project meets additional criteria regarding permits and approvals, financing

and terms of the loan. The bill requires the Finance Authority of Maine to consult with the Public Utilities Commission in developing rules to implement the program and requires the authority to report annually on the program to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters.

LD 1063 An Act Regarding Cable Television Service Outages **PUBLIC 104**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	OTP-AM	H-111

This bill reduces from 6 hours to 2 hours the amount of cable service outage time after which customers can receive a prorated reimbursement for the time lost. This bill also makes the reimbursement for lost time automatic by eliminating the requirement that the customer request reimbursement for lost time.

Committee Amendment "A" (H-111)

This amendment replaces the bill. The amendment requires cable television franchisees to provide a notice on subscriber bills of the right to a credit or rebate for interruption of service for 6 or more consecutive hours.

Enacted Law Summary

Public Law 2007, chapter 104 requires cable television franchisees to provide a notice on subscriber bills of the right to a credit or rebate for interruption of service for 6 or more consecutive hours.

LD 1068 An Act To Enhance Maine's Energy Independence and Security **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PIEH BARTLETT	ONTP	

This bill amends the section of law that establishes targets for the State to increase the proportion of electricity supplied by new renewable generating capacity. It specifies that each competitive electricity provider must demonstrate that no less than 1% of the portfolio of supply sources for retail electricity sales is accounted for by new capacity resources beginning in 2008 and increasing 1 percentage point per year to reach a goal of 10% in 2017. It provides a preventive mechanism that would permit the Public Utilities Commission to suspend all or part of the new capacity resources portfolio requirement if new investment is not being stimulated.

LD 1071 An Act Regarding Energy-generating Facilities **PUBLIC 160**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS BARTLETT	OTP-AM	H-134

This bill amends the laws governing the state permit process and requirements for hydropower projects to address their application to hydropower projects that use tidal energy to produce electricity. The bill requires that the Department of Environmental Protection conduct an adjudicatory hearing prior to the approval or disapproval of a tidal power project. The bill also clarifies the existing hydropower project approval criteria to account for the potential impacts of tidal power projects on marine resources and submerged or intertidal lands. The bill requires the Department of Environmental Protection to lead a review of laws and rules governing the permitting of hydropower projects to make recommendations to amend these laws and rules to reflect the legal, policy and

technical issues presented by the development of tidal energy projects and issue a report by January 1, 2008. The bill authorizes the Joint Standing Committee on Utilities and Energy to submit legislation related to the permitting of tidal power projects to the Second Regular Session of the 123rd Legislature following its review of the report. Finally, this bill also adds references to submerged lands in the natural resources protection laws.

Committee Amendment "A" (H-134)

This amendment replaces the bill. It amends the definition of "hydropower project" in the Maine Waterway Development and Conservation Act to clarify that the definition includes hydropower projects that use tidal energy or wave energy to produce electricity. It also clarifies that the requirement to obtain a permit for structural alteration of a hydropower project is not limited to those projects that include a dam.

Enacted Law Summary

Public Law 2007, chapter 160 amends the definition of "hydropower project" in the Maine Waterway Development and Conservation Act to clarify that the definition includes hydropower projects that use tidal energy or wave energy to produce electricity. It also clarifies that the requirement to obtain a permit for structural alteration of a hydropower project is not limited to those projects that include a dam.

LD 1079 **Resolve, Establishing the Commission To Study Biofuel Use in School Districts** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PRIEST SNOWE-MELLO	ONTP	

This resolve establishes the Commission to Study Biofuel Use in School Districts. The resolve requires the commission to report to the Second Regular Session of the 123rd Legislature by January 15, 2008, with recommendations and suggested legislation to encourage the use of biofuels by school systems in the State.

The Joint Standing Committee on Utilities and Energy, by letter dated 4/13/07, requested that the Governor's Office on Energy Independence and Security address the issues presented in LD 1079 and LD 409 and report back to the committee by January 15, 2008.

LD 1098 **An Act To Promote Electricity Transmission Independence** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BLISS	ONTP OTP-AM	

This bill allows the Public Utilities Commission to order the transfer or divestiture of a transmission and distribution utility's transmission or transmission-related assets if the commission finds it will lower costs of electricity to consumers in the State, will not have a negative impact on the operation of the transmission system and is in the public interest, or if the commission finds that the utility constructed a transmission line without approval from the commission, that is, without obtaining a certificate of public convenience and necessity.

The bill provides that if the commission orders such a transfer or divestiture, it may order that the transmission assets be sold or transferred to an independent transmission company. The terms of the transfer or divestiture must be approved by the commission and provide fair compensation, and the transfer or divestiture must occur within 12 months of the order.

This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 1099 **An Act To Encourage Wind Energy Development** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	OTP-AM	S-313

This bill does the following to encourage wind energy:

It allows the Finance Authority of Maine and the Public Utilities Commission to establish a program to increase the financial capacity of the Finance Authority of Maine programs to assist in financing wind energy development and allows the use of funds from the conservation program fund;

It allows the State to provide the benefits of Pine Tree Development Zone eligibility to wind energy projects;

It declares that enhancement of electricity transmission from northern and eastern to southern areas of the State is essential to wind energy development;

It makes permanent the community wind power generator tax credit by removing the scheduled repeal under current law of that tax credit on December 31, 2007; and

It provides for the Department of Environmental Protection, Board of Environmental Protection to adopt major substantive rules for streamlined permitting of wind energy projects and the designation by the State of preferred areas for viable wind energy project development.

Committee Amendment "A" (S-313)

This amendment replaces the bill. The amendment makes one change to current law related to wind energy. Specifically, the amendment extends the community wind power generator tax credit in current law by changing the repeal date for this tax credit from December 31, 2007 to December 31, 2009.

This bill, as amended by Committee Amendment "A" (S-313), was placed on the Special Appropriations Table pending enactment. The bill was subsequently taken from the table, committed to the Joint Standing Committee on Utilities and Energy and carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 1143 **An Act To Prevent the Public Utilities Commission from Disclosing Private Information to the Federal Government** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	ONTP	

This bill requires the chair of the Public Utilities Commission to inform the joint standing committee of the Legislature having jurisdiction over utilities matters if the Public Utilities Commission provides records containing personal information to the Federal Government without a warrant or court order and of a complaint made against the commission for divulging records containing personal information to the Federal Government without a warrant or court order.

LD 1148 **An Act To Protect Electric Ratepayers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM PERRY J	ONTP	

This bill imposes an excise tax on the capacity of electricity producers with more than 20 megawatts of capacity. Revenue from the tax is distributed by the Public Utilities Commission to individual electricity ratepayers based on the amount paid for the generation of electricity by those ratepayers.

LD 1151 **An Act To Streamline the Review of Minor Tariff Filings of Consumer-owned Water Utilities** **PUBLIC 127**

Sponsor(s)	Committee Report	Amendments Adopted
FITTS	OTP-AM	H-119

This bill seeks to exempt a rate, toll or charge by a consumer-owned water utility for a service other than the provision of water that will not increase the revenues of a consumer-owned water utility by more than 1% from statutory requirement that rate changes of consumer-owned water utilities be subject to suspension, investigation, hearing and rate substitution by the Public Utilities Commission.

Committee Amendment "A" (H-119)

This amendment replaces the bill. The amendment clarifies the exception to the laws that require that rate changes of consumer-owned water utilities be subject to suspension, investigation, hearing or rate substitution by the Public Utilities Commission that is proposed in the bill. The exception is limited to changes in rates or charges for services other than the provision of water, as in the bill. The amendment specifies that the cumulative effect of such changes over a 12-month period may not exceed 1% of total annual revenue. The amendment also places the exception in a more relevant section of the law.

Enacted Law Summary

Public Law 2007, chapter 127 provides an exception to the laws that require that rate changes of consumer-owned water utilities be subject to suspension, investigation, hearing or rate substitution by the Public Utilities Commission. The exception is limited to changes in rates or charges for services other than the provision of water and the cumulative effect of such changes over a 12-month period may not exceed 1% of total annual revenue.

LD 1153 **An Act To Allow Affordable Housing Discretionary Water and Sewer Fee Waivers** **PUBLIC 174**

Sponsor(s)	Committee Report	Amendments Adopted
CHASE	OTP-AM MAJ ONTP MIN	H-211

Current law requires that rates charged by water, sewer and sanitary districts are uniform within the territory of the district whenever the cost of service is uniform. This bill provides an exception to the uniform rate requirement for affordable housing. Specifically, the bill grants water, sewer and sanitary districts the authority to reduce or waive the rates charged to affordable housing properties within the districts. The bill also requires that the reduction in the rates is credited directly to the associated customer account.

Committee Amendment "A" (H-211)

This amendment replaces the bill and is the majority report of the committee. The amendment enables the governing body of a quasi-municipal or municipal water or sewer utility to reduce the connection fee or impact fee charged for the establishment of service when that service is being provided to newly constructed affordable housing units that are owner-occupied, single-family dwellings or condominiums. Any reduced connection fee or impact fee must be applied uniformly and must be credited to the purchaser of the affordable housing unit. The water or sewer utility is required to notify ratepayers of any reduction in the connection fee or impact fee and may allocate the cost of the fee reduction across all ratepayers.

Enacted Law Summary

Public Law 2007, chapter 174 allows the governing body of a quasi-municipal or municipal water or sewer utility to reduce the connection fee or impact fee charged for the establishment of service when that service is being provided to newly constructed affordable housing units that are owner-occupied, single-family dwellings or condominiums. The law requires that any reduced connection fee or impact fee must be applied uniformly and must be credited to the purchaser of the affordable housing unit. The water or sewer utility is required to notify ratepayers of any reduction in the connection fee or impact fee and may allocate the cost of the fee reduction across all ratepayers.

LD 1160 **Resolve, To Encourage the Development of Water Power To Provide for Maine's Energy Needs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
JOY	ONTP	

This bill directs the Department of Environmental Protection to study a plan for a pilot program to use the hydropower potential of the State. It requires the department to canvass all of the State's inland water bodies to determine the potential of each for generating electricity, including feasibility and cost, and it requires the department to report its findings by January 31, 2008, to the Joint Standing Committee on Utilities and Energy and the Joint Standing Committee on Natural Resources.

LD 1205 **An Act To Amend the Laws Preventing the Pollution of Portland's Water Supply** **P & S 15**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	OTP	

This bill updates and clarifies the private and special law governing the protection of the water supply for the Portland Water District and increases fines for contact with the waters of Sebago Lake within 2 miles of the Portland Water District intake pipes and for trespassing on land acquired by the district to protect its water supply.

Enacted Law Summary

Private and Special Law 2007, chapter 15 updates and clarifies the law governing the protection of the water supply for the Portland Water District and increases fines for contact with the waters of Sebago Lake within 2 miles of the Portland Water District intake pipes and for trespassing on land acquired by the district to protect its water supply.

LD 1216 **Resolve, To Establish a Study Commission To Stimulate Telecommunications Investment, Economic Development and Job Creation** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
EDMONDS		

This resolve is a concept draft pursuant to Joint Rule 208. The resolve proposes to establish a study commission to study the current regulations in the telecommunications industry and develop recommendations to promote investment, economic development and job creation.

This resolve was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 1221 **An Act To Amend the Charter of the Kennebunk Light and Power District** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN		

This bill amends the Kennebunk Light and Power District charter to allow Kennebunk Light and Power District to provide retail electric service throughout the entire Town of Kennebunk subject to referendum and without the need to obtain prior approval of the Public Utilities Commission under the Maine Revised Statutes, Title 35-A, sections 2102, 2105 and 2110. The bill also authorizes Kennebunk Light and Power District to acquire by purchase the properties and rights of any public utility currently serving in those areas where the charter amendment would allow Kennebunk Light and Power District to extend its services. The bill also authorizes the Public Utilities Commission to resolve disputes or disagreements between Kennebunk Light and Power District and any public utility as to the valuation of facilities to be purchased by Kennebec Light and Power District and as to the severance and realignment of facilities rated 50 kilovolts or below as a result of the purchase.

This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 1236 **An Act To Create the Princeton Water District** **P & S 6 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
MCLEOD	OTP	

This bill creates the Princeton Water District as a standard water district pursuant to Maine Revised Statutes, Title 35-A, chapter 64, subject to approval by referendum vote.

Enacted Law Summary

Private and Special Law 2007, chapter 6 creates the Princeton Water District as a standard water district pursuant to Maine Revised Statutes, Title 35-A, chapter 64, subject to approval by referendum vote.

Private and Special Law 2007, chapter 6 was enacted as an emergency measure effective April 12, 2007, for the purpose of permitting its submission to the voters of the district in a referendum.

LD 1248 **An Act To Establish the Northern Maine Power Agency** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
SHERMAN		

This bill establishes the Northern Maine Power Agency in order to obtain power supply for standard offer service to construct or lease and operate transmission facilities to the 4 utilities participating in the northern Maine independent system administrator.

The Joint Standing Committee on Utilities and Energy, by letter dated 6/14/07, requested that the Public Utilities Commission continue its inquiry (Docket No. 2006-513) into the lack of competition in the northern Maine electricity market and report its findings and recommendations to the committee no later than August 31, 2007.

This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 1284 **Resolve, Regarding the Organization and Administration of Energy Policy Responsibilities within State Government** **RESOLVE 59**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	OTP-AM	S-125

This bill creates the Office of Energy Independence as a stand-alone office within the Executive Department that is dedicated to the formulation, coordination and management of state energy policy for the purpose of increasing the energy independence of the State.

The bill removes from the Executive Department, State Planning Office the energy-related powers, duties, responsibilities and programs assigned to the State Planning Office under current law and assigns them to the new Office of Energy Independence. Specific programmatic responsibilities that are transferred to the Office of Energy Independence include management of the Energy Resources Council, the energy resources development program and data collection and reporting of petroleum inventories and deliveries.

The bill establishes the powers and duties of the Office of Energy Independence, which include: coordinating the development and implementation of policies to achieve energy independence and to reduce growth in energy demand through cost-effective efficiency measures; collecting and analyzing energy data; preparing a biennial energy independence plan; supporting research to develop alternative energy resources; identifying conservation alternatives to new generation and transmission and distribution facilities; coordinating the actions of state agencies that affect energy consumption; and conducting studies and policy analysis related to energy issues at the request of the Governor and the Legislature.

The bill requires the Office of Energy Independence to develop the following 3 specific initiatives and submit a report on each initiative to the Joint Standing Committee on Utilities and Energy by January 31, 2008:

A biofuel action plan to increase the availability and use of biofuels in the State;

A renewable energy investment program to support the development and operation of renewable energy generation facilities within the State through consumer purchase of renewable energy certificates; and

A green communities program to support and recognize communities in the State that take steps to become more energy independent, reduce reliance on fossil fuels and increase reliance on renewable energy resources.

The bill authorizes the committee to submit legislation regarding each of these initiatives to the Second Regular Session of the 123rd Legislature following its review of the report on each initiative.

The bill requires the Office of Energy Independence, in consultation with the Public Utilities Commission and the State Planning Office, to review the laws governing the Office of Energy Independence and other state laws relating to the functions of that office. It requires the Office of Energy Independence to submit a report on the results of the review, including recommended legislation, to the Joint Standing Committee on Utilities and Energy by January 1, 2008 and authorizes the committee to submit legislation related to the report.

Committee Amendment "A" (S-125)

This amendment replaces the bill with a resolve. The amendment directs the Executive Department, Office of Energy Independence and Security to conduct a review of the current policy-making and administrative structures and functions within State Government relating to energy policy and to develop recommendations regarding the organization of energy-related responsibilities within a clearly defined statutory framework that provides for well-coordinated and efficient formulation, management and administration of state energy policy. The amendment directs the office to consider, as part of its review, ideas for advancing the development of energy independence policy initiatives to support biofuels, renewable energy, cogeneration and green communities. The amendment requires the office to submit a report and recommendations to the Joint Standing Committee on Utilities and Energy by January 1, 2008 and authorizes the joint standing committee to submit legislation to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 59 directs the Executive Department, Office of Energy Independence and Security to conduct a review of the current policy-making and administrative structures and functions within State Government relating to energy policy and to develop recommendations regarding the organization of energy-related responsibilities within a clearly defined statutory framework that provides for well-coordinated and efficient formulation, management and administration of state energy policy. The resolve directs the office to consider, as part of its review, ideas for advancing the development of energy independence policy initiatives to support biofuels, renewable energy, cogeneration and green communities. The resolve requires the office to submit a report and recommendations to the Joint Standing Committee on Utilities and Energy by January 1, 2008 and authorizes the joint standing committee to submit legislation to the Second Regular Session of the 123rd Legislature.

LD 1302 **Resolve, To Preserve Maine's Electric Energy Infrastructure** **RESOLVE 37**

Sponsor(s)	Committee Report	Amendments Adopted
MCLEOD	OTP MAJ OTP-AM MIN	

This resolve directs the Department of Environmental Protection to report by January 1, 2008, to the Joint Standing Committee on Utilities and Energy on the quantitative criteria that the department uses to fulfill the standards of the Maine Waterway Development and Conservation Act with respect to assessing the value of hydropower generation. The report must include the methods used by the department to determine the current and future value of renewable energy in terms of electricity costs, indigenous production, greenhouse gases and fossil fuel independence.

Committee Amendment "A" (H-152)

This amendment (not adopted) is the minority report of the committee. The amendment retains the requirement

that the Department of Environmental Protection report on the criteria it uses to fulfill the standards of the Maine Waterway Development and Conservation Act with respect to assessing the value of hydropower generation, but removes the specific focus on quantitative criteria and amends the content of the report to include a summary of written findings of fact from a representative sample of cases and written explanation of how the findings of fact are used in decisions regarding hydropower projects.

Enacted Law Summary

Resolve 2007, chapter 37 directs the Department of Environmental Protection to report by January 1, 2008, to the Joint Standing Committee on Utilities and Energy on the quantitative criteria that the department uses to fulfill the standards of the Maine Waterway Development and Conservation Act with respect to assessing the value of hydropower generation. The report must include the methods used by the department to determine the current and future value of renewable energy in terms of electricity costs, indigenous production, greenhouse gases and fossil fuel independence.

LD 1303 An Act To Establish the Columbia Falls Village Water District **P & S 12 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
TIBBETTS	OTP-AM	H-112

This bill creates the Columbia Falls Village Water District, subject to approval by referendum vote. The bill also gives the district the authority to purchase the property and franchises of the Allen Water Company upon approval by the Public Utilities Commission.

Committee Amendment "A" (H-112)

This amendment adds an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Private and Special Law 2007, chapter 12 creates the Columbia Falls Village Water District, subject to approval by referendum vote. The bill also gives the district the authority to purchase the property and franchises of the Allen Water Company upon approval by the Public Utilities Commission.

Private and Special Law 2007, chapter 12 was enacted as an emergency measure effective May 11, 2007, for the purpose of permitting its submission to the voters of the district in a referendum.

LD 1331 An Act To Encourage Community Wind Power Projects **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MACDONALD	ONTP	

This bill establishes an incentive payment of 1.5¢ per kilowatt-hour to qualifying community wind energy projects for the first 10 years of turbine operation on all electricity sold back to the electricity distribution system. The bill directs the Public Utilities Commission to administer the incentive payment program and to create a community wind energy advisory office to assist potential developers of community wind energy projects with site identification, wind measurement, feasibility analysis and other tasks required for project development. To qualify for the production incentive payment, a wind energy project must generate between 600 kilowatts and 2 megawatts of power, be locally owned, be sited in a location with a class 3 or higher wind resource, be interconnected with the electricity distribution system and have an agreement to sell power generated by the project. The bill requires

transmission and distribution utilities to offer a standard purchase agreement and standard purchase tariff for power generated by community wind energy projects.

LD 1339 **Resolve, To Reduce Energy Costs for Consumers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BRAUTIGAM	ONTP	

This resolve requires the Public Utilities Commission to work with electric utilities to institute a pilot program to promote the use of "smart meters" in electricity billing. The resolve requires the commission to report its findings and recommendations concerning the promotion of smart meters to the Joint Standing Committee on Utilities and Energy by January 4, 2008 and authorizes the committee to submit legislation concerning the promotion of the use of smart meters to the Second Regular Session of the 123rd Legislature.

LD 1340 **An Act To Enhance the Reliability and Competitiveness of Maine's Electricity Market** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
EDGECOMB	ONTP	

This bill allows the Public Utilities Commission to order investor-owned transmission and distribution utilities to own or control generation assets if the commission determines that ownership or control is necessary to provide reliable and efficient service.

LD 1346 **An Act To Enhance Maine's Energy Independence and Reduce Electricity Costs** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	ONTP	

Current law establishes as a policy of the State the goal of increasing the share of new renewable capacity resources as a percentage of the total capacity resources in this State by 10% by 2017. This bill implements that policy goal by establishing portfolio requirements for new renewable capacity resources, beginning at 1% for calendar year 2008 and increasing by one percentage point per year until 2017.

The bill allows competitive electricity providers to meet the new renewable capacity portfolio requirements through the use of renewable energy credits or an alternative compliance payment mechanism to be established by the commission. It allows competitive electricity providers to meet the renewable portfolio requirements through the use of renewable energy credits without requiring that the Public Utilities Commission determine that a reliable system of electrical attribute trading exists.

The bill allows the Public Utilities Commission to suspend all or some of the new renewable capacity portfolio requirements if it finds that investment in new renewable capacity resources is insufficient and the resulting use of the renewable energy credits or the alternative payment system has burdened electricity customers, and it requires the commission to suspend the requirements if the alternative payment system is used to meet the portfolio requirements for 3 or more consecutive years. The bill requires the commission to report annually to the Legislature regarding the status of new renewable capacity resources in the State. Finally, the bill requires the Public Utilities Commission to establish a standard-offer service that is composed of 100% renewable

resources beginning in 2009.

(LD 1920, enacted as Public Law 2007, chapter 403, relates to the same issues as LD 1346.)

LD 1347 **Resolve, Regarding Alternative Fuel Incentives To Stimulate the Production, Distribution and Use of Biofuels** **RESOLVE 51**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM	H-268

This bill creates the Alternative Fuels Incentive Act and the Alternative Fuels Incentive Fund to support the production, distribution and use of alternative fuels. The fund is funded by an annual assessment on public utilities and competitive service providers to produce $3,000,000 annually and is administered by the Department of Environmental Protection. The fund may be used for grants to school districts, political subdivisions, nonprofit entities, corporations, limited liability companies and partnerships incorporated or registered in the State, reimbursements and rebates to support the use of alternative fuel vehicles and the production of alternative fuels, including a rebate for residents of the State who purchase a hybrid vehicle.

Committee Amendment "A" (H-268)

This amendment replaces the bill with a resolve. The amendment directs the Executive Department, Office of Energy Independence and Security to study and make policy recommendations regarding the establishment of an alternative fuel incentive program in the State to stimulate the production, distribution and use of biofuels. The amendment requires the Office of Energy Independence and Security to report its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 15, 2008 and authorizes the committee to submit legislation related to alternative fuel incentives to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 51 directs the Executive Department, Office of Energy Independence and Security to study and make policy recommendations regarding the establishment of an alternative fuel incentive program in the State to stimulate the production, distribution and use of biofuels. The resolve requires the Office of Energy Independence and Security to report its findings and recommendations to the Joint Standing Committee on Utilities and Energy by January 15, 2008 and authorizes the committee to submit legislation related to alternative fuel incentives to the Second Regular Session of the 123rd Legislature.

LD 1360 **An Act To Permit the University of Maine System To Install Lines on Utility Facilities in Public Rights-of-way** **PUBLIC 268 EMERGENCY**

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM MAJ ONTP MIN	S-153

This bill requires that owners of utility facilities in a public right of way reasonably accommodate attachment of traffic control signals and appurtenances to their facilities without cost to the public. The bill also allows the University of Maine System to install poles and wires in public way rights-of-way for the purpose of transmitting data between and among its facilities and partnering education and research organizations.

Committee Amendment "A" (S-153)

This amendment is the majority report of the committee. The amendment strikes the provision of the bill

regarding attachment of traffic control devices to utility facilities in or on a public right-of-way. The amendment changes the provision of the bill relating to the University of Maine System to specify that the authority granted to the university system is limited to the installation of lines or wires on existing utility facilities located in public rights-of-way.

Enacted Law Summary

Public Law 2007, chapter 268 allows the University of Maine System to install lines or wires on existing utility facilities located in public rights-of-way for the purpose of transmitting data between and among its facilities and partnering education and research organizations.

Public Law 2007, chapter 168 was enacted as an emergency measure effective June 4, 2007.

LD 1381 Resolve, To Ensure the Success of Regional Climate Change Efforts — RESOLVE 52

Sponsor(s)	Committee Report	Amendments Adopted
FLETCHER	OTP-AM	H-274

This resolve requires the Office of the Public Advocate to study the potential economic impacts on Maine electricity consumers of the regional greenhouse gas initiative (RGGI). The study must determine the possible range of cost impacts of RGGI on Maine electricity consumers on an annual basis for the first 10 years of the initiative; identify alternatives for reducing the cost impacts; determine the effect upon any manufacturing facility that acquires thermal and electric energy from a RGGI-designated power plant; and identify recipients of revenues derived from electricity consumers under RGGI. The resolve requires the Public Advocate to submit a report and any suggested legislation to reduce the costs of RGGI implementation to the Joint Standing Committee on Utilities and Energy by January 1, 2008 and authorizes the committee to submit legislation on this subject to the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-274)

This amendment makes several changes to the study of the regional greenhouse gas initiative contained in the resolve. The amendment directs the Office of the Public Advocate to convene a study group to examine issues related to the impact of the regional greenhouse gas initiative on electricity prices for Maine consumers and to identify potential strategies to reduce the costs. The amendment also eliminates the requirements in the resolve that the study determine the effect of the initiative on certain manufacturing facilities and identify recipients of revenues resulting from the initiative. The amendment retains the provisions in the resolve requiring the Office of the Public Advocate to submit a report by January 1, 2008 and authorizing the Joint Standing Committee on Utilities and Energy to submit legislation on this subject to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 52 directs the Office of the Public Advocate to convene a study group to examine issues related to the impact of the regional greenhouse gas initiative on electricity prices for Maine consumers and to identify potential strategies to reduce the costs. The resolve requires the Office of the Public Advocate to submit a report to the Joint Standing Committee on Utilities and Energy by January 1, 2008 and authorizes the committee to submit legislation on this subject to the Second Regular Session of the 123rd Legislature.

LD 1382 An Act To Create a Utility District in Edgecomb **P & S 10**

Sponsor(s)	Committee Report	Amendments Adopted
MCKANE	OTP-AM	H-113

This bill creates the Edgecomb Utility District, subject to approval by referendum vote.

Committee Amendment "A" (H-113)

This amendment adds a provision to the bill to authorize the Edgecomb Utility District to purchase the water and wastewater assets of the Town of Edgecomb. It also incorporates that provision into the referendum question.

Enacted Law Summary

Private and Special Law 2007, chapter 10 creates the Edgecomb Utility District and authorizes the Edgecomb Utility District to purchase the water and wastewater assets of the Town of Edgecomb, subject to approval by referendum vote.

LD 1383 An Act To Enhance Availability of Emergency Telephone Services **PUBLIC 226**

Sponsor(s)	Committee Report	Amendments Adopted
ADAMS	OTP-AM MAJ ONTP MIN	H-282

This bill requires local exchange carriers to provide dial tone for E-9-1-1 purposes, or "soft dial tone," on all residential customer telephone lines in the state. The "soft dial tone" must be maintained by the carrier regardless of whether telephone service is in place at the premises and must continue after telephone service is disconnected for any reason, for as long as the local exchange carrier is the last carrier to provide service at that location.

Committee Amendment "A" (H-282)

This amendment replaces the bill. The amendment requires the Public Utilities Commission to establish, by major substantive rule, requirements for the provision of E-9-1-1 access to the premises of a residential telephone customer when telephone service to the premises has been otherwise suspended or disconnected. The rules must address, but are not limited to, the circumstances in which E-9-1-1 access-only service is and is not required and which telephone service providers are and are not subject to the requirements. The amendment requires the commission to submit provisionally adopted rules to the Legislature by January 15, 2008 and authorizes the Joint Standing Committee on Utilities and Energy to submit legislation to the Second Regular Session of the 123rd Legislature regarding E-9-1-1 access-only service.

Enacted Law Summary

Public Law 2007, chapter 226 requires the Public Utilities Commission to establish, by major substantive rule, requirements for the provision of E-9-1-1 access to the premises of a residential telephone customer when telephone service to the premises has been otherwise suspended or disconnected. The rules must address, but are not limited to, the circumstances in which E-9-1-1 access-only service is and is not required and which telephone service providers are and are not subject to the requirements. The law requires the commission to submit provisionally adopted rules to the Legislature by January 15, 2008 and authorizes the Joint Standing Committee on Utilities and Energy to submit legislation to the Second Regular Session of the 123rd Legislature regarding E-9-1-1 access-only service.

LD 1495 **An Act To Reduce Additional State Fees for Consumer-owned Electric Utility Customers** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SNOWE-MELLO	ONTP	

This bill provides that any state fee or other charge may not be imposed on a consumer-owned transmission and distribution utility or on its customers' bills unless it is approved by a 2/3 vote of all members of each House of the Legislature. The bill defines "state fee or other charge" as any fee or charge imposed by any state law or rule or by the Public Utilities Commission or any other state agency, except that it does not include state taxes under Title 36.

LD 1573 **An Act To Encourage and Facilitate Regional Utility Districts** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
TREAT	ONTP	

Under current law, a consumer-owned water utility may choose to make no investment in a water main extension and may require anyone requesting an extension to advance to the utility the entire cost of the extension. This bill grants that same authority to sewer districts and sanitary districts. Under current law, if a consumer-owner water utility chooses to invest consumer funds in water main extensions, the Public Utilities Commission provides clear policy and procedures governing investment in water main extensions, including investment amounts and the process for making such investments. This bill requires that a sewer district or sanitary district that chooses to invest in sewer main extensions first adopt similar investment policies for the protection of its ratepayers. The bill also prohibits a consumer-owned water utility, sewer district or sanitary district from lending district funds to any person requesting a water or sewer extension. The bill also specifies that the assets of water districts, sewer districts and sanitary districts are owned by the ratepayers of the district.

LD 1621 **An Act To Ensure the Reliability of Communications Equipment in Certain Buildings** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVAGE C	ONTP	

The intent of the bill is to improve the reliability of communications between emergency services providers and people inside buildings and structures in the event of an emergency. This bill establishes minimum requirements for radio and cellular telephone communications capabilities for the construction and renovation of certain buildings and structures.

LD 1625 **An Act To Protect Maine Consumers from Windfall Profits of Generators** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill would authorize the State to impose a windfall profits tax on the increased revenues electric generators who are not required to purchase carbon dioxide offset

credits under the Regional Greenhouse Gas Initiative will receive from the effect of carbon dioxide credit costs on the clearing price of electricity in New England. Only generators that sell electricity through the market administered by ISO-New England and that do not have to purchase carbon dioxide offset credits would be subject to the windfall profits tax. Revenues from the windfall profits tax would be held in trust and administered by the Public Utilities Commission to benefit electricity consumers.

LD 1644 **Resolve, To Establish a Stakeholder Group for the Establishment of Site Requirements for Wind Power** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
SAVIELLO	ONTP	

This resolve directs the Maine Land Use Regulation Commission to create a stakeholder group to review and establish site requirements for wind power.

Related to the subject of this bill, the Governor's Task Force on Wind Power Development in Maine was established on May 8, 2007 by Executive Order 31 FY 06/07.

LD 1655 **Resolve, To Improve the Energy Efficiency of Residential and Commercial Buildings** **RESOLVE 93**

Sponsor(s)	Committee Report	Amendments Adopted
HINCK	OTP-AM MAJ ONTP MIN	H-331

Currently, Maine law requires that all commercial new construction and renovation and multifamily residential construction must comply with the standards set forth in the Energy Efficiency Building Performance Standards Act. This bill requires that any new construction or renovation of any residential building must conform to the model building energy code developed by the Public Utilities Commission pursuant to the Maine Revised Statutes, Title 35-A, section 121. This bill also establishes an enforcement mechanism for ensuring compliance with the mandatory standards established for both residential and commercial construction.

Committee Amendment "A" (H-331)

This amendment replaces the bill with a resolve. The amendment directs the Public Utilities Commission and the Maine State Housing Authority to study the feasibility of and make recommendations for state policies or programs designed to increase compliance with the Maine Model Building Energy Code. The amendment requires the Public Utilities Commission and the Maine State Housing Authority to report their findings to the Joint Standing Committee on Utilities and Energy by January 1, 2008 and authorizes the committee to submit legislation related to the resolve's subject matter to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 93 directs the Public Utilities Commission and the Maine State Housing Authority to study the feasibility of and make recommendations for state policies or programs designed to increase compliance with the Maine Model Building Energy Code. The resolve requires the Public Utilities Commission and the Maine State Housing Authority to report their findings to the Joint Standing Committee on Utilities and Energy by January 1, 2008 and authorizes the committee to submit legislation related to the resolve's subject matter to the Second Regular Session of the 123rd Legislature.

LD 1656 **An Act To Amend the Fryeburg Water District Charter** **P & S 11**
EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
MUSE	OTP-AM	H-114

This bill authorizes the Fryeburg Water District to purchase assets in East Conway, New Hampshire and to purchase the common stock of the Fryeburg Water Company.

Committee Amendment "A" (H-114)

This amendment adds language to the bill to specify that the authority of the Fryeburg Water District to purchase the common stock of the Fryeburg Water Company is limited to the acquisition of the stock for the sole purpose of allowing the Fryeburg Water District to acquire the Fryeburg Water Company.

Enacted Law Summary

Private and Special Law 2007, chapter 11 authorizes the Fryeburg Water District to purchase assets in East Conway, New Hampshire and to purchase the common stock of the Fryeburg Water Company, provided that the purchase of the common stock is for the sole purpose of allowing the Fryeburg Water District to acquire the Fryeburg Water Company.

Private and Special Law 2007, chapter 11 was enacted as an emergency measure effective May 10, 2007.

LD 1666 **Resolve, To Promote Energy Conservation in Schools** **RESOLVE 55**

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	OTP-AM	H-281

This resolve includes three provisions to increase energy conservation in schools.

It directs the Public Utilities Commission to amend its rules to provide school districts with additional funds under the Public Utilities Commission's Maine High Performing Schools program for cost-effective energy efficiency projects;

It directs the State Board of Education to collaborate with the Public Utilities Commission to enact new energy efficiency standards for new construction and renovations of existing school facilities and allows the State Board of Education to use current renovation loan and grant funds for energy efficiency retrofitting of school facilities; and

It requires school administrative units to yearly report energy consumption data to the Department of Education so that the department, the Public Utilities Commission and the Governor's Energy Office may quantify taxpayer and carbon dioxide savings from energy efficiency programs and directs the Department of Education and Public Utilities Commission to set the goal of 30% reduction in overall public school energy consumption by the year 2014.

Committee Amendment "A" (H-281)

This amendment replaces the resolve. The amendment directs the Public Utilities Commission to develop a plan to increase energy efficiency and conservation in school facilities in the State, to promote opportunities for school

administrative units to participate in the Public Utilities Commission's Efficiency Maine programs and to encourage data collection on school energy consumption and costs. The amendment requires the commission to report on the plan as part of the annual report of the Efficiency Maine program.

Enacted Law Summary

Resolve 2007, chapter 55 directs the Public Utilities Commission to develop a plan to increase energy efficiency and conservation in school facilities in the State, to promote opportunities for school administrative units to participate in the Public Utilities Commission's Efficiency Maine programs and to encourage data collection on school energy consumption and costs. The resolve requires the commission to report on the plan as part of the annual report that is required for the Efficiency Maine program.

LD 1675 Resolve, Regarding Full, Fair and Nondiscriminatory Access to the Internet — RESOLVE 106

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING	OTP-AM MAJ ONTP MIN	S-192

This bill requires Internet service providers offering service in the State to offer nondiscriminatory access to the Internet for all users. Elements of nondiscriminatory access, as provided in the bill, include offering Internet service on demand on a first-come, first-served basis, not blocking or interfering with access to content, applications or service, enabling any Internet content, application or service to be provided on a nondiscriminatory basis, not restricting or impeding access between a content service provider and a customer and making its service available separate from content the provider may offer. The bill allows an Internet service provider to protect the security of a user's computer, offer consumer protection services and handle breaches of terms of service, provided that is done in a manner that meets the nondiscriminatory access requirements.

Committee Amendment "A" (S-192)

This amendment replaces the bill with a resolve. The amendment directs the Office of the Public Advocate to take several actions to monitor state and federal activity relating to full and fair access to the Internet and to submit a report summarizing the results of its activities to the Joint Standing Committee on Utilities and Energy by February 1, 2008.

Enacted Law Summary

Resolve 2007, chapter 106 directs the Office of the Public Advocate to take several actions to monitor state and federal activity relating to full and fair access to the Internet and to submit a report summarizing the results of its activities to the Joint Standing Committee on Utilities and Energy by February 1, 2008.

LD 1754 An Act To Incorporate the Greater Augusta Utility District — P & S 22

Sponsor(s)	Committee Report	Amendments Adopted
MITCHELL	OTP-AM	S-314

This bill is a concept draft pursuant to Joint Rule 208. This bill would accomplish the merger of the Augusta water and sewer districts and incorporate the Greater Augusta Utility District.

Enacted Law Summary

Private and Special Law 2007, chapter 22 creates the Greater Augusta Utility District subject to referendum. If approved by the voters of the City of Augusta and the voters of the City of Hallowell, it provides for the merger of

the Augusta Water District, the Augusta Sanitary District and the sewer functions of the Hallowell Water District to create the Greater Augusta Utility District. If approved by the voters of the City of Augusta but not the voters of the City of Hallowell, it provides for the merger of the Augusta Water District and the Augusta Sanitary District to create the Greater Augusta Utility District.

LD 1755 **An Act To Promote New Electrical Generation in Maine** **INDEF PP**

Sponsor(s)	Committee Report	Amendments Adopted
STRIMLING		

This bill is a concept draft pursuant to Joint Rule 208. This bill would authorize Maine Revenue Services to impose a windfall profits tax on capacity payments made to certain power plants in Maine. The tax would apply to capacity payments to generators during the years 2007, 2008, 2009 and 2010 for capacity payments for sales of energy and capacity transmitted through a transmission and distribution utility. Payments used exclusively in the tax year for the creation of new generation assets in Maine will not be subject to the tax. New generation is generation constructed after January 1, 2007 and before December 31, 2010. This bill was indefinitely postponed prior to being referenced to a committee.

LD 1767 **An Act To Encourage Community Network Development** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
PERRY J	ONTP	

This bill establishes the Education and Municipal Technology Advisory Committee to provide oversight and advice to community networks and to aid in the development and maintenance of community networks by municipalities in partnership with local schools. Under the bill, a community network is defined as a computer system within a municipality that provides free or low-cost access to information and services through a centrally managed network or intranet or Internet connection or any combination of network and connections. The bill makes a one-time appropriation for the purpose of establishing a grant program from a fund to be administered by the advisory committee to aid in the development of community networks and an ongoing appropriation for expenses of the advisory committee members.

The Joint Standing Committee on Utilities and Energy, by letter dated 6/14/07, requested that the ConnectME Authority take steps to encourage the development of community networks and report back to the committee by January 15, 2008.

LD 1836 **An Act To Save Money for Maine Energy Consumers through Enhanced Energy Efficiency** **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	ONTP	

This bill directs the Public Utilities Commission to establish the Energy Efficiency Stakeholder Board to advise and assist the commission, other agencies, utilities and publicly directed energy efficiency program administrators in the design, implementation and review of a comprehensive energy savings plan to implement cost-effective energy conservation programs and market transformation initiatives. The bill sets an assessment rate on transmission and distribution utilities to fund conservation programs and specifies the method of

apportionment of funds collected for conservation programs among groups of customers.

The bill also amends the laws governing rate-adjustment mechanisms for transmission and distribution utilities as they relate to utility sales and earnings. It specifically directs the Public Utilities Commission to adopt provisions to sever the link between sales and earnings, often referred to as "decoupling."

The Joint Standing Committee on Utilities and Energy, by letter dated 6/14/07, requested that the Public Utilities Commission, the Office of the Public Advocate and the Governor's Office of Energy Independence and Security convene a stakeholder group to discuss decoupling and rate design options to reduce incentives for utilities to encourage increased electricity consumption and report back to the committee by January 15, 2008.

LD 1837 An Act To Harmonize State and Federal Laws on Do-not-call Lists **PUBLIC 227**

Sponsor(s)	Committee Report	Amendments Adopted
BARTLETT	OTP	

This bill makes changes to bring state law into conformance with federal laws regarding the establishment and enforcement of a do-not-call list that allows resident consumers to opt out of being solicited by telephone.

Enacted Law Summary

Public Law 2007, chapter 227 makes changes to bring state law into conformance with federal laws regarding the establishment and enforcement of a do-not-call list that allows resident consumers to opt out of being solicited by telephone.

LD 1866 An Act To Revise Maine's Utility Reorganization Laws **DIED BETWEEN HOUSES**

Sponsor(s)	Committee Report	Amendments Adopted
SULLIVAN	OTP-AM MAJ ONTP MIN	

This bill adds several new criteria for approval by the Public Utilities Commission of the reorganization, merger, consolidation, sale or other transfer of property involving a Maine public utility with annual revenues greater than $50 million. Specifically, the bill states that commission may only approve a reorganization, merger, consolidation, sale or other transfer of property involving such a utility if the commission finds that the proposal will: (a) advance the economic development and information access goals of the State's telecommunications policy to the extent applicable to the type of utility involved, (b) result in short-term and long-term economic benefits to ratepayers, and (c) be consistent with the interests of the utility's investors.

The bill also increases the filing fee for a reorganization involving a utility with revenues greater than $50 million from $50,000 to $100,000.

Finally, the bill specifies that the provisions in the bill apply to any decision of the Public Utilities Commission after the effective date of this Act, including decisions made involving proceedings that are pending before the commission prior to the effective date.

Committee Amendment "A" (S-191)

This amendment (not adopted) changes several provisions of the bill relating to the additional criteria for approval required for a merger, consolidation, reorganization or sale involving a Maine public utility with

annual revenues greater than $50,000,000. Specifically, the amendment:

Limits the application of these additional criteria for approval to transactions that would result in a change of ownership and control of the public utility;

Changes the criteria for approval relating to benefits to ratepayers from a standard of "short-term and long-term economic benefits" to a standard of "net benefits"; and

Adds a provision authorizing the Public Utilities Commission to impose conditions on a reorganization that is subject to the additional standards to ensure that the transaction will satisfy those standards.

The Joint Standing Committee on Utilities and Energy, by letter dated 6/14/07, requested that the Public Utilities Commission, in its review of the proposed merger and reorganization of Verizon and FairPoint Communications, give due consideration to several specific issues relating to the stated benefits of the merger and economic development issues for the State.

LD 1918 **An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine** **CARRIED OVER**

Sponsor(s)	Committee Report	Amendments Adopted
BERRY		

Current law establishes an assessment on a licensee operating an interim spent nuclear fuel storage facility in this State. This assessment is scheduled to decrease from $360,000 per year in calendar year 2007 to $296,667 in calendar year 2008 and to $170,000 beginning in 2009 continuing at that amount until all spent nuclear fuel is removed from the State. This bill eliminates the reductions in the assessment that exist in current law and establishes the assessment amount in years 2008 and beyond at a level of $360,000 indexed to the rate of inflation using the Consumer Price Index. This bill also imposes an additional assessment of $500,000 beginning in August 15, 2007 and every 5 years thereafter, also indexed to the rate of inflation, to pay for costs associated with the replacement of depreciated or obsolete capital equipment. Once the spent nuclear fuel is removed from the facility, these additional payments are no longer required.

This bill was carried over by H.P. 1369 to any special or regular session of the 123rd Legislature.

LD 1920 **An Act To Stimulate Demand for Renewable Energy** **PUBLIC 403**

Sponsor(s)	Committee Report	Amendments Adopted
	OTP MAJ ONTP MIN	H-516 PIEH

Current law establishes as a policy of the State the goal of increasing the share of new renewable capacity resources as a percentage of the total capacity resources in this State by 10% by 2017. This bill implements that policy goal by establishing portfolio requirements for new renewable capacity resources, beginning at 1% for calendar year 2008 and increasing by one percentage point per year, ending at 10% in 2017.

The bill allows competitive electricity providers to meet the portfolio requirements for new renewable capacity resources through the use of renewable energy credits or an alternative compliance payment to be set by the Public Utilities Commission. The bill allows the commission to suspend increases in the portfolio requirements for new renewable capacity resources if it finds that investment in new renewable capacity resources is insufficient and the

resulting use of the renewable energy credits or alternative compliance payments has burdened electricity customers, and it requires the commission to suspend these portfolio requirements if the alternative compliance payments are used to meet the requirements for 3 or more consecutive years. The bill requires the commission to report annually to the Legislature regarding the status of new renewable capacity resources and compliance with the portfolio requirements for new renewable capacity resources.

Beginning July 1, 2008, the bill allows for information regarding the availability of green power products and renewable energy credit products offered by competitive electricity providers and certified by the Public Utilities Commission to be presented, at the option of the provider and with the cooperation of the utility, through inserts in customer bills issued by transmission and distribution utilities. The bill requires the Public Utilities Commission to report, no later than January 31, 2010, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding green power options that have been certified and promoted since July 1, 2008. The provisions regarding green power options are repealed July 1, 2010.

House Amendment "A" (H-516)

This amendment clarifies that "green power supply" includes anaerobic digestion of agricultural products, byproducts or wastes.

Enacted Law Summary

Public Law 2007, chapter 403 establishes portfolio requirements for new renewable capacity resources, beginning at 1% for calendar year 2008 and increasing by one percentage point per year, ending at 10% in 2017. The law allows competitive electricity providers to meet the portfolio requirements for new renewable capacity resources through the use of renewable energy credits or an alternative compliance payment to be set by the Public Utilities Commission. The law allows the commission to suspend increases in the portfolio requirements for new renewable capacity resources if it finds that investment in new renewable capacity resources is insufficient and the resulting use of the renewable energy credits or alternative compliance payments has burdened electricity customers, and it requires the commission to suspend these portfolio requirements if the alternative compliance payments are used to meet the requirements for 3 or more consecutive years. The law requires the commission to report annually to the Legislature regarding the status of new renewable capacity resources and compliance with the portfolio requirements for new renewable capacity resources.

Beginning July 1, 2008, this law allows for information regarding the availability of green power products and renewable energy credit products offered by competitive electricity providers and certified by the Public Utilities Commission to be presented, at the option of the provider and with the cooperation of the utility, through inserts in customer bills issued by transmission and distribution utilities. The law requires the Public Utilities Commission to report, no later than January 31, 2010, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding green power options that have been certified and promoted since July 1, 2008. The provisions regarding green power options are repealed July 1, 2010.

Joint Standing Committee on Utilities and Energy

SUBJECT INDEX

Cable Television

Enacted

LD 1063	An Act Regarding Cable Television Service Outages	PUBLIC 104

Not Enacted

LD 240	An Act To Establish a Discounted Cable Rate for Senior Citizens and Assisted Living Facilities	ACCEPTED ONTP REPORT
LD 420	An Act Providing for Regulation of the Cable Television Industry by the Public Utilities Commission	ONTP

E911

Enacted

LD 547	An Act To Create Fairness in E-9-1-1 Funding	PUBLIC 68
LD 627	An Act To Ensure Uniform Emergency Medical Dispatch Services in Maine	PUBLIC 42 EMERGENCY

Not Enacted

LD 593	Resolve, To Establish a Second Public Safety Answering Point for Kennebec County	INDEF PP
LD 1012	Resolve, To Require the Emergency Services Communication Bureau To Send E-9-1-1 Changes of Address Information to State Licensing Agencies	ONTP

Electricity

Enacted

LD 229	An Act To Facilitate the Establishment of Tribal Electric Utility Districts	PUBLIC 189
LD 268	An Act Regarding the Long-term Contracting Authority of the Public Utilities Commission	PUBLIC 293
LD 413	Resolve, Regarding the Reentry of Electric Utilities into the Energy Supply Business	RESOLVE 54

LD 678	An Act Regarding Eminent Domain Authority and Certificate of Public Convenience and Necessity Requirements for the Construction of Transmission Lines	PUBLIC 148
LD 813	An Act To Provide an Energy Allowance to At-home Patients Using Ventilators	PUBLIC 97
LD 969	Resolve, Regarding Legislative Review of Chapter 316, Long Term Contracting and Resource Adequacy, a Major Substantive Rule of the Public Utilities Commission	RESOLVE 35 EMERGENCY
LD 1381	Resolve, To Ensure the Success of Regional Climate Change Efforts	RESOLVE 52

Not Enacted

LD 230	An Act To Clarify the Scope of Conservation Programs with Respect to Electricity Use	ONTP
LD 393	Resolve, Establishing a Commission To Develop Methods for the State To Promote the Generation of Electrical Power in an Environmentally Sound Manner and Independent of Foreign Fuel Imports	ACCEPTED ONTP REPORT
LD 398	An Act To Require Transmission Lines To Be Placed Underground near Certain Facilities	CARRIED OVER
LD 435	An Act To Require Utilities and Competitive Service Providers To Pay Interest on Overestimates of Electric	CARRIED OVER
LD 742	An Act Concerning Wholesale Power Purchases by Consumer-owned Transmission and Distribution Utilities	ONTP
LD 743	An Act To Allow Transmission and Distribution Utilities To Generate and Sell Power	ONTP
LD 764	An Act To Clarify Standards for Issuance of a Certificate of Public Convenience and Necessity	ONTP
LD 1098	An Act To Promote Electricity Transmission Independence	CARRIED OVER
LD 1148	An Act To Protect Electric Ratepayers	ONTP
LD 1221	An Act To Amend the Charter of the Kennebunk Light and Power District	CARRIED OVER
LD 1248	An Act To Establish the Northern Maine Power Agency	CARRIED OVER
LD 1339	Resolve, To Reduce Energy Costs for Consumers	ONTP
LD 1340	An Act To Enhance the Reliability and Competitiveness of Maine's Electricity Market	ONTP
LD 1495	An Act To Reduce Additional State Fees for Consumer-owned Electric Utility Customers	ONTP

LD 1625	An Act To Protect Maine Consumers from Windfall Profits of Generators	ONTP
LD 1755	An Act To Promote New Electrical Generation in Maine	INDEF PP
LD 1836	An Act To Save Money for Maine Energy Consumers through Enhanced Energy Efficiency	ONTP

Energy

Enacted

LD 645	An Act To Promote Municipal Energy Conservation	PUBLIC 66
LD 1284	Resolve, Regarding the Organization and Administration of Energy Policy Responsibilities within State Government	RESOLVE 59
LD 1655	Resolve, To Improve the Energy Efficiency of Residential and Commercial Buildings	RESOLVE 93
LD 1666	Resolve, To Promote Energy Conservation in Schools	RESOLVE 55

Miscellaneous

Enacted

LD 1360	An Act To Permit the University of Maine System To Install Lines on Utility Facilities in Public Rights-of-way	PUBLIC 268 EMERGENCY

Nuclear Power

Not Enacted

LD 1918	An Act To Ensure Adequate Funding for the Oversight of Spent Nuclear Fuel Storage in Maine	CARRIED OVER

Public Utilities Commission

Enacted

LD 267	An Act To Ensure Proper Funding of the Public Utilities Commission	PUBLIC 16 EMERGENCY

Not Enacted

LD 1143	An Act To Prevent the Public Utilities Commission from Disclosing Private Information to the Federal Government	ONTP
LD 1866	An Act To Revise Maine's Utility Reorganization Laws	DIED BETWEEN HOUSES

Renewable Resources

Enacted

LD 36	An Act To Transfer the Administration of the Renewable Resource Fund from the State Planning Office to the Public Utilities Commission	PUBLIC 18 EMERGENCY
LD 134	An Act To Encourage the Use of Solar Energy	PUBLIC 29
LD 795	An Act Regarding the Solar Energy Rebate Program	PUBLIC 158
LD 1071	An Act Regarding Energy-generating Facilities	PUBLIC 160
LD 1302	Resolve, To Preserve Maine's Electric Energy Infrastructure	RESOLVE 37
LD 1347	Resolve, Regarding Alternative Fuel Incentives To Stimulate the Production, Distribution and Use of Biofuels	RESOLVE 51
LD 1920	An Act To Stimulate Demand for Renewable Energy	PUBLIC 403

Not Enacted

LD 290	An Act To Encourage the Use of Solar Energy	ONTP
LD 409	Resolve, To Study Alternative Fuel Use by Schools and Public Buildings	ONTP
LD 759	An Act To Increase the Percentage of Renewable Power in Systems of Very Large Investor-owned Transmission and Distribution Utilities	ONTP
LD 1030	An Act To Encourage Cogeneration	ONTP
LD 1068	An Act To Enhance Maine's Energy Independence and Security	ONTP
LD 1079	Resolve, Establishing the Commission To Study Biofuel Use in School Districts	ONTP
LD 1099	An Act To Encourage Wind Energy Development	CARRIED OVER
LD 1160	Resolve, To Encourage the Development of Water Power To Provide for Maine's Energy Needs	ONTP
LD 1331	An Act To Encourage Community Wind Power Projects	ONTP
LD 1346	An Act To Enhance Maine's Energy Independence and Reduce Electricity Costs	ONTP

LD 1644	Resolve, To Establish a Stakeholder Group for the Establishment of Site Requirements for Wind Power	ONTP

Telecommunications

Enacted

LD 536	An Act To Promote Efficiency in the Use of the Communications Equipment Fund	PUBLIC 224 EMERGENCY
LD 765	Resolve, Regarding Legislative Review of Portions of ConnectME Authority, Chapter 101, a Major Substantive Rule of the Governor's Office	RESOLVE 27 EMERGENCY
LD 1383	An Act To Enhance Availability of Emergency Telephone Services	PUBLIC 226
LD 1675	Resolve, Regarding Full, Fair and Nondiscriminatory Access to the Internet	RESOLVE 106
LD 1837	An Act To Harmonize State and Federal Laws on Do-not-call Lists	PUBLIC 227

Not Enacted

LD 33	An Act To Simplify Wireless Telecommunications	ONTP
LD 242	An Act To Establish a "Do Not Fax" List	ONTP
LD 369	An Act To Require High-speed Internet Access for All Maine Residents	ONTP
LD 498	An Act To Limit the Charges for a Lost Cell Phone	ONTP
LD 710	An Act To Promote Rural Broadband Access	ONTP
LD 1216	Resolve, To Establish a Study Commission To Stimulate Telecommunications Investment, Economic Development and Job Creation	CARRIED OVER
LD 1621	An Act To Ensure the Reliability of Communications Equipment in Certain Buildings	ONTP
LD 1767	An Act To Encourage Community Network Development	ONTP

Water/Sewer - Charters

Enacted

LD 878	An Act To Amend the Charter of the Harrison Water District	P & S 4 EMERGENCY

LD 941	An Act To Amend the Charter of the Long Pond Water District	P & S 5 EMERGENCY
LD 993	An Act To Amend the Charter of the Winterport Water District	P & S 8
LD 1205	An Act To Amend the Laws Preventing the Pollution of Portland's Water Supply	P & S 15
LD 1236	An Act To Create the Princeton Water District	P & S 6 EMERGENCY
LD 1303	An Act To Establish the Columbia Falls Village Water District	P & S 12 EMERGENCY
LD 1382	An Act To Create a Utility District in Edgecomb	P & S 10
LD 1656	An Act To Amend the Fryeburg Water District Charter	P & S 11 EMERGENCY
LD 1754	An Act To Incorporate the Greater Augusta Utility District	P & S 22

Water/Sewer - General

Enacted

LD 1151	An Act To Streamline the Review of Minor Tariff Filings of Consumer-owned Water Utilities	PUBLIC 127
LD 1153	An Act To Allow Affordable Housing Discretionary Water and Sewer Fee Waivers	PUBLIC 174

Not Enacted

LD 352	An Act To Provide an Appeal Process Regarding Rate Increases of Certain Quasi-municipal Districts and Corporations	ONTP
LD 940	Resolve, To Protect the Future of the Sebago Lake Water Supply	ACCEPTED ONTP REPORT
LD 1573	An Act To Encourage and Facilitate Regional Utility Districts	ONTP

APPENDIX A

SESSION STATISTICS

OVERALL AND
BY INDIVIDUAL COMMITTEE

123rd LEGISLATURE
FIRST REGULAR SESSION

Summary for All Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of All Bills/Papers
A. Bills referred to Committee		
Bills referred and voted out	1736 [1]	89.9%
Bills Carried Over	169	8.8%
Total Bills referred	**1905**	98.7%
B. Bills reported out by law or joint order	**10**	0.5%
C. Bills introduced without reference	**16**	0.8%
Total Bills considered by Legislature	**1931**	100.0%
Orders and Resolutions referred to Committees		
Joint Study Orders referred and voted out	0	0.0%
Joint Resolutions referred and voted out	1	100.0%
Orders and Resolutions Carried Over	0	0.0%
Total Orders and Resolutions Referred	**0**	100.0%

II. BILLS AND PAPERS REPORTED OUT OF COMMITTEES	Number	% of All Committee Reports
A. Unanimous committee reports		
Ought to Pass	115	6.6%
Ought to Pass as Amended	479	27.4%
Ought to Pass as New Draft	0	0.0%
Ought Not to Pass	905	51.8%
Total unanimous reports	**1499**	**85.9%**
B. Divided committee reports		
Two-way reports	234	13.4%
Three-way reports	13	0.7%
Four-way reports	0	0.0%
Total divided reports	**247**	**14.1%**
Total Committee reports	**1746**	**91.2%**

III. CONFIRMATION HEARINGS		N/A

IV. FINAL DISPOSITION	Number	% of All Bills/Rules
A. Bills and Papers enacted or finally passed		
Joint Study Orders	9	0.0%
Public laws	469	24.3%
Private and Special Laws	31	1.6%
Resolves	143	7.4%
Constitutional Resolutions	0	0.0%
Total Enacted or Finally Passed	**652**	**33.8%**
B. Resolves to authorize major substantive rules		
Rules authorized without legislative changes	14	58.3%
Rules authorized with legislative changes	9	37.5%
Rules not authorized by the Legislature	1	4.2%
Total number of rules reviewed	**24**	**100.0%**
C. Bills Reviewed by Judiciary Committee for Confidentiality	**11**	
D. Bills vetoed or held by Governor		
Vetoes over-ridden	0	0.0%
Vetoes sustained	1	0.1%
Held by the Governor	1	0.1%
Total	**2**	**0.1%**

JOINT STANDING COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	56	90.3%	2.9%
Bills Carried Over	5	8.1%	0.3%
Total Bills referred	**61**	**98.4%**	**3.2%**
B. Bills reported out by law or joint order	**1**	**1.6%**	**0.1%**
Total Bills considered by Committee	**62**	**100.0%**	**3.2%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	4	7.0%	0.2%
Ought to Pass as Amended	30	52.6%	1.7%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	20	35.1%	1.1%
Total unanimous reports	**54**	**94.7%**	**3.1%**
B. Divided committee reports			
Two-way reports	3	5.3%	0.2%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**3**	**5.3%**	**0.2%**
Total committee reports	**57**	**91.9%**	**3.3%**
III. CONFIRMATION HEARINGS	**9**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	24	38.7%	1.2%
Private and Special Laws	0	0.0%	0.0%
Resolves	13	21.0%	0.7%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**37**	**59.7%**	**1.9%**
B. Major substantive rules			
Authorized without legislative changes	2	40.0%	8.3%
Authorized with legislative changes	2	40.0%	8.3%
Not authorized by the Legislature	1	20.0%	4.2%
Total number of rules reviewed	**5**	**100.0%**	**20.8%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	93	80.2%	4.8%
Bills Carried Over	23	19.8%	1.2%
Total Bills referred	**116**	**100.0%**	**6.0%**
B. Bills reported out by law or joint order	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**116**	**100.0%**	**6.0%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	9	9.7%	0.5%
Ought to Pass as Amended	3	3.2%	0.2%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	78	83.9%	4.5%
Total unanimous reports	**90**	**96.8%**	**5.2%**
B. Divided committee reports			
Two-way reports	3	3.2%	0.2%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**3**	**3.2%**	**0.2%**
Total committee reports	**93**	**80.2%**	**5.3%**
III. CONFIRMATION HEARINGS	**0**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	3	2.6%	0.2%
Private and Special Laws	4	3.4%	0.2%
Resolves	1	0.9%	0.1%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**8**	**6.9%**	**0.4%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	102	93.6%	5.3%
Bills Carried Over	7	6.4%	0.4%
Total Bills referred	**109**	**100.0%**	**5.6%**
B. Bills reported out by law or joint order	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**109**	**100.0%**	**5.6%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	4	3.9%	0.2%
Ought to Pass as Amended	32	31.4%	1.8%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	54	52.9%	3.1%
Total unanimous reports	**90**	**88.2%**	**5.2%**
B. Divided committee reports			
Two-way reports	11	10.8%	0.6%
Three-way reports	1	1.0%	0.1%
Four-way reports	0	0.0%	0.0%
Total divided reports	**12**	**11.8%**	**0.7%**
Total committee reports	**102**	**93.6%**	**5.8%**
III. CONFIRMATION HEARINGS	**3**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	26	23.9%	1.3%
Private and Special Laws	1	0.9%	0.1%
Resolves	11	10.1%	0.6%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**38**	**34.9%**	**2.0%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	108	85.0%	5.6%
Bills Carried Over	19	15.0%	1.0%
Total Bills referred	**127**	**100.0%**	**6.6%**
B. Bills reported out by law or joint order	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**127**	**100.0%**	**6.6%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	5	4.6%	0.3%
Ought to Pass as Amended	20	18.5%	1.1%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	68	63.0%	3.9%
Total unanimous reports	**93**	**86.1%**	**5.3%**
B. Divided committee reports			
Two-way reports	13	12.0%	0.7%
Three-way reports	2	1.9%	0.1%
Four-way reports	0	0.0%	0.0%
Total divided reports	**15**	**13.9%**	**0.9%**
Total committee reports	**108**	**85.0%**	**6.2%**
III. CONFIRMATION HEARINGS	**3**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	1	0.0%	0.0%
Public laws	27	21.3%	1.4%
Private and Special Laws	0	0.0%	0.0%
Resolves	3	2.4%	0.2%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**31**	**24.4%**	**1.6%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	111	94.9%	5.7%
Bills Carried Over	6	5.1%	0.3%
Total Bills referred	**117**	**100.0%**	**6.1%**
B. Bills reported out by law or joint order	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**117**	**100.0%**	**6.1%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	9	8.1%	0.5%
Ought to Pass as Amended	22	19.8%	1.3%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	52	46.8%	3.0%
Total unanimous reports	**83**	**74.8%**	**4.8%**
B. Divided committee reports			
Two-way reports	26	23.4%	1.5%
Three-way reports	2	1.8%	0.1%
Four-way reports	0	0.0%	0.0%
Total divided reports	**28**	**25.2%**	**1.6%**
Total committee reports	**111**	**94.9%**	**6.4%**
III. CONFIRMATION HEARINGS	**6**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	19	16.2%	1.0%
Private and Special Laws	4	3.4%	0.2%
Resolves	17	14.5%	0.9%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**40**	**34.2%**	**2.1%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	4	66.7%	16.7%
Rules authorized with legislative changes	2	33.3%	8.3%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**6**	**100.0%**	**25.0%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON HEALTH AND HUMAN SERVICES

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	163	94.8%	8.4%
Bills Carried Over	8	4.7%	0.4%
Total Bills referred	**171**	**99.4%**	**8.9%**
B. Bills reported out by law or joint order	**1**	**0.6%**	**0.1%**
Total Bills considered by Committee	**172**	**100.0%**	**8.9%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	14	8.5%	0.8%
Ought to Pass as Amended	59	36.0%	3.4%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	70	42.7%	4.0%
Total unanimous reports	**143**	**87.2%**	**8.2%**
B. Divided committee reports			
Two-way reports	20	12.2%	1.1%
Three-way reports	1	0.6%	0.1%
Four-way reports	0	0.0%	0.0%
Total divided reports	**21**	**12.8%**	**1.2%**
Total committee reports	**164**	**95.3%**	**9.4%**
III. CONFIRMATION HEARINGS	**0**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	45	26.2%	2.3%
Private and Special Laws	2	1.2%	0.1%
Resolves	31	18.0%	1.6%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**78**	**45.3%**	**4.0%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	4	66.7%	16.7%
Rules authorized with legislative changes	2	33.3%	8.3%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**6**	**100.0%**	**25.0%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON INLAND FISHERIES AND WILDLIFE

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	74	94.9%	3.8%
Bills Carried Over	4	5.1%	0.2%
Total Bills referred	**78**	**100.0%**	**4.0%**
B. Bills reported out by law or joint order	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**78**	**100.0%**	**4.0%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	0	0.0%	0.0%
Ought to Pass as Amended	20	27.0%	1.1%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	33	44.6%	1.9%
Total unanimous reports	**53**	**71.6%**	**3.0%**
B. Divided committee reports			
Two-way reports	21	28.4%	1.2%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**21**	**28.4%**	**1.2%**
Total committee reports	**74**	**94.9%**	**4.2%**
III. CONFIRMATION HEARINGS	**2**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	23	29.5%	1.2%
Private and Special Laws	1	1.3%	0.1%
Resolves	4	5.1%	0.2%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**28**	**35.9%**	**1.5%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	83	90.2%	4.3%
Bills Carried Over	8	8.7%	0.4%
Total Bills referred	**91**	**98.9%**	**4.7%**
B. Bills reported out by law or joint order	**1**	**1.1%**	**0.1%**
Total Bills considered by Committee	**92**	**100.0%**	**4.8%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	9	10.7%	0.5%
Ought to Pass as Amended	23	27.4%	1.3%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	36	42.9%	2.1%
Total unanimous reports	**68**	**81.0%**	**3.9%**
B. Divided committee reports			
Two-way reports	15	17.9%	0.9%
Three-way reports	1	1.2%	0.1%
Four-way reports	0	0.0%	0.0%
Total divided reports	**16**	**19.0%**	**0.9%**
Total committee reports	**84**	**91.3%**	**4.8%**
III. CONFIRMATION HEARINGS	**2**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	36	39.1%	1.9%
Private and Special Laws	0	0.0%	0.0%
Resolves	3	3.3%	0.2%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**39**	**42.4%**	**2.0%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON JUDICIARY

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	114	86.4%	5.9%
Bills Carried Over	18	13.6%	0.9%
Total Bills referred	**132**	**100.0%**	**6.8%**
B. Bills reported out by law or joint order	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**132**	**100.0%**	**6.8%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	8	7.0%	0.5%
Ought to Pass as Amended	46	40.4%	2.6%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	50	43.9%	2.9%
Total unanimous reports	**104**	**91.2%**	**6.0%**
B. Divided committee reports			
Two-way reports	10	8.8%	0.6%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**10**	**8.8%**	**0.6%**
Total committee reports	**114**	**86.4%**	**6.5%**
III. CONFIRMATION HEARINGS	**15**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	52	39.4%	2.7%
Private and Special Laws	1	0.8%	0.1%
Resolves	5	3.8%	0.3%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**58**	**43.9%**	**3.0%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON LABOR

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	99	86.1%	5.1%
Bills Carried Over	16	13.9%	0.8%
Total Bills referred	**115**	**100.0%**	**6.0%**
B. Bills reported out by law or joint order	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**115**	**100.0%**	**6.0%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	9	9.1%	0.5%
Ought to Pass as Amended	30	30.3%	1.7%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	53	53.5%	3.0%
Total unanimous reports	**92**	**92.9%**	**5.3%**
B. Divided committee reports			
Two-way reports	7	7.1%	0.4%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**7**	**7.1%**	**0.4%**
Total committee reports	**99**	**86.1%**	**5.7%**
III. CONFIRMATION HEARINGS	**6**	**N/A**	**N/A**
	0		
	6		

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	32	27.8%	1.7%
Private and Special Laws	2	1.7%	0.1%
Resolves	3	2.6%	0.2%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**37**	**32.2%**	**1.9%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON LEGAL AND VETERANS AFFAIRS

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	108	91.5%	5.6%
Bills Carried Over	8	6.8%	0.4%
Total Bills referred	**116**	**98.3%**	**6.0%**
B. Bills reported out by law or joint order	**2**	**1.7%**	**0.1%**
Total Bills considered by Committee	**118**	**100.0%**	**6.1%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	6	5.5%	0.3%
Ought to Pass as Amended	24	21.8%	1.4%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	60	54.5%	3.4%
Total unanimous reports	**90**	**81.8%**	**5.2%**
B. Divided committee reports			
Two-way reports	20	18.2%	1.1%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**20**	**18.2%**	**1.1%**
Total committee reports	**110**	**93.2%**	**6.3%**
III. CONFIRMATION HEARINGS	**2**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	25	21.2%	1.3%
Private and Special Laws	1	0.8%	0.1%
Resolves	4	3.4%	0.2%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**30**	**25.4%**	**1.6%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	4.2%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**1**	**100.0%**	**4.2%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	1	0.8%	0.1%
Held by the Governor	0	0.0%	0.0%
Total	**1**	**0.8%**	**0.1%**

JOINT STANDING COMMITTEE ON MARINE RESOURCES

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	33	91.7%	1.7%
Bills Carried Over	3	8.3%	0.2%
Total Bills referred	**36**	**100.0%**	**1.9%**
B. Bills reported out by law or joint order	**0**	**0.0%**	**0.0%**
Total Bills considered by Committee	**36**	**100.0%**	**1.9%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	4	12.1%	0.2%
Ought to Pass as Amended	13	39.4%	0.7%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	6	18.2%	0.3%
Total unanimous reports	**23**	**69.7%**	**1.3%**
B. Divided committee reports			
Two-way reports	7	21.2%	0.4%
Three-way reports	3	9.1%	0.2%
Four-way reports	0	0.0%	0.0%
Total divided reports	**10**	**30.3%**	**0.6%**
Total committee reports	**33**	**91.7%**	**1.9%**
III. CONFIRMATION HEARINGS	**4**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	13	36.1%	0.7%
Private and Special Laws	0	0.0%	0.0%
Resolves	3	8.3%	0.2%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**16**	**44.4%**	**0.8%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	4.2%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**1**	**100.0%**	**4.2%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON NATURAL RESOURCES

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	74	96.1%	3.8%
Bills Carried Over	2	2.6%	0.1%
Total Bills referred	**76**	**98.7%**	**3.9%**
B. Bills reported out by law or joint order	**1**	**1.3%**	**0.1%**
Total Bills considered by Committee	**77**	**100.0%**	**4.0%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	5	6.7%	0.3%
Ought to Pass as Amended	32	42.7%	1.8%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	35	46.7%	2.0%
Total unanimous reports	**72**	**96.0%**	**4.1%**
B. Divided committee reports			
Two-way reports	3	4.0%	0.2%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**3**	**4.0%**	**0.2%**
Total committee reports	**75**	**97.4%**	**4.3%**
III. CONFIRMATION HEARINGS	**3**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	33	42.9%	1.7%
Private and Special Laws	0	0.0%	0.0%
Resolves	6	7.8%	0.3%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**39**	**50.6%**	**2.0%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	50.0%	4.2%
Rules authorized with legislative changes	1	50.0%	4.2%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**2**	**100.0%**	**8.3%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON STATE AND LOCAL GOVERNMENT

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	88	96.7%	4.6%
Bills Carried Over	2	2.2%	0.1%
Total Bills referred	**90**	**98.9%**	**4.7%**
B. Bills reported out by law or joint order	**1**	**1.1%**	**0.1%**
Total Bills considered by Committee	**91**	**100.0%**	**4.7%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	13	14.6%	0.7%
Ought to Pass as Amended	22	24.7%	1.3%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	33	37.1%	1.9%
Total unanimous reports	**68**	**76.4%**	**3.9%**
B. Divided committee reports			
Two-way reports	20	22.5%	1.1%
Three-way reports	1	1.1%	0.1%
Four-way reports	0	0.0%	0.0%
Total divided reports	**21**	**23.6%**	**1.2%**
Total committee reports	**89**	**97.8%**	**5.1%**
III. CONFIRMATION HEARINGS	**2**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	28	30.8%	1.5%
Private and Special Laws	3	3.3%	0.2%
Resolves	6	6.6%	0.3%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**37**	**40.7%**	**1.9%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON TAXATION

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	215	88.8%	11.1%
Bills Carried Over	26	10.7%	1.3%
Total Bills referred	**241**	**99.6%**	**12.5%**
B. Bills reported out by law or joint order	**1**	**0.4%**	**0.1%**
Total Bills considered by Committee	**242**	**100.0%**	**12.5%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	2	0.9%	0.1%
Ought to Pass as Amended	42	19.4%	2.4%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	150	69.4%	8.6%
Total unanimous reports	**194**	**89.8%**	**11.1%**
B. Divided committee reports			
Two-way reports	20	9.3%	1.1%
Three-way reports	2	0.9%	0.1%
Four-way reports	0	0.0%	0.0%
Total divided reports	**22**	**10.2%**	**1.3%**
Total committee reports	**216**	**89.3%**	**12.4%**
III. CONFIRMATION HEARINGS	**0**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	25	10.3%	1.3%
Private and Special Laws	2	0.8%	0.1%
Resolves	8	3.3%	0.4%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**35**	**14.5%**	**1.8%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	1	100.0%	4.2%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**1**	**100.0%**	**4.2%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

JOINT STANDING COMMITTEE ON TRANSPORTATION

Summary of Committee Actions

.LS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
Bills referred to Committee			
Bills referred and voted out	139	95.2%	7.2%
Bills Carried Over	6	4.1%	0.3%
Total Bills referred	**145**	**99.3%**	**7.5%**
Bills reported out by law or joint order	**1**	**0.7%**	**0.1%**
al Bills considered by Committee	**146**	**100.0%**	**7.6%**
lers and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

MMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
Unanimous committee reports			
Ought to Pass	8	5.7%	0.5%
Ought to Pass as Amended	36	25.7%	2.1%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	74	52.9%	4.2%
Total unanimous reports	**118**	**84.3%**	**6.8%**
Divided committee reports			
Two-way reports	22	15.7%	1.3%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**22**	**15.7%**	**1.3%**
al committee reports	**140**	**95.9%**	**8.0%**
NFIRMATION HEARINGS	**13**	**N/A**	**N/A**

AL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	35	24.0%	1.8%
Private and Special Laws	1	0.7%	0.1%
Resolves	14	9.6%	0.7%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**50**	**34.2%**	**2.6%**
Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**0**	**0.0%**	**0.0%**
Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	1	0.7%	0.1%
Total	**1**	**0.7%**	**0.1%**

JOINT STANDING COMMITTEE ON UTILITIES AND ENERGY

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	Number	% of Comm Activity	% of All Bills/Papers
A. Bills referred to Committee			
Bills referred and voted out	75	89.3%	3.9%
Bills Carried Over	8	9.5%	0.4%
Total Bills referred	**83**	**98.8%**	**4.3%**
B. Bills reported out by law or joint order	**1**	**1.2%**	**0.1%**
Total Bills considered by Committee	**84**	**100.0%**	**4.4%**
Orders and Resolutions referred to Committee			
Joint Study Orders referred and voted out	0	0.0%	0.0%
Joint Resolutions referred and voted out	0	0.0%	0.0%
Orders and Resolutions Carried Over	0	0.0%	0.0%
Total Orders and Resolutions Referred	**0**	**0.0%**	**0.0%**

II. COMMITTEE REPORTS	Number	% of this Committee's Reports	% of All Committee Reports
A. Unanimous committee reports			
Ought to Pass	6	7.9%	0.3%
Ought to Pass as Amended	25	32.9%	1.4%
Ought to Pass as New Draft	0	0.0%	0.0%
Ought Not to Pass	32	42.1%	1.8%
Total unanimous reports	**63**	**82.9%**	**3.6%**
B. Divided committee reports			
Two-way reports	13	17.1%	0.7%
Three-way reports	0	0.0%	0.0%
Four-way reports	0	0.0%	0.0%
Total divided reports	**13**	**17.1%**	**0.7%**
Total committee reports	**76**	**90.5%**	**4.4%**
III. CONFIRMATION HEARINGS	**3**	**N/A**	**N/A**

IV. FINAL DISPOSITION	Number	% of Comm Bills/Papers	% of All Bills/Papers
A. Bills and Papers enacted or finally passed			
Joint Study Orders	0	0.0%	0.0%
Public laws	20	23.8%	1.0%
Private and Special Laws	9	10.7%	0.5%
Resolves	10	11.9%	0.5%
Constitutional Resolutions	0	0.0%	0.0%
Total Enacted or Finally Passed	**39**	**46.4%**	**2.0%**
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	2	100.0%	8.3%
Rules not authorized by the Legislature	0	0.0%	0.0%
Total number of rules reviewed	**2**	**100.0%**	**8.3%**
C. Bills vetoed or held by Governor			
Vetoes over-ridden	0	0.0%	0.0%
Vetoes sustained	0	0.0%	0.0%
Held by the Governor	0	0.0%	0.0%
Total	**0**	**0.0%**	**0.0%**

APPENDIX B

CUMULATIVE INDEX BY LD NUMBER

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LD 4	280	LD 54	776	LD 104	472
LD 5	534	LD 55	890	LD 105	534
LD 6	887	LD 56	890	LD 106	586
LD 7	887	LD 57	1	LD 107	672
LD 8	887	LD 58	33	LD 108	672
LD 9	887	LD 59	33	LD 109	672
LD 10	584	LD 60	33	LD 110	729
LD 11	368	LD 61	469	LD 111	729
LD 12	283	LD 62	585	LD 112	892
LD 13	888	LD 63	33	LD 113	892
LD 14	888	LD 64	34	LD 114	892
LD 15	368	LD 65	34	LD 115	472
LD 16	651	LD 66	138	LD 116	369
LD 17	888	LD 67	139	LD 117	370
LD 18	889	LD 68	139	LD 118	34
LD 19	889	LD 69	140	LD 119	35
LD 20	218	LD 70	140	LD 120	35
LD 21	1	LD 71	141	LD 121	86
LD 22	283	LD 72	286	LD 122	143
LD 23	889	LD 73	470	LD 123	219
LD 24	889	LD 74	470	LD 124	535
LD 25	1	LD 75	534	LD 125	535
LD 26	775	LD 76	586	LD 126	370
LD 27	584	LD 77	651	LD 127	586
LD 28	283	LD 78	672	LD 128	673
LD 29	284	LD 79	776	LD 129	729
LD 30	86	LD 80	776	LD 130	730
LD 31	775	LD 81	777	LD 131	778
LD 32	137	LD 82	777	LD 132	778
LD 33	963	LD 83	777	LD 133	893
LD 34	218	LD 84	891	LD 134	964
LD 35	585	LD 85	891	LD 135	403
LD 36	963	LD 86	470	LD 136	535
LD 37	284	LD 87	287	LD 137	287
LD 38	285	LD 88	218	LD 138	404
LD 39	285	LD 89	891	LD 139	652
LD 40	285	LD 90	219	LD 140	652
LD 41	534	LD 91	142	LD 141	730
LD 42	585	LD 92	651	LD 142	730
LD 43	286	LD 93	34	LD 143	587
LD 44	218	LD 94	471	LD 144	778
LD 45	137	LD 95	891	LD 145	2
LD 46	138	LD 96	142	LD 146	143
LD 47	469	LD 97	287	LD 147	143
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LD 153	370	LD 203	589	LD 253	87
LD 154	731	LD 204	732	LD 254	475
LD 155	536	LD 205	732	LD 255	475
LD 156	652	LD 206	780	LD 256	537
LD 157	779	LD 207	780	LD 257	653
LD 158	779	LD 208	781	LD 258	673
LD 159	893	LD 209	895	LD 259	538
LD 160	893	LD 210	895	LD 260	782
LD 161	893	LD 211	895	LD 261	782
LD 162	371	LD 212	896	LD 262	783
LD 163	371	LD 213	896	LD 263	783
LD 164	371	LD 214	732	LD 264	898
LD 165	371	LD 215	37	LD 265	899
LD 166	372	LD 216	474	LD 266	899
LD 167	372	LD 217	733	LD 267	965
LD 168	289	LD 218	40	LD 268	966
LD 169	472	LD 219	146	LD 269	41
LD 170	652	LD 220	147	LD 270	88
LD 171	779	LD 221	222	LD 271	223
LD 172	779	LD 222	222	LD 272	223
LD 173	894	LD 223	475	LD 273	289
LD 174	780	LD 224	536	LD 274	375
LD 175	372	LD 225	537	LD 275	475
LD 176	588	LD 226	733	LD 276	784
LD 177	86	LD 227	781	LD 277	3
LD 178	473	LD 228	896	LD 278	405
LD 179	780	LD 229	964	LD 279	476
LD 180	894	LD 230	965	LD 280	149
LD 181	894	LD 231	405	LD 281	88
LD 182	145	LD 232	897	LD 282	289
LD 183	87	LD 233	537	LD 283	289
LD 184	221	LD 234	405	LD 284	375
LD 185	2	LD 235	897	LD 285	375
LD 186	35	LD 236	782	LD 286	476
LD 187	35	LD 237	782	LD 287	589
LD 188	36	LD 238	148	LD 288	784
LD 189	36	LD 239	148	LD 289	88
LD 190	36	LD 240	965	LD 290	967
LD 191	145	LD 241	897	LD 291	41
LD 192	146	LD 242	965	LD 292	41
LD 193	146	LD 243	734	LD 293	223
LD 194	36	LD 244	40	LD 294	150
LD 195	146	LD 245	898	LD 295	150
LD 196	221	LD 246	149	LD 296	476
LD 197	373	LD 247	40	LD 297	538
LD 198	473	LD 248	40	LD 298	784
LD 199	473	LD 249	734	LD 299	899
LD 200	474	LD 250	373	LD 300	589

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LD 303	476	LD 353	736	LD 403	654
LD 304	41	LD 354	477	LD 404	225
LD 305	42	LD 355	786	LD 405	292
LD 306	290	LD 356	376	LD 406	4
LD 307	375	LD 357	43	LD 407	903
LD 308	477	LD 358	786	LD 408	156
LD 309	590	LD 359	675	LD 409	969
LD 310	590	LD 360	728	LD 410	225
LD 311	653	LD 361	152	LD 411	44
LD 312	734	LD 362	153	LD 412	541
LD 313	785	LD 363	153	LD 413	969
LD 314	42	LD 364	291	LD 414	292
LD 315	42	LD 365	291	LD 415	406
LD 316	151	LD 366	376	LD 416	407
LD 317	223	LD 367	478	LD 417	44
LD 318	42	LD 368	787	LD 418	156
LD 319	900	LD 369	968	LD 419	408
LD 320	900	LD 370	225	LD 420	970
LD 321	901	LD 371	406	LD 421	377
LD 322	151	LD 372	155	LD 422	788
LD 323	538	LD 373	478	LD 423	157
LD 324	654	LD 374	43	LD 424	157
LD 325	785	LD 375	539	LD 425	44
LD 326	674	LD 376	43	LD 426	45
LD 327	901	LD 377	654	LD 427	45
LD 328	902	LD 378	156	LD 428	89
LD 329	152	LD 379	377	LD 429	293
LD 330	590	LD 380	3	LD 430	736
LD 331	405	LD 381	902	LD 431	408
LD 332	406	LD 382	540	LD 432	45
LD 333	674	LD 383	591	LD 433	481
LD 334	224	LD 384	654	LD 434	591
LD 335	43	LD 385	89	LD 435	970
LD 336	735	LD 386	291	LD 436	293
LD 337	785	LD 387	156	LD 437	676
LD 338	224	LD 388	406	LD 438	903
LD 339	290	LD 389	478	LD 439	412
LD 340	674	LD 390	479	LD 440	45
LD 341	477	LD 391	480	LD 441	89
LD 342	735	LD 392	540	LD 442	903
LD 343	224	LD 393	968	LD 443	676
LD 344	736	LD 394	787	LD 444	677
LD 345	675	LD 395	787	LD 445	46
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LD 347	376	LD 397	480	LD 447	903
LD 348	591	LD 398	968	LD 448	226
LD 349	786	LD 399	675	LD 449	90
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LD 452	91	LD 502	56	LD 552	485
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LD 456	412	LD 506	484	LD 556	738
LD 457	541	LD 507	484	LD 557	593
LD 458	592	LD 508	593	LD 558	791
LD 459	788	LD 509	656	LD 559	792
LD 460	788	LD 510	737	LD 560	230
LD 461	481	LD 511	906	LD 561	912
LD 462	227	LD 512	541	LD 562	792
LD 463	91	LD 513	907	LD 563	594
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LD 467	293	LD 517	160	LD 567	793
LD 468	228	LD 518	161	LD 568	295
LD 469	482	LD 519	294	LD 569	793
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LD 473	5	LD 523	737	LD 573	57
LD 474	904	LD 524	910	LD 574	295
LD 475	592	LD 525	92	LD 575	93
LD 476	413	LD 526	413	LD 576	912
LD 477	483	LD 527	788	LD 577	162
LD 478	904	LD 528	789	LD 578	413
LD 479	91	LD 529	789	LD 579	380
LD 480	91	LD 530	790	LD 580	485
LD 481	229	LD 531	790	LD 581	486
LD 482	229	LD 532	910	LD 582	793
LD 483	230	LD 533	911	LD 583	486
LD 484	230	LD 534	911	LD 584	487
LD 485	378	LD 535	911	LD 585	594
LD 486	378	LD 536	970	LD 586	657
LD 487	294	LD 537	677	LD 587	678
LD 488	483	LD 538	56	LD 588	487
LD 489	483	LD 539	379	LD 589	414
LD 490	592	LD 540	485	LD 590	414
LD 491	593	LD 541	542	LD 591	542
LD 492	655	LD 542	677	LD 592	913
LD 493	677	LD 543	790	LD 593	972
LD 494	905	LD 544	791	LD 594	57
LD 495	905	LD 545	911	LD 595	543
LD 496	906	LD 546	912	LD 596	295
LD 497	906	LD 547	971	LD 597	679
LD 498	970	LD 548	5	LD 598	6
LD 499	46	LD 549	542	LD 599	913
LD 500	294	LD 550	92	LD 600	793

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LD 602	488	LD 652	297	LD 702	740
LD 603	57	LD 653	382	LD 703	298
LD 604	163	LD 654	383	LD 704	298
LD 605	380	LD 655	383	LD 705	8
LD 606	163	LD 656	93	LD 706	917
LD 607	93	LD 657	59	LD 707	60
LD 608	489	LD 658	415	LD 708	491
LD 609	296	LD 659	489	LD 709	492
LD 610	794	LD 660	543	LD 710	975
LD 611	58	LD 661	543	LD 711	298
LD 612	58	LD 662	94	LD 712	544
LD 613	163	LD 663	596	LD 713	417
LD 614	231	LD 664	739	LD 714	492
LD 615	296	LD 665	795	LD 715	740
LD 616	381	LD 666	915	LD 716	796
LD 617	381	LD 667	917	LD 717	8
LD 618	381	LD 668	795	LD 718	60
LD 619	543	LD 669	917	LD 719	97
LD 620	595	LD 670	59	LD 720	171
LD 621	657	LD 671	95	LD 721	60
LD 622	739	LD 672	231	LD 722	299
LD 623	794	LD 673	165	LD 723	299
LD 624	794	LD 674	59	LD 724	299
LD 625	913	LD 675	415	LD 725	300
LD 626	914	LD 676	165	LD 726	300
LD 627	973	LD 677	95	LD 727	301
LD 628	489	LD 678	974	LD 728	383
LD 629	6	LD 679	739	LD 729	544
LD 630	93	LD 680	7	LD 730	598
LD 631	164	LD 681	490	LD 731	598
LD 632	164	LD 682	416	LD 732	598
LD 633	382	LD 683	596	LD 733	680
LD 634	382	LD 684	490	LD 734	740
LD 635	415	LD 685	491	LD 735	797
LD 636	595	LD 686	96	LD 736	797
LD 637	679	LD 687	416	LD 737	797
LD 638	739	LD 688	417	LD 738	798
LD 639	794	LD 689	543	LD 739	798
LD 640	795	LD 690	796	LD 740	917
LD 641	795	LD 691	658	LD 741	918
LD 642	914	LD 692	680	LD 742	975
LD 643	914	LD 693	796	LD 743	976
LD 644	915	LD 694	917	LD 744	61
LD 645	973	LD 695	7	LD 745	61
LD 646	58	LD 696	169	LD 746	61
LD 647	59	LD 697	169	LD 747	61
LD 648	382	LD 698	383	LD 748	97
LD 649	164	LD 699	596	LD 749	97
LD 650	296	LD 700	597	LD 750	97

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LD 753	301	LD 803	100	LD 853	235
LD 754	301	LD 804	63	LD 854	600
LD 755	302	LD 805	599	LD 855	101
LD 756	492	LD 806	64	LD 856	173
LD 757	545	LD 807	304	LD 857	493
LD 758	9	LD 808	304	LD 858	65
LD 759	976	LD 809	493	LD 859	306
LD 760	799	LD 810	681	LD 860	924
LD 761	799	LD 811	802	LD 861	10
LD 762	799	LD 812	923	LD 862	65
LD 763	545	LD 813	977	LD 863	65
LD 764	976	LD 814	546	LD 864	173
LD 765	976	LD 815	172	LD 865	387
LD 766	918	LD 816	802	LD 866	493
LD 767	9	LD 817	64	LD 867	494
LD 768	99	LD 818	64	LD 868	494
LD 769	171	LD 819	65	LD 869	547
LD 770	303	LD 820	100	LD 870	547
LD 771	384	LD 821	232	LD 871	548
LD 772	384	LD 822	385	LD 872	805
LD 773	418	LD 823	385	LD 873	926
LD 774	680	LD 824	386	LD 874	66
LD 775	918	LD 825	386	LD 875	11
LD 776	545	LD 826	387	LD 876	12
LD 777	62	LD 827	546	LD 877	805
LD 778	172	LD 828	803	LD 878	978
LD 779	492	LD 829	803	LD 879	806
LD 780	800	LD 830	923	LD 880	306
LD 781	919	LD 831	100	LD 881	806
LD 782	62	LD 832	173	LD 882	495
LD 783	385	LD 833	101	LD 883	306
LD 784	658	LD 834	232	LD 884	236
LD 785	740	LD 835	232	LD 885	806
LD 786	800	LD 836	234	LD 886	173
LD 787	801	LD 837	304	LD 887	387
LD 788	801	LD 838	305	LD 888	388
LD 789	801	LD 839	305	LD 889	495
LD 790	99	LD 840	418	LD 890	601
LD 791	231	LD 841	419	LD 891	601
LD 792	303	LD 842	420	LD 892	602
LD 793	62	LD 843	493	LD 893	807
LD 794	100	LD 844	547	LD 894	926
LD 795	977	LD 845	547	LD 895	682
LD 796	658	LD 846	600	LD 896	66
LD 797	418	LD 847	659	LD 897	926
LD 798	659	LD 848	681	LD 898	236
LD 799	385	LD 849	804	LD 899	307
LD 800	62	LD 850	804	LD 900	807

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LD 902	307	LD 952	810	LD 1002	812
LD 903	548	LD 953	742	LD 1003	812
LD 904	420	LD 954	810	LD 1004	103
LD 905	741	LD 955	549	LD 1005	812
LD 906	927	LD 956	928	LD 1006	813
LD 907	174	LD 957	308	LD 1007	742
LD 908	174	LD 958	423	LD 1008	604
LD 909	237	LD 959	424	LD 1009	67
LD 910	237	LD 960	495	LD 1010	814
LD 911	422	LD 961	810	LD 1011	497
LD 912	422	LD 962	811	LD 1012	980
LD 913	549	LD 963	929	LD 1013	241
LD 914	603	LD 964	929	LD 1014	686
LD 915	603	LD 965	13	LD 1015	550
LD 916	684	LD 966	175	LD 1016	312
LD 917	742	LD 967	239	LD 1017	743
LD 918	101	LD 968	685	LD 1018	931
LD 919	808	LD 969	979	LD 1019	67
LD 920	808	LD 970	308	LD 1020	241
LD 921	927	LD 971	13	LD 1021	743
LD 922	928	LD 972	930	LD 1022	932
LD 923	12	LD 973	309	LD 1023	606
LD 924	12	LD 974	239	LD 1024	551
LD 925	66	LD 975	309	LD 1025	242
LD 926	66	LD 976	240	LD 1026	103
LD 927	102	LD 977	309	LD 1027	497
LD 928	237	LD 978	14	LD 1028	424
LD 929	238	LD 979	241	LD 1029	498
LD 930	238	LD 980	310	LD 1030	980
LD 931	308	LD 981	310	LD 1031	176
LD 932	388	LD 982	389	LD 1032	551
LD 933	549	LD 983	14	LD 1033	313
LD 934	549	LD 984	311	LD 1034	14
LD 935	684	LD 985	241	LD 1035	67
LD 936	808	LD 986	930	LD 1036	659
LD 937	809	LD 987	311	LD 1037	103
LD 938	928	LD 988	496	LD 1038	104
LD 939	928	LD 989	496	LD 1039	177
LD 940	979	LD 990	311	LD 1040	242
LD 941	979	LD 991	424	LD 1041	243
LD 942	67	LD 992	176	LD 1042	243
LD 943	308	LD 993	980	LD 1043	243
LD 944	102	LD 994	603	LD 1044	314
LD 945	809	LD 995	312	LD 1045	389
LD 946	175	LD 996	312	LD 1046	425
LD 947	238	LD 997	176	LD 1047	425
LD 948	809	LD 998	550	LD 1048	498
LD 949	175	LD 999	604	LD 1049	606
LD 950	175	LD 1000	176	LD 1050	606

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LD 1052	814	LD 1102	429	LD 1152	245
LD 1053	932	LD 1103	244	LD 1153	984
LD 1054	933	LD 1104	390	LD 1154	933
LD 1055	551	LD 1105	817	LD 1155	820
LD 1056	744	LD 1106	105	LD 1156	502
LD 1057	104	LD 1107	553	LD 1157	17
LD 1058	607	LD 1108	687	LD 1158	554
LD 1059	608	LD 1109	818	LD 1159	934
LD 1060	552	LD 1110	314	LD 1160	985
LD 1061	744	LD 1111	178	LD 1161	108
LD 1062	814	LD 1112	818	LD 1162	317
LD 1063	981	LD 1113	553	LD 1163	108
LD 1064	104	LD 1114	68	LD 1164	934
LD 1065	68	LD 1115	106	LD 1165	69
LD 1066	426	LD 1116	429	LD 1166	178
LD 1067	815	LD 1117	499	LD 1167	820
LD 1068	981	LD 1118	315	LD 1168	687
LD 1069	815	LD 1119	500	LD 1169	821
LD 1070	15	LD 1120	315	LD 1170	317
LD 1071	981	LD 1121	609	LD 1171	108
LD 1072	426	LD 1122	745	LD 1172	109
LD 1073	15	LD 1123	245	LD 1173	746
LD 1074	16	LD 1124	609	LD 1174	934
LD 1075	16	LD 1125	500	LD 1175	246
LD 1076	105	LD 1126	501	LD 1176	318
LD 1077	105	LD 1127	178	LD 1177	554
LD 1078	177	LD 1128	106	LD 1178	246
LD 1079	982	LD 1129	106	LD 1179	318
LD 1080	389	LD 1130	315	LD 1180	935
LD 1081	390	LD 1131	818	LD 1181	821
LD 1082	428	LD 1132	745	LD 1182	821
LD 1083	428	LD 1133	391	LD 1183	178
LD 1084	499	LD 1134	68	LD 1184	318
LD 1085	177	LD 1135	746	LD 1185	17
LD 1086	552	LD 1136	610	LD 1186	247
LD 1087	553	LD 1137	316	LD 1187	318
LD 1088	608	LD 1138	501	LD 1188	109
LD 1089	686	LD 1139	107	LD 1189	822
LD 1090	687	LD 1140	501	LD 1190	69
LD 1091	745	LD 1141	502	LD 1191	747
LD 1092	933	LD 1142	316	LD 1192	822
LD 1093	815	LD 1143	983	LD 1193	822
LD 1094	815	LD 1144	819	LD 1194	110
LD 1095	816	LD 1145	820	LD 1195	247
LD 1096	816	LD 1146	317	LD 1196	687
LD 1097	933	LD 1147	746	LD 1197	179
LD 1098	982	LD 1148	984	LD 1198	319
LD 1099	983	LD 1149	68	LD 1199	69
LD 1100	817	LD 1150	611	LD 1200	688

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LD 1202	935	LD 1252	321	LD 1302	988
LD 1203	429	LD 1253	431	LD 1303	989
LD 1204	688	LD 1254	247	LD 1304	937
LD 1205	985	LD 1255	824	LD 1305	391
LD 1206	180	LD 1256	70	LD 1306	613
LD 1207	502	LD 1257	248	LD 1307	826
LD 1208	429	LD 1258	503	LD 1308	323
LD 1209	319	LD 1259	555	LD 1309	323
LD 1210	110	LD 1260	612	LD 1310	557
LD 1211	822	LD 1261	555	LD 1311	692
LD 1212	502	LD 1262	431	LD 1312	71
LD 1213	503	LD 1263	503	LD 1313	692
LD 1214	823	LD 1264	748	LD 1314	557
LD 1215	110	LD 1265	936	LD 1315	613
LD 1216	986	LD 1266	824	LD 1316	613
LD 1217	320	LD 1267	112	LD 1317	613
LD 1218	430	LD 1268	71	LD 1318	660
LD 1219	688	LD 1269	432	LD 1319	693
LD 1220	247	LD 1270	690	LD 1320	748
LD 1221	986	LD 1271	504	LD 1321	185
LD 1222	69	LD 1272	555	LD 1322	749
LD 1223	554	LD 1273	612	LD 1323	185
LD 1224	70	LD 1274	690	LD 1324	248
LD 1225	823	LD 1275	556	LD 1325	249
LD 1226	935	LD 1276	825	LD 1326	186
LD 1227	747	LD 1277	937	LD 1327	558
LD 1228	180	LD 1278	112	LD 1328	614
LD 1229	180	LD 1279	71	LD 1329	938
LD 1230	430	LD 1280	321	LD 1330	938
LD 1231	503	LD 1281	248	LD 1331	989
LD 1232	611	LD 1282	113	LD 1332	186
LD 1233	611	LD 1283	612	LD 1333	249
LD 1234	689	LD 1284	987	LD 1334	434
LD 1235	823	LD 1285	556	LD 1335	504
LD 1236	986	LD 1286	322	LD 1336	749
LD 1237	70	LD 1287	432	LD 1337	938
LD 1238	747	LD 1288	322	LD 1338	826
LD 1239	320	LD 1289	322	LD 1339	990
LD 1240	181	LD 1290	184	LD 1340	990
LD 1241	183	LD 1291	185	LD 1341	614
LD 1242	824	LD 1292	248	LD 1342	827
LD 1243	824	LD 1293	17	LD 1343	938
LD 1244	111	LD 1294	432	LD 1344	71
LD 1245	70	LD 1295	556	LD 1345	558
LD 1246	111	LD 1296	18	LD 1346	990
LD 1247	748	LD 1297	691	LD 1347	991
LD 1248	987	LD 1298	825	LD 1348	504
LD 1249	936	LD 1299	825	LD 1349	505
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LD 1353	693	LD 1403	113	LD 1453	506
LD 1354	323	LD 1404	114	LD 1454	562
LD 1355	558	LD 1405	187	LD 1455	562
LD 1356	827	LD 1406	559	LD 1456	750
LD 1357	827	LD 1407	559	LD 1457	832
LD 1358	827	LD 1408	18	LD 1458	833
LD 1359	693	LD 1409	661	LD 1459	833
LD 1360	991	LD 1410	939	LD 1460	833
LD 1361	324	LD 1411	188	LD 1461	833
LD 1362	614	LD 1412	830	LD 1462	750
LD 1363	939	LD 1413	830	LD 1463	330
LD 1364	113	LD 1414	830	LD 1464	751
LD 1365	749	LD 1415	505	LD 1465	252
LD 1366	249	LD 1416	560	LD 1466	114
LD 1367	249	LD 1417	694	LD 1467	562
LD 1368	250	LD 1418	328	LD 1468	20
LD 1369	325	LD 1419	19	LD 1469	114
LD 1370	325	LD 1420	662	LD 1470	115
LD 1371	326	LD 1421	328	LD 1471	115
LD 1372	505	LD 1422	616	LD 1472	116
LD 1373	559	LD 1423	506	LD 1473	252
LD 1374	750	LD 1424	72	LD 1474	437
LD 1375	828	LD 1425	188	LD 1475	751
LD 1376	828	LD 1426	251	LD 1476	437
LD 1377	828	LD 1427	251	LD 1477	696
LD 1378	829	LD 1428	435	LD 1478	834
LD 1379	829	LD 1429	435	LD 1479	834
LD 1380	829	LD 1430	694	LD 1480	252
LD 1381	992	LD 1431	695	LD 1481	834
LD 1382	993	LD 1432	831	LD 1482	834
LD 1383	993	LD 1433	831	LD 1483	835
LD 1384	186	LD 1434	832	LD 1484	835
LD 1385	250	LD 1435	560	LD 1485	835
LD 1386	326	LD 1436	560	LD 1486	835
LD 1387	391	LD 1437	329	LD 1487	940
LD 1388	505	LD 1438	560	LD 1488	699
LD 1389	434	LD 1439	561	LD 1489	437
LD 1390	434	LD 1440	329	LD 1490	189
LD 1391	187	LD 1441	750	LD 1491	189
LD 1392	694	LD 1442	251	LD 1492	563
LD 1393	615	LD 1443	832	LD 1493	563
LD 1394	615	LD 1444	832	LD 1494	835
LD 1395	72	LD 1445	561	LD 1495	994
LD 1396	327	LD 1446	330	LD 1496	392
LD 1397	615	LD 1447	19	LD 1497	616
LD 1398	327	LD 1448	72	LD 1498	616
LD 1399	939	LD 1449	188	LD 1499	617
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LD 1503	439	LD 1553	753	LD 1603	568
LD 1504	836	LD 1554	840	LD 1604	568
LD 1505	506	LD 1555	840	LD 1605	192
LD 1506	253	LD 1556	840	LD 1606	508
LD 1507	617	LD 1557	840	LD 1607	619
LD 1508	700	LD 1558	841	LD 1608	255
LD 1509	331	LD 1559	841	LD 1609	941
LD 1510	839	LD 1560	842	LD 1610	846
LD 1511	564	LD 1561	618	LD 1611	74
LD 1512	191	LD 1562	619	LD 1612	193
LD 1513	73	LD 1563	940	LD 1613	846
LD 1514	441	LD 1564	254	LD 1614	753
LD 1515	751	LD 1565	254	LD 1615	20
LD 1516	116	LD 1566	334	LD 1616	568
LD 1517	441	LD 1567	334	LD 1617	509
LD 1518	839	LD 1568	443	LD 1618	754
LD 1519	116	LD 1569	566	LD 1619	255
LD 1520	73	LD 1570	663	LD 1620	118
LD 1521	442	LD 1571	843	LD 1621	994
LD 1522	617	LD 1572	940	LD 1622	118
LD 1523	332	LD 1573	994	LD 1623	119
LD 1524	506	LD 1574	335	LD 1624	256
LD 1525	253	LD 1575	117	LD 1625	994
LD 1526	73	LD 1576	508	LD 1626	119
LD 1527	332	LD 1577	619	LD 1627	193
LD 1528	662	LD 1578	843	LD 1628	74
LD 1529	839	LD 1579	843	LD 1629	510
LD 1530	752	LD 1580	843	LD 1630	510
LD 1531	73	LD 1581	843	LD 1631	847
LD 1532	253	LD 1582	844	LD 1632	848
LD 1533	191	LD 1583	566	LD 1633	848
LD 1534	192	LD 1584	844	LD 1634	256
LD 1535	332	LD 1585	566	LD 1635	392
LD 1536	333	LD 1586	567	LD 1636	754
LD 1537	333	LD 1587	940	LD 1637	120
LD 1538	564	LD 1588	844	LD 1638	256
LD 1539	443	LD 1589	192	LD 1639	335
LD 1540	507	LD 1590	255	LD 1640	444
LD 1541	507	LD 1591	255	LD 1641	444
LD 1542	508	LD 1592	443	LD 1642	392
LD 1543	565	LD 1593	567	LD 1643	620
LD 1544	565	LD 1594	664	LD 1644	995
LD 1545	565	LD 1595	664	LD 1645	848
LD 1546	566	LD 1596	701	LD 1646	849
LD 1547	618	LD 1597	845	LD 1647	849
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LD 1653	568	LD 1703	445	LD 1753	447
LD 1654	74	LD 1704	623	LD 1754	997
LD 1655	995	LD 1705	756	LD 1755	998
LD 1656	996	LD 1706	196	LD 1756	863
LD 1657	120	LD 1707	852	LD 1757	625
LD 1658	701	LD 1708	853	LD 1758	258
LD 1659	444	LD 1709	941	LD 1759	123
LD 1660	335	LD 1710	853	LD 1760	447
LD 1661	335	LD 1711	853	LD 1761	626
LD 1662	194	LD 1712	854	LD 1762	341
LD 1663	754	LD 1713	23	LD 1763	341
LD 1664	851	LD 1714	338	LD 1764	342
LD 1665	851	LD 1715	446	LD 1765	343
LD 1666	996	LD 1716	446	LD 1766	258
LD 1667	444	LD 1717	703	LD 1767	998
LD 1668	22	LD 1718	756	LD 1768	24
LD 1669	336	LD 1719	941	LD 1769	664
LD 1670	851	LD 1720	941	LD 1770	864
LD 1671	852	LD 1721	257	LD 1771	515
LD 1672	569	LD 1722	258	LD 1772	864
LD 1673	22	LD 1723	624	LD 1773	124
LD 1674	195	LD 1724	624	LD 1774	343
LD 1675	997	LD 1725	854	LD 1775	343
LD 1676	336	LD 1726	942	LD 1776	757
LD 1677	75	LD 1727	24	LD 1777	571
LD 1678	754	LD 1728	196	LD 1778	706
LD 1679	621	LD 1729	624	LD 1779	628
LD 1680	621	LD 1730	122	LD 1780	344
LD 1681	120	LD 1731	854	LD 1781	344
LD 1682	622	LD 1732	855	LD 1782	345
LD 1683	256	LD 1733	197	LD 1783	628
LD 1684	23	LD 1734	512	LD 1784	865
LD 1685	703	LD 1735	756	LD 1785	259
LD 1686	337	LD 1736	198	LD 1786	345
LD 1687	337	LD 1737	512	LD 1787	124
LD 1688	623	LD 1738	570	LD 1788	865
LD 1689	511	LD 1739	855	LD 1789	516
LD 1690	121	LD 1740	625	LD 1790	943
LD 1691	569	LD 1741	514	LD 1791	125
LD 1692	75	LD 1742	446	LD 1792	517
LD 1693	569	LD 1743	704	LD 1793	757
LD 1694	257	LD 1744	625	LD 1794	125
LD 1695	511	LD 1745	339	LD 1795	946
LD 1696	121	LD 1746	339	LD 1796	75
LD 1697	570	LD 1747	515	LD 1797	345
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LD 1813	518
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LD 1825	711
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LD 1830	712
LD 1831	260
LD 1832	572
LD 1833	867
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LD 1836	998
LD 1837	999
LD 1838	393
LD 1839	260
LD 1840	760
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